POLICY AND DESIGN GUIDANCE

AGRICULTURE, FARM DIVERSIFICATION AND STABLES

APPROVED DOCUMENT
December 2007

MEPA
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## Glossary of Terms

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<th>Definition, meaning or explanation</th>
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</thead>
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<tr>
<td>Abandoned agricultural land</td>
<td>Also referred to as derelict agricultural land. Abandoned agricultural land refers to agricultural land that was taken out of production, intentionally or unintentionally, but which is still covered with soil. Agricultural land which has been abandoned for a long period and subsequently, it has become characterised by species of wild flora or the soil has eroded and rocky surfaces became exposed, does not constitute abandoned agricultural land. In such cases, the land constitutes a natural site and therefore, any proposal for conversion of such land into agricultural land requires permission from MEPA. 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.</td>
</tr>
<tr>
<td>Agricultural buildings or structures</td>
<td>Buildings/structures essential to the needs of agriculture, which are permitted to take place in rural areas.</td>
</tr>
<tr>
<td>Agricultural development</td>
<td>Development that is essential to the needs of agricultural production. However, it excludes development that is related to any form of processing of agricultural products into other consumable or non-consumable goods.</td>
</tr>
<tr>
<td>Agricultural land</td>
<td>Also referred to as farmland. Unless otherwise stated in this document, this term refers to arable agricultural land.</td>
</tr>
<tr>
<td>Agri-environment measures</td>
<td>“Agri-environment measures are designed to encourage farmers to protect and enhance the environment on their farmland. It provides for payments to farmers in return for a service – that of carrying out agri-environmental commitments that involve more than the application of usual good farming practice. Farmers sign a contract with the administration and are paid for the additional cost of implementing such commitments and for any losses of income (e.g. due to reduced production) which the commitments entail. Agri-environment payments are co-financed by the EU and the Member States. Agri-environmental measures are diverse, but broadly speaking, one could say that each measure has at least one of two broad objectives: reducing environmental risks associated with modern farming on the one hand, and preserving nature and cultivated landscapes on the other hand. Agri-environment commitments have to go beyond usual Good Farming Practice (GFP).” &lt;br&gt; (source: European Commission, 2005, Agri-environment measures: overview on general principles, types of measures, and application)</td>
</tr>
<tr>
<td>Alien invasive species</td>
<td>Species whose introduction and/or spread outside their natural past or present distribution threaten biological diversity.</td>
</tr>
<tr>
<td>Amenity</td>
<td>The term ‘amenity’ refers to the “pleasantness of the surroundings” (source: Peter Collin Publishing, 1995, Dictionary of ecology and environment, 3rd ed.). 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</td>
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<tr>
<td>Term</td>
<td>Definition</td>
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<tr>
<td>particular place, thereby making the surroundings and the environment pleasant for the people.</td>
<td></td>
</tr>
<tr>
<td><strong>An area which is intended for habitation, education or leisure/tourist development</strong></td>
<td>Areas designated in Development Plans and/or other subsidiary plans approved by MEPA for such purposes, in accordance with the Development Planning Act.</td>
</tr>
<tr>
<td><strong>Ancillary facility or use</strong></td>
<td>A planning term which describes a use or facility that is subsidiary, but related/complementary, to the main use.</td>
</tr>
<tr>
<td><strong>Animal or livestock farm buildings</strong></td>
<td>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, which are indispensable for the day-to-day operation of the main livestock farming activity.</td>
</tr>
<tr>
<td><strong>Application</strong></td>
<td>Unless otherwise indicated in the text of this document, an application refers to a development permission application as defined in the Development Planning Act. Such application is also referred to as ‘an application for development permission’ in the text/policies of this document.</td>
</tr>
<tr>
<td><strong>Aquifer</strong></td>
<td>“A subsurface layer or layers of rock or other geological strata of sufficient porosity and permeability to allow either a significant flow of groundwater or the abstraction of significant quantities of groundwater” (Directive 2000/60/EC, Water Framework Directive).</td>
</tr>
<tr>
<td><strong>Arable agricultural land</strong></td>
<td>Also referred to as arable land. Land that is covered with soil and is officially registered with the Department of Agriculture as dry or irrigated agricultural land (including greenhouses and vineyards), and it is tilled for the cultivation of crops for agricultural production. Fallow agricultural land constitutes arable agricultural land. Natural habitats and land characterised by exposed rocky surfaces do not constitute agricultural land, even if such habitats or land are registered with the Department of Agriculture. Abandoned agricultural land does not constitute arable agricultural land.</td>
</tr>
<tr>
<td><strong>Arable farming</strong></td>
<td>The activity of cultivating/growing crops from arable agricultural land for agricultural production and it involves the sale/use of such crops for: (i) human consumption; or (ii) processing elsewhere in order to produce other consumable or non-consumable goods.</td>
</tr>
<tr>
<td><strong>Arable land holding</strong></td>
<td>Unless otherwise indicated in this document, the term arable farm or land holding refers to all arable agricultural land registered in the name of the applicant with the Department of Agriculture, excluding any natural habitats and rocky grounds. 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 Department of Agriculture.</td>
</tr>
<tr>
<td><strong>Areas of High Landscape Value (AHLV)</strong></td>
<td>Areas designated (protected or identified for protection) as Areas of High Landscape Value in accordance with Policy RCO 1 of the Structure Plan.</td>
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<tr>
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<tr>
<td><strong>Beekeeper</strong></td>
<td>A person registered as a beekeeper with the Department of Agriculture and having bee colonies registered in his/her name with the same Department.</td>
</tr>
<tr>
<td><strong>Biodiversity</strong></td>
<td>The Convention on Biological Diversity defines biodiversity as “the variability among living organisms from all sources including, interalia, terrestrial, marine and other aquatic ecosystems and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems” (UNEP, 1992).</td>
</tr>
<tr>
<td><strong>Catchment area</strong></td>
<td>An area of land from which all surface run-off flows through a sequence of valleys, watercourses and streams into the sea at a single estuary or valley mouth.</td>
</tr>
<tr>
<td><strong>Change of use</strong></td>
<td>A different or new use of a building or land for which development permission may be required from MEPA.</td>
</tr>
<tr>
<td><strong>Code of Good Agricultural Practices (CoGAP)</strong></td>
<td>The Code of Good Agricultural Practices (CoGAP) was prepared in line with the provisions of article 4 of Council Directive (EC) No. 91/676/EEC on the protection of waters against pollution caused by nitrates from agricultural sources (Nitrate Directive). The Directive specifies that the CoGAP should be implemented by farmers on a voluntary basis. The CoGAP for Malta sets out a number of voluntary Codes, but it also includes other Codes which are obligatory for all farmers in view of the mandatory requirements of the Good Farming Practices (GFPs), the Malta Action Programme and other relevant EU Directives.</td>
</tr>
<tr>
<td><strong>Common Agricultural Policy (CAP)</strong></td>
<td>“This is the set of legislation and practices adopted by the European Union to provide a common, unified policy on agriculture. The common agricultural policy is the most comprehensive of the economic policies implemented by the European Union. It aims to ensure that agriculture can be maintained over the long term at the heart of a living countryside. The formal aims of the common agricultural policy constitute legal obligations of the European Union” (source: European Commission website: <a href="http://www.ec.europa.eu/agriculture">www.ec.europa.eu/agriculture</a>).</td>
</tr>
<tr>
<td><strong>Connectivity of protected areas</strong></td>
<td>See ‘ecological corridors‘.</td>
</tr>
<tr>
<td><strong>Conservation</strong></td>
<td>Positive measures for the management of existing resources or assets, both natural and man made, to ensure their protection and enhancement.</td>
</tr>
<tr>
<td><strong>Consolidated land holding</strong></td>
<td>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 land enclosed by rubble walls; or (ii) a group of separate plots of land enclosed by rubble walls which are located contiguous to each other and are owned by or leased to the same person.</td>
</tr>
<tr>
<td><strong>Conversion</strong></td>
<td>Conversion may include reuse, but it involves structural alterations, modifications and/or expansion to an existing building or land. Normally development permission is required, unless the intended...</td>
</tr>
<tr>
<td><strong>Countryside</strong></td>
<td>Areas outside the development zone (ODZ).</td>
</tr>
<tr>
<td><strong>Cross-compliance</strong></td>
<td>Cross-compliance constitutes regulations which requires farmers to comply with environmental protection standards as a condition for benefiting from EU market support (direct payments). From 2007 onwards, cross-compliance will also be a condition to particular rural development payments. “From 2005, all farmers receiving direct payments will be subject to compulsory cross-compliance (Council Regulation No 1782/2003 and Commission Regulation No 796/2004). 19 legislative acts applying directly at the farm level in the fields of environment, public, animal and plant health and animal welfare have been established and farmers will be sanctioned in case of non-compliance (partial or entire reduction of direct support). Beneficiaries of direct payments will also be obliged to keep land in good agricultural and environmental conditions [GAECs]. These conditions will be defined by Member States, and should include standards related to soil protection, maintenance of soil organic matter and soil structure, and maintenance of habitats and landscape, including the protection of permanent pasture” (source: European Commission website: <a href="http://www.ec.europa.eu/agriculture">www.ec.europa.eu/agriculture</a>).</td>
</tr>
<tr>
<td><strong>Cultural heritage</strong></td>
<td>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).</td>
</tr>
<tr>
<td><strong>Curtilage</strong></td>
<td>The meaning of the term ‘curtilage’ is explained in ‘livestock farm unit’.</td>
</tr>
<tr>
<td><strong>Degraded habitat</strong></td>
<td>Degraded land that is the result of regression in the succession series of ecological communities. This occurs when an ecological community moves back along the succession series towards the pioneer community. Therefore, the meaning of the term ‘degraded habitat’ differs from that of the general term ‘degraded land/landscape’ as defined in this glossary, unless the latter term is used to describe the regression in the succession series of ecological communities. Also see the definition of ‘succession’ in this glossary.</td>
</tr>
<tr>
<td><strong>Degraded land or landscapes</strong></td>
<td>Also known as damaged landscapes. These are areas where intensive human intervention has degraded the previous scenic, ecological and/or cultural qualities of the area and are not capable of restoration without proper treatment. Also see degraded habitat.</td>
</tr>
<tr>
<td><strong>Dependent terrestrial eco-systems</strong></td>
<td>Eco-systems that are typically found on land and which depend or are affected by the availability and quality of water (examples include watercourse vegetation [including riparian woodland and permanent streams]; natural springs; freshwater ponds/pools; and marshlands).</td>
</tr>
<tr>
<td><strong>Derelict</strong></td>
<td>Describes buildings or places that are not cared for and are in bad condition (source: Cambridge dictionary online [<a href="http://dictionary.cambridge.org">http://dictionary.cambridge.org</a>]).</td>
</tr>
<tr>
<td><strong>Designated industrial land/area</strong></td>
<td>Also referred to as land designated for industrial development. It refers to land where industrial development is permitted, in accordance with the policies of the Structure Plan and local plans.</td>
</tr>
<tr>
<td><strong>Development</strong></td>
<td>The carrying out of building, engineering, mining, or other operations for construction, demolition or alterations in, on, over or under any land or sea, or the making of any material change of use of land or building, as set out in article 30 of the Development Planning Act.</td>
</tr>
<tr>
<td><strong>Development permission</strong></td>
<td>A permission to carry out development as granted by MEPA 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 MEPA. An application for development permission may be approved, or approved subject to certain conditions, or refused.</td>
</tr>
<tr>
<td><strong>Development Planning Act</strong></td>
<td>Act I of 1992, including its subsequent revisions and the various Legal Notices and Government Notices issued thereunder.</td>
</tr>
<tr>
<td><strong>Development zones</strong></td>
<td>Designated areas where urban development is permitted. Also referred to as ‘urban areas’.</td>
</tr>
<tr>
<td><strong>Dilapidated</strong></td>
<td>Describes something old and in poor condition (source: Cambridge dictionary online [<a href="http://dictionary.cambridge.org">http://dictionary.cambridge.org</a>]).</td>
</tr>
<tr>
<td><strong>Disused or abandoned</strong></td>
<td>The condition of not being used (source: Cambridge dictionary online [<a href="http://dictionary.cambridge.org">http://dictionary.cambridge.org</a>]).</td>
</tr>
<tr>
<td><strong>Drinking Water Safeguard Zones or Groundwater Protection Zones</strong></td>
<td>As designated by the Malta Resources Authority.</td>
</tr>
<tr>
<td><strong>Dry agricultural land</strong></td>
<td>Also referred to as dry land. This refers to arable agricultural land that is not considered as irrigated land.</td>
</tr>
<tr>
<td><strong>Dwelling</strong></td>
<td>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’, ‘dwelling for a livestock breeder/farmer’, ‘proposed dwelling’ and ‘farmhouse’ refer to a dwelling where a farmer lives.</td>
</tr>
<tr>
<td><strong>Ecological (or wildlife) corridors</strong></td>
<td>Features or land (whether man made or not) having adequate conditions for the successful migration and/or dispersal of species of wild flora and fauna from one geographical area to another. Examples include: traditional rubble walls; linear exposed geological formations and karstic features; valleys; watercourses and their immediate embankments; traditional farmland; escarpments; cliffs and boulder screes; and stands of indigenous trees on agricultural land.</td>
</tr>
<tr>
<td><strong>Ecological, scientific, cultural, archaeological, landscape and scenic values</strong></td>
<td>These types of 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 MEPA on the subject. These include areas, sites and features which are not protected as yet.</td>
</tr>
<tr>
<td><strong>Edge of a watercourse</strong></td>
<td>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.</td>
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<tr>
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</tr>
<tr>
<td><strong>Environment</strong></td>
<td>The Environment Protection Act defines the term environment as follows: “The whole of the elements and conditions, natural or man made, existing on earth, whether together or in isolation, and in particular: (a) the air, water and land; (b) all the layers of the atmosphere; (c) all organic and inorganic matter and all living organisms; (d) all ecosystems; and (e) the landscape”.</td>
</tr>
<tr>
<td><strong>Environment Protection Act</strong></td>
<td>Act XX of 2001, including its subsequent revisions and the various Legal Notices and Government Notices issued thereunder.</td>
</tr>
<tr>
<td><strong>Environmental assessment (EA)</strong></td>
<td>Information about the likely environmental effects of certain major projects which is assessed and taken into account in determining applications. An EA is required if a particular development is likely to have a significant environmental effect by virtue of its nature, size or location.</td>
</tr>
<tr>
<td><strong>Environmental Impact Assessment (EIA)</strong></td>
<td>EIA means “the process of identifying, predicting, evaluating and mitigating the biophysical, social, economic and other relevant effects of proposed projects and physical activities prior to major decisions and commitments being made” (source: Legal Notice 204 of 2001).</td>
</tr>
<tr>
<td><strong>Environmental Impact Statement (EIS)</strong></td>
<td>EIS means the result of a full environmental impact assessment study presented as a report which describes a development listed in Category I of Schedule I to Legal Notice 204 of 2001 and its effects on the environment indicating how these effects have been taken into account (source: Legal Notice 204 of 2001).</td>
</tr>
<tr>
<td><strong>Environmental Planning Statement (EPS)</strong></td>
<td>EPS means the result of a limited environmental impact assessment study presented as a report which describes a development listed in Category II of Schedule I to Legal Notice 204 of 2001 and its effects on the environment indicating how these effects have been taken into account (source: Legal Notice 204 of 2001).</td>
</tr>
<tr>
<td><strong>Environmental regulations</strong></td>
<td>Environment protection in Malta is implemented through environmental regulations. Environmental regulations are issued under the Environment Protection Act and are normally published in the form of Legal Notices and Government Notices.</td>
</tr>
<tr>
<td><strong>Environmental requirements, obligations and/or standards</strong></td>
<td>These refer to requirements, obligations and standards that are established in or as a result of EU and/or national legislation on the protection of the environment.</td>
</tr>
<tr>
<td><strong>Environmental stewardship</strong></td>
<td>Environmental stewardship refers to the responsibility of being actively involved in protecting the environment and enhancement of its quality in order to foster wider environmental benefits for the public.</td>
</tr>
</tbody>
</table>
| **European Commission** | The European Commission is one of the institutions of the European Union. It is “a politically independent institution that
| **Extension** | Refers to the physical expansion of a building, which could take place horizontally and/or vertically. |
| **Externalities** | Externalities refer to intended or unplanned effects, positive or negative, on the environment and/or society (or part thereof) for which no proper compensation is paid or made. Externalities are also referred to as spillover effects. Examples of negative externalities include pollution of water resources; damage to nature (e.g., natural habitats and wildlife); and deterioration of the landscape or rural character, as a result of an activity and/or development. In such cases negative externalities would be imposed on third parties deriving a direct or indirect benefit from good quality water, properly maintained landscapes, protected natural habitats and wildlife, etc. |
| **Fallow agricultural land** | Also referred to as fallow land. Land that “is not being used for growing crops for a period so that the nutrients can build up again in the soil” *(source: Peter Collin Publishing, 1995, Dictionary of ecology and environment, 3rd ed.)*.  
This should be verified by the Department of Agriculture, since there could be unclear cases whether particular agricultural land qualifies as fallow land or abandoned land. Abandoned agricultural land does not constitute fallow land. |
| **Farm (arable or livestock) or farm unit** | It refers to the physical features (e.g., arable land, animal farm buildings, etc.) that an arable farmer or a livestock breeder operates for livestock or arable farming purposes.  
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 Department of Agriculture; natural habitats and rocky grounds do not form part of an arable farm unit.  
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. |
| **Farm diversification** | Farm diversification refers to activities, which augment or supplement, but do not replace, agricultural activity, thereby leading to a broadening of ‘farm based’ activities and farmers' income. The |
| **Farm or agricultural enterprise** | 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. |
| **Farmer** | A person registered as a full-time or part-time farmer (including vine growers) with the Department of Agriculture. Where specified in the policies of this document, a full-time farmer must also be registered as ‘full-time’ with the Employment and Training Corporation (ETC). A farmer can be engaged in livestock farming or arable farming (including viticulture).

Farmers engaged in arable farming are referred to as arable farmers. **Arable farmers** 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. **Livestock farmers** 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. |
<p>| <strong>Floorspace</strong> | The floorspace of a building or structure refers to the summation of the total surface areas, including all rooms, internal spaces, internal open spaces (e.g. shafts and internal courtyards) and the thickness of walls that a building occupies at all floor levels (including underground). |
| <strong>Footprint</strong> | 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. |
| <strong>Good Farming Practices (GFPs)</strong> | “Good Farming Practice is defined as encompassing mandatory legal requirements and a level of environmental care that a reasonable farmer is expected to apply anyway. They are compiled in Codes which Regions [or Member States] draw up and submit to the Commission with their Rural Development Plans. This means that a farmer can only be paid, for instance, for environmental commitments that go beyond statutory requirements defined in his regional [or national] Code of GFP. More broadly, in application of the Polluter Pays Principle, a farmer may not normally be paid to conform with environmental legislation in place” <em>(source: European Commission, 2005, Agri-environment measures: overview on general principles, types of measures, and application).</em> |
| <strong>Good quality agricultural land</strong> | Information on the classification of agricultural (arable) land in the Maltese Islands is not consolidated in a single database system as yet. MEPA will continue to seek the advice of the Department of Agriculture in determining whether arable agricultural land is of good quality or not. However, any arable agricultural land that is irrigated from naturally occurring sources of water is regarded as good quality. |
| <strong>Ground water bodies</strong> | As designated by the Malta Resources Authority. |</p>
<table>
<thead>
<tr>
<th><strong>used for the abstraction of water intended for human consumption</strong></th>
<th>“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).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Groundwater</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Habitat of species</strong></td>
<td>Dumping, deposition, spillage and/or storage of waste outside authorised areas.</td>
</tr>
<tr>
<td><strong>Illegitimate dumping of waste</strong></td>
<td>Important water resources include both natural (e.g. springs, valleys, watercourses, surface water bodies, groundwater bodies, etc.) and man-made features (e.g. gallery systems, pumping stations, bore holes, etc.), which (i) the Malta Resources Authority considers important for the protection of water and its status; and/or (ii) MEPA considers important for the ecological value of an area, site or feature.</td>
</tr>
<tr>
<td><strong>Important water resources</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Indigenous species</strong></td>
<td>‘Informal enjoyment and appreciation’ refers to countryside recreational activities which are not undertaken on a formal organised basis and are generally carried out by individuals or small groups on an intermittent basis with a minimal requirement for supporting facilities. Also see ‘informal recreation’.</td>
</tr>
<tr>
<td><strong>Informal enjoyment and appreciation</strong></td>
<td>Also referred to as ‘countryside recreation’. Countryside recreation is defined as “any pursuit or activity engaged upon during leisure time, or as part of provision for education and training, which makes use of the natural resources of the countryside” (Devon County Council, 1994, cited in Draft Leisure and Recreation Topic Paper, 2001). Also see ‘informal enjoyment and appreciation’.</td>
</tr>
<tr>
<td><strong>Informal recreation</strong></td>
<td>See ‘urban area”.</td>
</tr>
<tr>
<td><strong>Inhabited area</strong></td>
<td>“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).</td>
</tr>
<tr>
<td><strong>Inland water</strong></td>
<td>Integrity refers to unity and completeness of a place or feature (e.g. valleys or a historical building) and the various interrelated characteristics (including open space) that make such place or feature. For example, the integrity of valleys includes the ecological, landscape, scenic, geological/geomorphological, cultural and hydrological (amongst others) aspects/functions of valleys. The integrity of a historical building includes the various specific historical/architectural features of the building; its layout, massing, design, etc.; its setting; and any associated open space or natural features which were traditionally used in conjunction with such building.</td>
</tr>
<tr>
<td><strong>Integrity</strong></td>
<td></td>
</tr>
<tr>
<td><strong>Intensive Agricultural Areas / Zones</strong></td>
<td>Areas designated in development plans where intensive forms of agriculture or animal husbandry (e.g. greenhouses, hydroponics, animal farms etc.) may be permitted.</td>
</tr>
<tr>
<td>----------------------------------------</td>
<td>--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Intensive livestock farm buildings</strong></td>
<td>Refers to livestock farm buildings, but it excludes old traditional farms and farmhouses.</td>
</tr>
<tr>
<td><strong>Irrigated agricultural land</strong></td>
<td>Also referred to as irrigated land. This refers to arable agricultural land that is irrigated. According to the Rural Development Department (2004), irrigated agricultural land (Maltese: <em>raba’ saqwi</em>) must have 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 having a minimum capacity of 100,000 gallons per tumolo; or (iv) a pipeline connected to any source mentioned in points (i) to (iii). It also includes land that is irrigated from naturally occurring sources of water.</td>
</tr>
<tr>
<td><strong>Land fragmentation</strong></td>
<td>Normally, this term refers to an agricultural land holding of a farmer which consists of separate, and often distant, parcels of arable agricultural land. Land fragmentation is often the result of land inheritance.</td>
</tr>
<tr>
<td><strong>Land reclamation</strong></td>
<td>This term refers to the conversion of non agricultural land into agricultural land. It involves deposition of soil or other material on non-agricultural land for agriculture (including, among others, cultivation of crops, cultivation of vines or establishment of orchards). Reclamation of land for agricultural purposes requires permission from MEPA. There are restrictions on land reclamation, which is considered a high-impact intervention. For example, conversion of natural habitats (e.g. garrigue) or significant changes to the landscape (including changes to traditional site configurations, contours, site levels, etc.) are not acceptable.</td>
</tr>
<tr>
<td><strong>Landscape</strong></td>
<td>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.). Also see paragraph 1.3.8 in this document. The term ‘landscape’ should not be confused with the term ‘landscaping’.</td>
</tr>
<tr>
<td><strong>Landscape features</strong></td>
<td>These could be natural, man made or both. See ‘rural resources’ in conjunction with ‘landscape’ and ‘rural character’.</td>
</tr>
<tr>
<td><strong>Landscaping</strong></td>
<td>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. Also see Part 5 of this document.</td>
</tr>
<tr>
<td><strong>Legal management agreements</strong></td>
<td>Legal management agreements refer to contractual agreements between MEPA and other bodies, established for the purposes of the Development Planning Act and the Environment Protection Act.</td>
</tr>
<tr>
<td><strong>Legitimate uses or activities</strong></td>
<td>Land-uses and/or activities that are permitted to be carried out and which are lawful according to Maltese Law.</td>
</tr>
<tr>
<td>-------------------------------</td>
<td>----------------------------------------------------------------------------------------------------------</td>
</tr>
<tr>
<td><strong>Licence</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Light pollution</strong></td>
<td>Light pollution is “excess or obtrusive light created by humans. Among other effects, it causes adverse health effects, obscures stars to city dwellers, interferes with astronomical observatories, wastes energy and disrupts ecosystems” (source: Wikipedia, the free encyclopedia [<a href="http://en.wikipedia.org">http://en.wikipedia.org</a>]).</td>
</tr>
</tbody>
</table>
| **Livestock or animal farming** | 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. |
<p>| <strong>Livestock unit</strong>            | The Livestock Unit (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. |
| <strong>Local plans</strong>               | “Local plans prescribe for particular areas the development intentions in greater detail than is available in the Structure Plan, and where it is anticipated that substantial development is likely to be initiated by the private sector. These are site specific plans”. The legal definition of local plans is set out in the Development Planning Act (source: Structure Plan for the Maltese Islands, 1990). |
| <strong>Local rural areas</strong>         | A particular geographical area outside the development zone. |
| <strong>Malta Action Programme</strong>    | All of Malta is designated as a Nitrates Vulnerable Zone in accordance with the provisions of Council Directive (EC) No. 91/676/EEC on the protection of waters against pollution caused by nitrates from agricultural sources (Nitrates Directive). The Malta Action Programme was prepared in accordance with article 5 of the Nitrates Directive in order to reduce water pollution caused or induced by nitrates from agricultural sources and prevent further such pollution. The Malta Action Programme is obligatory for all farmers. |
| <strong>Malta Environment and Planning Authority (MEPA)</strong> | The organization responsible for the implementation of environmental and planning legislation in accordance with the Development Planning Act, 1992 and the Environment Protection Act, 2001. Before the year 2002, planning regulation was under the responsibility of the Planning Authority, whereas environmental protection was the responsibility of the Environment Protection Department. The Malta Environment and Planning Authority is often referred to as MEPA or ‘the Authority’ in the text/policies of this document. |
| <strong>Natural habitats</strong> | Natural habitats are distinguished by geographic, abiotic and biotic features, whether entirely natural or semi-natural. The main natural habitat types in the Maltese Islands include: woodland, maquis, garigue, rocky steppe, clay slopes, freshwater rock pools, watercourses, sand dunes and marshlands. |
| <strong>New building</strong> | Unless otherwise indicated, a ‘new building’ refers to the construction of a building over un-built land after the adoption of this Policy &amp; Design Guidance. |
| <strong>New development</strong> | Unless otherwise indicated, new development shall be taken to refer to legal development permitted after the adoption of this Policy &amp; Design Guidance. |
| <strong>Official standards</strong> | Standards, specifications, obligations and requirements set out in national environmental regulations and/or EU environmental directives and regulations related to or which affect agriculture. |
| <strong>Open space</strong> | An area of land which is predominantly un-built. |
| <strong>Outside the development zone (ODZ)</strong> | Areas located outside the development zone boundaries, as designated in local plans. |
| <strong>Planned uses and activities</strong> | This term refers to land uses, development and activities that may take place in the future in accordance with plans and/or policies approved by MEPA. |
| <strong>Planning condition</strong> | 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. |
| <strong>Planning obligation</strong> | Planning obligations may be requested by the Authority in accordance with article 40 of the Development Planning Act and the Development Planning (Planning Obligations) Regulations, 2002 (Legal Notice 28 of 2002). |
| <strong>Policy &amp; Design Guidance</strong> | Also referred to as ‘planning policy’, ‘policy guidance’ or ‘supplementary planning guidance/policy’. It refers to detailed planning policies and design guidance other than those already contained in development plans (Structure Plan, Local Plans, Subject Plans, Action Plans and Development Briefs). |
| <strong>Preservation</strong> | Protection from change, guarding against loss of worthwhile assets, including restoration. |
| <strong>Proposed site</strong> | 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 MEPA. |
| <strong>Protected natural areas</strong> | Areas, including sites and features, of ecological and/or scientific interest, protected through environmental regulations under the Environment Protection Act, the Development Planning Act and/or EU environmental directives. |
| <strong>Protected species</strong> | Species of wild flora and fauna protected through environmental regulations under the Environment Protection Act and/or EU environmental directives or regulations. |
| <strong>Redevelopment</strong> | Redevelopment involves demolition and reconstruction/rebuilding of an existing building or structure. |
| <strong>Rehabilitation</strong> | 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. |
| <strong>Residential area</strong> | An area within a Development Zone boundary where the priority is for residential use/development. |
| <strong>Restoration</strong> | “The act or process of returning something [land, natural habitat, old building] to its earlier good condition or position” (source: Cambridge dictionary online [<a href="http://dictionary.cambridge.org">http://dictionary.cambridge.org</a>]). Examples include: restoration of a natural habitat which has been damaged due to agriculture or development; and restoration of an old historical building which has become derelict due to abandonment. |
| <strong>Reuse</strong> | The term ‘reuse’ does not involve structural alterations to an existing building or land. |
| <strong>Ridge</strong> | A ridge is a geological feature that features a continuous elevational crest. |
| <strong>Rubble walling</strong> | The practice of constructing rubble walls. This refers to traditional methods and techniques where neither cement nor modern practices (e.g. cladding; use of modern franka stone) are used. |
| <strong>Rubble walls</strong> | Also referred to as random stone walls and traditional rubble walls. Low walls built in random rubble (sejjieh) are a distinctive feature of Malta’s countryside. The term relates only to walls built in stone which is not machine finished, and which gives the effect of having used stone picked up from adjacent fields. No cement is used. No material other than stone is used. |
| <strong>Rural areas</strong> | See ‘countryside’. |
| <strong>Rural building</strong> | A building that is legitimately located in a rural area. It includes buildings of historical or architectural value. |
| <strong>Rural Character</strong> | 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. Local rural areas may have different types of character, depending on a number of factors, as outlined in paragraph 1.3.8 in this document. Also see Appendix 2. Normally, 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: |
| (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 |
| (ii) | protection of old buildings and their historical/architectural characteristics; and/or |
| (iii) | protection of site specific characteristics of the land and its surroundings, such as the open character of an area, the |</p>
<table>
<thead>
<tr>
<th><strong>Rural communities</strong></th>
<th>Households living in rural areas.</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Rural development policy</strong></td>
<td>Rural development policy refers to Council Regulation (EC) No. 1698/2005 of 20 September 2005 on support for rural development by the European Agricultural Fund for Rural Development (EAFRD) and the EU Strategic Guidelines for Rural Development adopted by the Agriculture Council on 20 February 2006. These regulations and guidelines provide a framework for Member States to develop their national rural strategies and Rural Development Plans/Programmes for implementation.</td>
</tr>
<tr>
<td><strong>Rural resources</strong></td>
<td>Also referred to as ‘countryside resources’. Normally, this term refers to environmental (including cultural heritage and landscape) resources found in rural areas. Examples include: natural habitats; species of wild flora and fauna; un-built land and open natural space; geological, hydrological, palaeontological and geomorphological features, including karstic features; valleys and watercourses; terraced fields; soil, air and water; topography, the landscape and its features; archaeological remains; historic monuments; traditional country pathways (including cobbled pathways); giren; windmills; rubble walls; old reservoirs; wells/wellheads (&quot;herez&quot;); open water channels (&quot;kanali&quot;/&quot;swieqi&quot;); norias (&quot;swieni&quot;); rock-cut steps; old rural rooms constructed in rubble; and miscellaneous traditional old rural structures and features.</td>
</tr>
<tr>
<td><strong>Rural settlements</strong></td>
<td>As designated in local plans.</td>
</tr>
<tr>
<td><strong>Scheduled, listed, designated or protected areas</strong></td>
<td>Areas, including sites and features, that are scheduled, listed, 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 Development Planning Act and the Environment Protection Act, including those designated in Local Plans and Action Plans.</td>
</tr>
<tr>
<td><strong>Soil retaining rubble walls</strong></td>
<td>Rubble walls which were/are built in order to retain soil in terraced fields.</td>
</tr>
<tr>
<td><strong>Structural and infrastructural requirements</strong></td>
<td>These refer to structural and infrastructural facilities, buildings and works.</td>
</tr>
<tr>
<td><strong>Structure Plan</strong></td>
<td>Strategic planning policy for Malta is set out in the Structure Plan for the Maltese Islands (referred to as the Structure Plan). The Structure Plan provides guidance and a policy framework for the preparation of other development plans and planning policies, such as local plans, subject plans and policy guidance. The legal definition of Structure Plan is set out in the Development Planning Act and includes the Key Diagram and the Structure Plan Explanatory Memorandum.</td>
</tr>
<tr>
<td><strong>Succession</strong></td>
<td>The meaning of ‘succession’ provides further explanation to the term ‘degraded habitat’ as defined in this glossary. Succession is the term used for the gradual development of the first ecological community that colonized previously bare land (or pioneer community) into the highest vegetation community that can develop within the climatic regime (or climax community). This development occurs gradually, whereby one community develops...</td>
</tr>
</tbody>
</table>
into another until a climax community is reached. This gradual development is called a succession series.

<table>
<thead>
<tr>
<th><strong>Surface water</strong></th>
<th>Surface water refers to “inland waters, except groundwater: transitional waters and coastal waters, except in respect of chemical status for which it shall also include territorial waters” (Directive 2000/60/EC, Water Framework Directive).</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Surface water run-off</strong></td>
<td>“The flow across the land surface of water that accumulates on the surface when the rainfall rate exceeds the infiltration capacity of the soil” (source: Oxford dictionary of earth sciences: new edition). Land characterised by soil allows infiltration of water, whereas impermeable surfaces such as buildings and roads prevent water from infiltrating into the ground, thereby increasing the volume and rate of surface water runoff.</td>
</tr>
<tr>
<td><strong>Sustainable agriculture</strong></td>
<td>“Sustainable agriculture would call for a management of natural resources in a way which ensures that the benefits are also available in the future. This definition of sustainability reflects the self-interest of farmers. A broader understanding of sustainability extends, however, to a broader set of features linked to land and land use such as the protection of landscapes, habitats, and biodiversity, and to overall objectives such as the quality of drinking water and air. Therefore, in a more comprehensive perspective, the beneficial use of land and natural resources for agricultural production has also to be balanced with society’s values relating to the protection of the environment and cultural heritage” (source: Commission of the European Communities, 1999, Directions towards sustainable agriculture COM(1999)22 final).</td>
</tr>
<tr>
<td><strong>Under-utilised building</strong></td>
<td>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.</td>
</tr>
<tr>
<td><strong>Urban areas</strong></td>
<td>See ‘development zones’.</td>
</tr>
<tr>
<td><strong>Use Classes Order</strong></td>
<td>The Development Planning (Use Classes) Order 1994 (as amended) sets out a classification of land uses so that compatible uses are grouped together in a class. Permission is normally required to change from one class to another but not within a class, although conditions on permissions may restrict or prohibit such changes of use without a specific development permission.</td>
</tr>
<tr>
<td><strong>Valley/watercourse vegetation communities</strong></td>
<td>Valleys (or “widien”) provide the major source of freshwater in the Maltese Islands. In general, water-flow through watercourses occurs mainly during the winter months and most “widien” are dry during summer. In general, the vegetation associated with watercourses can be distinguished from that growing on valley-sides. The watercourse vegetation is more dependent on the water-flow characteristics of the valley and watercourse species require the presence of freshwater during some part of their life-cycle. The riparian woodland is a type of woodland community that is associated with watercourses. It mainly constitutes deciduous trees such as the White poplar (Populus alba; Maltese: “Luqa”) and willows (Salix species; Maltese: “Żafżafa”). This type of woodland is very rare in the Maltese Islands. Permanent springs provide a source of freshwater all year round and are very rare on the Maltese Islands. In some cases, this water drains into valley systems thus creating a perennial flow of freshwater through watercourses which would otherwise be dry.</td>
</tr>
</tbody>
</table>
Species associated with such habitat require a freshwater supply all year round and are consequently very rare. A well-known example of such species is the freshwater crab (*Potamon fluviatile lanfrancoi*; Maltese: “Qabru”), which is restricted to this type of habitat.

### Valleys

A valley (or “wied”) is a landform, varying from broad lowlands to deep gorges, which acts as a channel for surface water run-off during the wet season. The formation of deep gorges is generally associated with tectonic movements in particular faults cutting through the rock formations, or with erosion of the rock by running water, or a combination of both processes. Broad valleys on the other hand are solely associated with tectonic movements along fault lines, where two or more roughly parallel faults have caused land to sink by down faulting. These types of valleys are also known as graben.

### Viable unit

This term refers to the economic conditions of an activity, often focusing on the financial aspect, whereby the financial return exceeds the incurred financial costs to manage the same activity in the long-term.

### Vintner

Refers to “any person who produces wine and must to be sold, and includes, where applicable, with reference to the marketing of wine and must, any merchant other than a retailer” (source: Wine Act, 2001).

### Water protected areas


### Watercourse

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.
INTRODUCTION

0.1 This document is a revised version of the Policy and Design Guidance on Farmhouses and Agricultural Buildings, approved by the Malta Environment and Planning Authority (MEPA) in February 1994, which:

- takes account of the changes in the agricultural industry which have brought about pressures for new or different forms of agricultural development;
- gives policy guidance for some forms of developments and issues not considered in the original document;
- takes account of the:
  - broader and multifunctional role of agriculture in modern society;
  - Government policy on agriculture, including the Rural Development Plan (RDP), and the concept of ‘integrated rural development’; and
  - European and national environmental requirements and obligations affecting land-use and agriculture;
- has regard to the detailed information which has become available as a result of the initial stages of the Structure Plan Review; and
- takes account of the policy approaches in the approved Local Plans.

The Structure of this Document

0.2 This document is presented in five Parts. Part 1 outlines the context and provides a set of general policies which apply in conjunction with the specific policies in Parts 2, 3 and 4 of this Policy and Design Guidance.

0.3 Part 2 is concerned with agricultural buildings and structures and on dwellings for farmers. This Part contains specific policies on:

- Farm Dwellings for Livestock and Arable Farmers
- Agricultural Buildings and Structures
  - livestock farming – buildings for livestock or associated storage
  - arable farming – buildings for storage
  - greenhouses
  - reservoirs and pump chambers
  - buildings for other forms of agriculture
- Land Reclamation
- Wineries
- Olive Oil Production
- Beekeeping and Honey Processing
0.4 The third Part considers farm diversification, particularly in the context of the Rural Development Plan for Malta, and sets out policies for specific forms of development, including visitor attractions, farm sales, agro-tourism accommodation, slaughterhouses, and horse riding establishments.

0.5 Part 4 provides a policy context for horse stables, which, although not a form of development related to agriculture, are often proposed on agricultural land.

0.6 Finally, Part 5 contains a set of detailed design guidelines which cover a range of matters, including siting; grouping and layout; building form; materials, textures and colours; and landscaping.

**Form and Use of the Policies**

0.7 In Parts 1, 2, 3 and 4, the policies are set out in **bold** and are presented in a text box. Part 1 sets out the main objective of this Policy & Design Guidance and the general policies for all types of developments considered in the other Parts. Parts 2, 3 and 4 contain specific policies for particular types of developments. Appendix 3 includes a list of information requirements to complement policy interpretation and implementation in accordance with the general policies (Part 1) and the various types of developments considered in Parts 2, 3 and 4.

0.8 Development permission may only be granted when the Authority is confident that the proposed development satisfies both the general and the relevant specific policies. The general policies (Part 1) establish the minimum prerequisites for all types of developments covered in Parts 2, 3 and 4. Most of the general policies determine whether a proposed development is acceptable in principle or not; in particular, with respect to the location and characteristics of the site and the extent of adverse impacts that the development would have. Various other general policies deal with standard detailed considerations.

0.9 Each specific policy (Parts 2, 3 and 4) contains a range of criteria against which proposals should be assessed. Particular policies in Parts 2, 3 and 4 elaborate certain general policies into further detail, thereby providing additional restrictions to certain types of developments. For example, although the general policies seek assessment of proposed developments in view of their potential adverse impacts on protected areas (irrespective of their location), certain specific policies override the need for such an assessment within particular areas by automatically prohibiting the development in question.

0.10 The specific policy criteria contained in Parts 2, 3 and 4 are broadly grouped into, first, mandatory requirements directed to the eligibility, ‘qualification’ for, or need for, the form of development, and for it to be located on the site applied for; second, locational prerequisites and constraints (areas, sites or locations where the development should or should not be located); and lastly those requirements concerned with the details of the development such as design and infrastructure.

0.11 Whilst it may be possible for the applicant to amend a proposal so that it meets the requirements of the detailed criteria (e.g. design), **non compliance with the criteria on eligibility and locational constraints/prerequisites, means that the proposal is unacceptable.**
The Policy Justification or Explanation

0.12 All policies contained in this document are accompanied by a justification which describes the policy objectives and gives an explanation of the policy where necessary. This text also provides further guidance on how some of the criteria or their requirements are to be applied or assessed.

0.13 Most of the policies make reference to either MEPA or the Authority. In the context of this policy guidance document, the terms ‘MEPA’ and ‘Authority’ refer to the Malta Environment and Planning Authority.

Relationship to Other Planning Policies

0.14 The policies in this document amplify or modify the policies in Sections 7 and 8 of the Development Control Policy and Design Guidance ‘Development Outside Built Up Areas’, and so, where appropriate, the two documents should be read together. Where there is a difference in the guidance on a specific form of development, then, for the types of developments covered in this document, the revised Policy and Design Guidance on Agriculture, Farm Diversification and Stables takes precedence. Other Supplementary Planning Guidance documents apply as relevant.

0.15 As noted, account has been taken of approved Local Plans. Where a Local Plan offers specific policy guidance on a form of development covered in this policy document, the Local Plan policy/guidance takes precedence.

Relationship to Environmental Regulations

0.16 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 general policies (see Part 1 and Appendix 1). Examples of such criteria include the avoidance of consequential adverse effects on designated sites of Community Importance (e.g. Special Areas of Conservation) and groundwater bodies.

0.17 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. These environmental obligations are established in national environmental regulations, issued under the Environment Protection Act of 2001; all environmental regulations are accessible from the Malta Environment and Planning Authority website: www.mepa.org.mt.
Assessment of Proposed Developments

0.18 Diagram 1 illustrates a systematic procedure for the assessment of proposed developments according to the general policies (Part 1) and the specific policies contained in Parts 2, 3 and 4 of this document. The assessment procedure is divided into three main Steps (see Diagram 1).
When assessing applications for development permission in accordance with the policies in this guidance document, the Authority shall, first, determine whether the proposed development is acceptable or not in principle according to the established procedure, as follows:

- **Step 1**: verification of compliance with the eligibility and locational criteria in Parts 2, 3 and 4
- **Step 2**: verification of compliance with the requirements of the general policies in Part 1

The details of the proposed development will only be assessed once the Authority has ascertained that the proposal is acceptable in principle (see Step 3 in Diagram 1). The Authority will undertake an assessment of the details of the proposed development on the basis of the:

- specific detailed considerations contained in the policies in Parts 2, 3 and 4; and
- standard detailed considerations contained in the general policies in Part 1.

**Step 1: Compliance with Eligibility and Locational Prerequisites**

The Authority shall carry out a preliminary assessment of the proposed development, the site in question and the context of the proposed site in order to determine whether the proposal satisfies the requirements of the eligibility and locational criteria, as set out in the relevant policies in Parts 2, 3 and 4.

The eligibility criteria relate to the applicant; the development; the existing activity (including any associated holdings); and (if relevant) the characteristics of the existing building. The locational criteria relate to particular areas/locations, where the proposed development:

- is requested to satisfy further specific requirements/conditions, or
- is automatically prohibited, or
- may be permitted.

If the eligibility and locational prerequisites are not satisfied, the Authority shall not undertake any further assessments; subsequently, the proposed development should NOT be granted permission.

**Step 2: Compliance with General Policies**

After having ascertained that the proposed development complies with the eligibility and locational prerequisites (see Step 1 above), MEPA shall determine whether the proposal satisfies the relevant general policies in Part 1. The Authority shall undertake the required assessment(s) in accordance with the relevant policy explanation and justification in Part 1.

Table 1 provides a list of general policies which affect the principle of proposed developments. Table 1 also identifies the various circumstances where proposed developments require assessment in relation to the listed general policies.
TABLE 1: TYPES OF GENERAL POLICIES AFFECTING THE PRINCIPLE OF PROPOSED DEVELOPMENTS

<table>
<thead>
<tr>
<th>GENERAL POLICIES (Reference No.)</th>
<th>TOPIC AREA</th>
<th>CIRCUMSTANCES WHERE POLICY REQUIRES DEFINITE VERIFICATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Policy 1.3A</td>
<td>Rural character and landscape</td>
<td>All proposed developments</td>
</tr>
<tr>
<td>Policy 1.3B</td>
<td>Amenity of rural areas</td>
<td>All proposed developments</td>
</tr>
<tr>
<td>Policy 1.3C</td>
<td>Valleys</td>
<td>Proposed developments located within valleys</td>
</tr>
<tr>
<td>Policy 1.3D</td>
<td>Landscape features</td>
<td>All proposed developments</td>
</tr>
<tr>
<td>Policy 1.3E/1.3F</td>
<td>Cultural heritage</td>
<td>Proposed developments having a direct effect or which are located in the vicinity of cultural heritage (including archaeology) sites, buildings, structures and/or features</td>
</tr>
<tr>
<td>Policy 1.3G</td>
<td>Protected species and their habitats</td>
<td>All proposed developments</td>
</tr>
<tr>
<td>Policy 1.3H</td>
<td>Protected areas</td>
<td>Proposed developments located within or in the vicinity of scheduled, listed, designated and/or protected areas, sites and features</td>
</tr>
<tr>
<td>Policy 1.3I</td>
<td>Special Areas of Conservation and Special Protected Areas</td>
<td>Proposed developments located within or in the vicinity of SACs and/or SPAs, and/or development which may affect SACs/SPAs</td>
</tr>
<tr>
<td>Policy 1.3K</td>
<td>Good quality agricultural land</td>
<td>Proposed developments affecting (directly or indirectly) agricultural land</td>
</tr>
<tr>
<td>Policy 1.3L</td>
<td>Water resources</td>
<td>All proposed developments</td>
</tr>
<tr>
<td>Policy 1.3M</td>
<td>Country pathways</td>
<td>All proposed developments</td>
</tr>
<tr>
<td>Policy 1.3N(1)</td>
<td>Other policy requirements</td>
<td>All proposed developments</td>
</tr>
</tbody>
</table>

**Step 3: Assessment of Proposed Details**

0.26 Where the proposed development is considered acceptable in principle (see Steps 1 and 2 above), the Authority shall undertake an assessment of the proposed details of the development in accordance with the following criteria:

- first, the specific criteria on detailed considerations, as set out in the policies in Parts 2, 3 and 4; and
- second, the standard criteria on the details of development, as set out in the general policies in Part 1.

0.27 When carrying out such assessments, the Authority shall also ensure that the proposed details of the development satisfy the eligibility and locational prerequisites of the general policies, as discussed in Steps 1 and 2 above.

0.28 Most of the standard criteria on the details of development are presented in the general policies in Part 1; these criteria apply to all types of developments considered in this document (unless otherwise stated in the general policies). Only those criteria that affect the details of specific forms of developments are presented in Parts 2, 3 and 4; in part, this ensures that the policies in Parts 2, 3 and 4 are not loaded with standard criteria which apply to all types of developments.
0.29 There are three main general policies (Part 1) that are relevant to the assessment of the proposed details of development, as follows:

- **Policy 1.3A**: the second part of this policy deals with the details of the development, and focuses on siting, scale, design, form, mass, etc. in accordance with the design guidelines in Part 5.

- **Policy 1.3F** focuses on the reuse and conversion of existing buildings of architectural or historical importance. This policy requires the submission of an acceptable restoration and conservation method statement. Issues connected to scale, design, form, mass, etc. are of particular relevance to this policy.

- **Policy criteria 1.3N (2) to (5)** deal essentially with various detailed considerations, including the proper management of the site and activity; environmental improvement; proper landscaping; collection of surface rainwater runoff; parking provision; suitable provision for ancillary services; etc.

0.30 If the proposed details of the development are considered unacceptable, the proposed development should NOT be granted permission.

### Mitigation Measures and Alternative Solutions

0.31 There are various general policies, dealing either with the principle or the details of development, which allow consideration of acceptable mitigation measures and/or alternative solutions. Also, some general policies make provision for limited exceptions where, despite of negative impacts, the development could still be permitted under specific conditions. Where specified in the general policies, the Authority should request the applicant to submit acceptable alternative solutions and/or mitigation measures in order to minimise or cancel adverse impacts.

0.32 However, mitigation measures are not always an option for consideration. In order to determine whether mitigation measures would make a proposal acceptable or not, the Authority should have regard to the relevant policy objectives and the outcome of the assessments carried out in accordance with Steps 1, 2 and 3 above. For example, when assessing proposals in rural areas which are relatively unaffected by development (or modern-type development), the Authority should, first, have regard to **primary** policy considerations, such as:

- the issue of whether new development (or further development) should be allowed in the area; and

- the issue of subsequent pressures for future developments in the area, which may result as a consequence of the development in question.

Other considerations, such as the submission of a suitable landscaping scheme to minimise the visual impact of the proposal, should be regarded as **secondary** issues.

### Review of this Document

0.33 MEPA 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.
PART 1 CONTEXT AND GENERAL POLICIES

1.1 INTRODUCTION

1.1.1 This Part first outlines the general context for this guidance document. The important role of Maltese agriculture is highlighted, followed by a brief introduction of the EU Common Agricultural Policy. Subsequently, the notion of environmental stewardship is introduced, followed by a discussion on the Rural Development Plan and the EU Environmental Directives which are most relevant to agriculture and land-use planning.

1.1.2 Part 1 also sets out the main objective of this guidance document and the general policies. In considering proposals for development permission, MEPA will apply these general policies to all types of developments which are considered in Parts 2, 3 and 4 of this document.

1.2 CONTEXT

The Role of Agriculture

1.2.1 Although agriculture makes only a small contribution to the Gross Domestic Product, it is the largest single land use and a major contributor to the environmental character and quality of the rural landscape and, in consequence, is of indirect importance to recreation and tourism. Its products provide a certain degree of self sufficiency, whilst it provides a full or part time livelihood for a significant number of people, contributing to the rural economy and to the maintenance of rural communities. In short, agriculture has multiple functions and a value beyond its limited economic role. This role is also recognised in the Government’s policy for agriculture and rural areas, the Rural Development Plan, which seeks to promote the protection of the rural environment and to encourage a multifunctional agriculture within a wider framework for integrated rural development to achieve the sustainable development of rural Malta.

1.2.2 Agriculture in Malta also faces a number of issues/constraints which affect production and/or its multifunctional role. These issues/constraints are grouped as follows:

- **natural and territorial difficulties**: Malta’s peripheral location in Europe; limited economies of scale as a consequence of Malta’s limited land area and small agricultural land holdings; soil erosion; lack of water resources; flooding as a consequence of heavy rainfall; semi-arid climatic conditions; shallow soils; and topographical constraints;

- **unsustainable land management practices**: the lack of proper maintenance to soil retaining rubble walls; fragmentation of habitats and loss of wildlife; unsustainable land reclamation; improper irrigation; intensification; improper use of pesticides and fertilisers; and over abstraction of groundwater resources; and

- **change in social patterns**: the loss of agricultural land to accommodate built facilities (examples include: homes, workplaces and community and social facilities); an ageing workforce and decrease in full time employment as a result of more attractive alternative jobs; land fragmentation and small field size as a consequence of land inheritance.
1.2.3 Several agricultural-related issues have consequent adverse impacts on the environment, such as fragmentation of habitats and loss of wildlife, thereby constraining opportunities related to the multifunctional role of agriculture. The success of Maltese agriculture in modern society and the market depends on a number of factors, including the farmers’ capacity, ability and willingness to change current practices having an adverse effect on the environment.

The Common Agricultural Policy (CAP)

1.2.4 Agriculture in the European Union (EU), and therefore also in Malta, is governed by the Common Agricultural Policy (CAP), which is divided into two main pillars:

- Pillar 1: market support
- Pillar 2: rural development

1.2.5 The CAP has experienced a radical review in the last few years, with the major implementation of the reform expected to take place in 2007. This reform process involves a complete change of how EU support will be distributed to farmers. In particular, the reform will focus on the simplification of all EU regulations concerning agriculture through a single new regulation on the Financing of the Common Agricultural Policy (Council Regulation (EC) No 1290/2005). As from 2007, two important funding mechanisms, i.e. the European Agricultural Guarantee Fund (EAGF) and the European Agricultural Fund for Rural Development (EAFRD), will start operating under one single management and control system.

1.2.6 The reformed CAP is expected to introduce major changes to the way people, especially farmers, look at agriculture. Farmers will no longer be paid just to produce food. According to the European Commission (2004) document, The Common Agricultural Policy Explained, today’s CAP is demand driven: “It takes consumers’ and taxpayers’ concerns fully into account, while giving EU farmers the freedom to produce what the market wants. In future, the vast majority of aid to farmers will be paid independently of what or how much they produce... Under the new system farmers will still receive direct income payments [under Pillar 1] to maintain income stability, but the link to production has been severed. In addition, farmers will have to respect environmental, food safety and animal welfare standards. Farmers who fail to do this will face reductions in their direct payments (a condition known as ‘cross-compliance ’).”

1.2.7 The CAP reform will also strengthen the role of rural development policy (Pillar 2). More financial support will be made available to farmers for rural development, by reducing direct payments (Pillar 1) and transferring the funds into rural development measures (known as ‘modulation’), with greater emphasis being put on support for agri-environment measures. The new EAFRD (Council Regulation 1698/2005) identifies four priority objectives (see Table 2) which Member States have to integrate into their national Rural Development Strategies and Rural Development Plans for 2007 to 2013.

1.2.8 The EU’s proposal for a Council Decision on the Community strategic guidelines for Rural Development (2005) stresses the conclusions of the Göteborg Council, which state that “Strong economic performance must go hand in hand with the sustainable use of natural resources and levels of waste, maintaining biodiversity, preserving ecosystems and avoiding
To meet these challenges, the European Council agrees that the Common Agricultural Policy and its future development should, among its objectives, contribute to achieving sustainable development by increasing its emphasis on encouraging healthy, high quality products, environmentally sustainable production methods, including organic production, renewable raw materials and the protection of biodiversity” (Presidency Conclusions, European Council, Göteborg 2001). Therefore, the reformed CAP is significantly shifting its priorities towards environmental stewardship, whereby farmers are recognised as the main land managers contributing to the protection and enhancement of the countryside and the environment.

<table>
<thead>
<tr>
<th>PRIORITIES</th>
<th>OBJECTIVES</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Priority Axis 1:</strong> Improving the competitiveness of the agricultural and forestry sector</td>
<td>The resources devoted to axis 1 should contribute to a strong and dynamic European agrifood sector by focusing on the priorities of knowledge transfer and innovation in the food chain and priority sectors for investment in physical and human capital.</td>
</tr>
<tr>
<td><strong>Priority Axis 2:</strong> Improving the environment and the countryside</td>
<td>To protect and enhance the EU’s natural resources and landscapes in rural areas, the resources devoted to axis 2 should contribute to three EU level priority areas: biodiversity and preservation of high nature value farming and forestry systems, water, and climate change. The measures available under axis 2 should be used to integrate these environmental objectives and contribute to the implementation of the agricultural and forestry Natura 2000 network, to the Göteborg commitment to reverse biodiversity decline by 2010, to the Water Framework Directive objectives and to the Kyoto Protocol targets for climate change mitigation.</td>
</tr>
<tr>
<td><strong>Priority Axis 3:</strong> The quality of life in rural areas and diversification of the rural economy</td>
<td>The resources devoted to the fields of diversification of the rural economy and quality of life in rural areas under axis 3 should contribute to the overarching priority of the creation of employment opportunities. The range of measures available under axis 3 should in particular be used to promote capacity building, skills acquisition and organisation for local strategy development and also help ensure that rural areas remain attractive for future generations. In promoting training, information and entrepreneurship, the particular needs of women and young people should be considered.</td>
</tr>
<tr>
<td><strong>Priority Axis 4:</strong> Leader approach</td>
<td>The resources devoted to axis 4 (Leader) should contribute to the priorities of axis 1 and 2 and in particular of axis 3, but also play an important role in the priority of improving governance and mobilising the endogenous development potential of rural areas.</td>
</tr>
</tbody>
</table>

**Source:** European Commission, COM (2005) 304 final
Environmental Stewardship

1.2.9 Farming plays an important role in the management of Malta’s rural environment. As land managers, farmers are recognised as the stewards of a healthy and well-protected countryside, having the possibility to contribute towards the sustainable use of natural resources; protection of the environment; enhancement of the landscape and maintenance of its features; conservation of biodiversity and semi-natural habitats; and managed opportunities for public enjoyment of the countryside. These environmental priorities tally with the objectives of the reformed CAP.

1.2.10 In order to shift priorities towards environmental stewardship, Maltese farmers must adopt suitable measures to mitigate or prevent environmental impacts resulting from their activities. Examples of environmental impacts associated with agriculture include pollution of soil, water and air; fragmentation or destruction of habitats; landscape degradation; soil erosion; and loss of wildlife. Often, these environmental impacts are the result of agricultural malpractices; land abandonment; lack of proper maintenance; land use intensification; improper use of pesticides and fertilisers; improper land reclamation; unsustainable abstraction and use of water resources; vehicular trampling; and introduction of alien invasive species. To ensure that farming is moving towards sustainable agriculture and therefore, also towards environmental stewardship, various environmental considerations need to be integrated into national agricultural policies and local farming practices in accordance with EU policy.

1.2.11 Environmental stewardship requires effective mechanisms which induce or request changes to current farming practices and techniques. Through environmental stewardship, farmers would be contributing towards the sustainable development of Malta’s rural areas, in particular by implementing environmentally-friendly land management practices; proper waste and water management systems; measures to minimise soil erosion and improve soil quality; approaches for the proper use and application of fertilisers and pesticides; measures for the maintenance of the rural character and the landscape; decisions for the conservation and enhancement of biodiversity and wildlife; etc.

1.2.12 To this effect, there are various legal and policy instruments which could make a significant contribution towards sustainable agriculture, particularly by ensuring compliance with European and national environmental and planning obligations and by providing suitable incentives to support environmental stewardship actions. A combination of regulatory functions and incentives, aimed at achieving common and integrated goals, could prove to be effective in meeting sustainable development objectives. The most relevant set of regulatory functions and incentives for the implementation of environmental stewardship objectives are as follows:

- Rural Development Programmes (including agri-environment measures and Good Farming Practices);
- Code of Good Agricultural Practices;
- Cross-compliance mechanism;
- European Union Environmental Directives and the national environmental regulations; and
- Development plans and planning policies.

1.2.13 The Rural Development Plan (2004)\(^1\) forms the basis of the Government’s national and rural countryside policy; with its main purpose being the integrated mobilisation of the resources of the agricultural and rural communities to ensure the sustainable growth of the rural economy and the improvement of the rural way of life. It identifies four Priority Areas for action and a set of measures to achieve each priority objective; given the interdependent and interrelated nature of the Priorities, though, these measures may contribute to more than one Priority Area or Axis. These Priorities are:

- Modernise holdings with respect to quality and competitiveness to offer more differentiated higher quality products and services to consumers and tourists
- Promote environmentally friendly production methods in line with the rural heritage
- Diversify and develop the multifunctional role of rural enterprises
- Successfully implement the RDP

Whilst these Priorities encapsulate the strategic thrust of the Plan, the proposed sets of measures are perhaps of most direct relevance to the formulation of land use planning policy, and hence to the central concerns of this document.

1.2.14 For the **first Priority Axis**, the measures centre around aid for investment by farmers/producers in farm business and holdings, and improved marketing and promotion of high quality products and the exploitation of emerging niche food and craft markets, in addition to improvements for direct production, through building refurbishment and new equipment.

1.2.15 The **second Priority Axis** sought to promote environmentally friendly production methods and other activities which are compatible with the protection and improvement of the environment, the landscape and its features, natural resources, the soil and genetic diversity. In essence, it introduces the concept of environmental stewardship with the key measure for implementation being management agreements, including what is described as a Whole Farm Conservation Plan and the undertaking of a basic level of environmental stewardship. The objectives include encouraging an increased level of environmental awareness, reducing soil erosion, maintaining and restoring characteristic landscape features and increasing biodiversity.

1.2.16 At the core of the **third Priority Axis** is the notion of farm diversification; a broadening of the rural economy beyond its traditional role of food production, through encouragement for a range of other farm based activities, including recreational, tourist and craft activities, to develop a multifunctional system.

1.2.17 As the measures in the RDP are implemented, pressure for farm enterprise developments of varying kinds will increase, slowly diversifying rural activities and leading to a gradual transformation and strengthening of the rural economy and to a qualitative improvement of the rural environment.

\(^1\) The current Rural Development Plan (2004 – 2006) is subject to periodical reviews; the new Plan is expected to cover the period 2007 – 2013.
1.2.18 The current RDP is being revised in accordance with the recently introduced Council Regulation (EC) 1698/2005 on the support for rural development by the European Agricultural Fund for Rural Development (EAFRD). The revised RDP (2007-2013) will focus its priorities on four main priority areas (see Table 2 above):

- Priority Axis 1: improving the competitiveness of the agricultural and forestry sector;
- Priority Axis 2: improving the environment and the countryside;
- Priority Axis 3: the quality of life in rural areas and diversification of the rural economy; and
- Leader Axis: local action initiatives and strategies through the Leader approach.

Agri-environment Measures and Good Farming Practices

1.2.19 The Rural Development Plan (2004) notes that the objectives of its second Priority Axis would be achieved through the Agri-environment Measures and the Less Favoured Area Measure, both of which contribute towards the integration of environmental concerns into agricultural land management.

1.2.20 The aim of the Agri-environment Measures is to conserve and improve the landscape, biodiversity, wildlife and the historic heritage of rural Malta, whereas the Less Favoured Area Measure aims at ensuring continued agricultural land use, maintaining the countryside and promoting sustainable farming systems through the obligations of Good Farming and Environmental Practices. The EU provides assistance to farmers to encourage the implementation of these measures in return for an environmental service that goes beyond the basic good farming practices.

1.2.21 The Agri-environment Measures are based on voluntary actions that farmers agree to follow in return for annual payments for a minimum period of five years; farmers are also required to:

- “Prepare a Whole Farm Management Plan, for all of the agricultural land they manage.
- Keep appropriate farm records to a minimum standard.
- Comply with verifiable standards of Good Farming Practice.
- Undertake one of the following three sub-measures which go beyond the Good Farming Practices:
  - Reducing the incident of soil erosion by wind and water by restoring and maintaining the traditional physical barriers to wind and water erosion provided by terraced rubble walls.
  - Conserving and enhancing autochthonous species.
  - Encourage the use of organic farming methods”.

1.2.22 For the period 2007 to 2013, agri-environment will be strengthened and further assistance will be provided through the emerging RDPs (2007-2013).
under the new European Agricultural Fund for Rural Development (Council Regulation No. 1698/2005), as follows:

- at least 10% of the EAFRD total contribution shall be allocated to Priority Axis 1 measures (*competitiveness*);
- at least 25% of the EAFRD total contribution shall be allocated to Priority Axis 2 measures (*improving the environment and the countryside*);
- at least 10% of the EAFRD total contribution shall be allocated to Priority Axis 3 measures (*diversification and quality of life*); and
- at least 5% of the EAFRD total contribution shall be allocated to Priority Axis 4 measures (*Leader approach*).

1.2.23 The inclusion of agri-environment measures in the emerging RDPs of the EU Member States (2007-2013), including Malta, continues to be obligatory. Apart from agri-environment, Priority Axis 2 of the emerging RDPs (2007-2013) may also include measures to provide payments to farmers in connection to Natura 2000 and the Water Framework Directive. Also Priority Axis 3, in particular measures set out under Article 57 of the EAFRD Regulations, will deal with environmental considerations related to the ‘Conservation and upgrading of the rural heritage’.

The Code of Good Agricultural Practices (CoGAP) and the Malta Action Programme

1.2.24 The Code of Good Agricultural Practices (CoGAP) and the Action Programme were prepared mainly as part of Malta’s implementation obligations under Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (the EC Nitrates Directive). The CoGAP contains a set of codes of good practices on animal husbandry, manure handling, application of fertilisers, irrigation practices and plant protection. A substantial part of the Code is obligatory for farmers, either because the listed practices are obligatory under the EC Nitrates Directive or because their implementation is requested by other legislation. Moreover, compliance with the provisions of the Action Programme is a legal requirement within the whole territory of Malta: given that the whole of Malta was declared as a Nitrates Vulnerable Zone (NVZ), the Action Programme is obligatory for all Maltese farmers. The requirements of the CoGAP and the Action Programme form part of the verifiable standards on the basis of which farmers applying for CAP assistance will be inspected and checked as part of the **cross-compliance** mechanism.


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2 For the new Member States, including Malta, “the minimum Community financial contribution for Axis 4 of 5% may be phased in over the programming period in such a way that on average at least 2.5% of the EAFRD total contribution is reserved for Axis 4” (Article 17, Council Regulation (EC) No. 1698/2005).
1.2.25 The CAP (Pillar 1) provides assistance to farmers in the form of direct payments in relation to their activity. In return, Council Regulation (EC) No. 1782/2003 requests farmers to comply with Good Agricultural and Environmental Conditions (GAEC) and with various European legal obligations (known as the Statutory Management Requirements - SMRs) on:

- the protection of the environment;
- animal welfare; and
- public, animal and plant health.

1.2.26 The GAEC requires farmers to maintain all agricultural land, especially land which is no longer used for production purposes, in good agricultural and environmental condition in order to:

- protect soil through appropriate measures;
- maintain soil organic matter levels through appropriate practices;
- maintain soil structure through appropriate measures; and
- ensure a minimum level of maintenance and avoid the deterioration of habitats.

1.2.27 Although the major reform of the CAP is expected to be implemented by Member States in 2007, farmers were requested to be compliant with the SMRs on the protection of the environment as from 1st January 2005. The requirements of such SMRs are detailed in the following EU legislation:

- Council Directive 91/676/EEC of 12 December 1991 concerning the protection of waters against pollution caused by nitrates from agricultural sources (Nitrates Directive); and

1.2.28 In order to receive direct payments under the CAP, farmers must comply with the provisions of the GAEC and the SMRs. Non-compliance will result in partial or complete withdrawal of the direct payments.

1.2.29 Although not all GAECs and SMRs are related to land-use planning, it is essential that the planning system makes provision for the developmental needs of farmers in order to achieve these obligations and standards, whilst ensuring that development permissions do not lead farmers towards non-compliance with European/national environmental obligations. For example, to satisfy certain EU Directives and Regulations on the environment and animal welfare, farmers are required to implement standards regarding animal...
welfare (e.g. installation of sheds for livestock), waste management infrastructure, farm hygiene, etc., with a likely consequent expansion of particular farm buildings in order to ensure a continued viable operation of the livestock farming enterprises. Such expansion should not occur at the expense of sensitive environmental considerations (e.g. loss or deterioration of natural habitats) which are also controlled by EU or national legislation.

MEPA has been identified as one of the delegated bodies of the Integrated Administration and Control System (IACS) Department within MRAE, in order to verify farmers' compliance with particular environmental SMRs. Such SMRs and MEPA's role in cross-compliance are set out in a Supplementary Guidance on Cross-compliance with Statutory Environmental Management Requirements (Environmental Guidance for Agriculture), accessible from www.mepa.org.mt/environment.

The EU Environmental Directives
1.2.30 There are various EU Environmental Directives which influence agriculture and which are also relevant to land-use planning, such as those included in the cross-compliance mechanism (see paragraph 1.2.25). Appendix 1 sets out a brief review of these Directives, most of which deal with (amongst others) nature conservation issues (e.g. protection of natural habitats and wildlife); the sustainable use of natural resources; control and prevention of pollution; proper management of waste; and protection of water resources (see Appendix 1). These Environmental Directives have been transposed into national environmental regulations which are also referred to in Appendix 1.

1.2.31 Apart from the legal obligations arising from these Environmental Directives, the EU encourages farmers to adopt a more proactive and positive approach towards agriculture and conservation of the countryside, thereby adopting more sustainable and environmental-friendly practices and decisions. This is evident from the EU's commitment to strengthen assistance for agri-environment measures and the inclusion of various environmental considerations as part of the EU cross-compliance mechanism.

Malta's environmental regulations and the relevant EU Environmental Directives are accessible from www.mepa.org.mt/environment.

Current Planning Policy Context – Structure Plan
1.2.32 The strategy of the Structure Plan (adopted in 1992) for agriculture, in acknowledging the constraints on production, seeks to protect and support the agricultural industry by giving general encouragement to agriculture and recognising particular agricultural structures and buildings, including dwellings for farmers, as normal and legitimate in the countryside, whilst aiming to mitigate the potential environmental and other impacts of agricultural development.

1.2.33 This approach to agricultural development needs to be placed within the broad Structure Plan strategy to channel development activity into urban areas, constrain the take-up of undeveloped land and improve the environmental quality of rural areas. Structure Plan Policy SET 11 implements this strategy by prohibiting urban development in the countryside, to retain the different character of rural and urban areas, and by permitting only specified categories of non urban development, including farmhouses and other genuine agricultural buildings. However, “... the provision of such structures
must be controlled in order to preserve and enhance the environmental quality of the countryside”.

1.2.34 Structure Plan Policy AHF 5 indicates how this aim should be attained and provides the policy direction for agricultural buildings:

“Buildings and structures essential to the needs of agriculture will be permitted in the countryside. They will however either blend with the rural landscape through the use of random rubble, or be hidden from view. This includes irrigation works and other utilities structures. In addition:

1. Least good quality agricultural land will be used where this is feasible, with a presumption against the use of land irrigated from naturally occurring sources of water
2. Locations must be acceptable in terms of noise, smell and effluent impacts on nearby urban and recreational areas and wildlife
3. The high productivity and out of season cropping potential of protected cropping is recognised, and suitable locations will be promoted. Greenhouses and similar protected cropping structures will in particular be hidden from longer distance views possibly amongst other buildings, by landscaping, or in disused quarries
4. ‘Farm gate’ retail outlets will be permitted. Suitable off road vehicle parking and traffic safety measures shall be included
5. The sensitive conversion of existing farmhouses and other farm buildings in the countryside for rural recreation use will be permitted.”

1.2.35 Most of the countryside is designated as a Rural Conservation Area (RCA), where in accordance with Policy RCO 2, no form of urban development is allowed, but where essential agricultural structures or facilities will be “… favourably considered as long as the proposed development does not infringe the principles set out in Policy RCO 4 …”.

1.2.36 Policy RCO 4 gives policy direction on the siting of buildings in the landscape and does not permit development which would adversely affect scenic value because it would:

1. “Break a presently undisturbed skyline
2. Visually dominate or disrupt its surroundings because of its mass or location
3. Obstruct a pleasant and particularly a panoramic view
4. Adversely affect any element of the visual composition - for example, cause the destruction or deterioration of traditional random stone walls
5. Adversely affect existing trees or shrubs
6. Introduce alien forms, materials, textures, or colours”

1.2.37 In a RCA, the impact of agricultural development needs to be carefully assessed, and Policy RCO 8 provides that farmers must illustrate how this development “…will not harm the ecological, archaeological and scenic value of the area”, whilst Policy RCO 9 encourages individual cultivators to “put forward proposals...for the cultivation of abandoned or derelict agricultural plots and for the reinstitution of ecologically, archaeologically, or scientifically
valuable environments which have been degraded because of agricultural malpractices or neglect...”.

1.2.38 Structure Plan Policies RCO 1, RCO 10, RCO 11 and RCO 12 designate areas and sites for protection for their agricultural, landscape, ecological and/or scientific importance, whilst Policies ARC 1 and ARC 2 designate sites and areas of archaeological importance. Development within these protected sites and/or areas is strictly controlled in accordance with the relevant Structure Plan policies and paragraphs 15.34, 15.35 and 15.38 to 15.40 of the Structure Plan Explanatory Memorandum. Moreover, Policies RCO 28 and RCO 29 protect valleys as important water catchment areas and prohibit new physical development on the sides of valleys and on valley watercourses.

1.2.39 Policies RCO 30 to RCO 33 afford protection to indigenous natural vegetation communities, guide the planting of appropriate species of trees, and designate individual or groups of particular trees through Tree Preservation Orders, whilst Policies RCO 21, RCO 22, and RCO 24 to RCO 27 seek to combat erosion.

1.2.40 Finally, Policy AHF 9 gives encouragement

“... to the relocation of livestock [farm] units which are unsuitable in existing and committed urban areas because of noise, smell, or other impacts, to suitable locations in the countryside. It will be a condition of all development permits for redevelopment of land currently occupied by livestock [farm] units in existing and committed urban areas that the re-establishment of the livestock [farm] unit in the countryside will take place before redevelopment occurs.”

The approved local plans are accessible from www.mepa.org.mt/planning. The approved Rural Strategy Topic Paper is of particular relevance to this guidance document.

Current Planning Policy Context – local plans

1.2.41 The approved local plans apply and elaborate upon this planning policy context, in part through the identification of Areas of Agricultural Value and of other areas where agricultural development is to be encouraged, discouraged or subject to specific studies of potential environmental impacts.

There are seven local plans which cover the whole land territory of the Maltese Islands, as follows:
- Gozo and Comino Local Plan
- North West Local Plan (including the Marfa Action Plan and the Ta’Qali Action Plan)
- Central Malta Local Plan
- North Harbours Local Plan
- Grand Harbour Local Plan
- South Malta Local Plan
- Marsaxlokk Bay Local Plan

All approved local plans are accessible from www.mepa.org.mt/planning.
1.3 GENERAL POLICIES

1.3.1 This section of Part 1 sets out the main objective of the Policy and Design Guidance and the general policies for all types of developments considered in Parts 2, 3 and 4 of the same guidance document.

1.3.2 The policy objective of this guidance document is 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 and encourage farmers to diversify their main agricultural activities, whilst discouraging any proliferation of unnecessary new buildings outside the development zone boundaries and ensuring 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, and by prohibiting formalisation of the countryside;

(b) ensuring proper conservation and management of the natural environment, cultural 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; and

(e) encouraging the overall improvement of the rural environment, whilst discouraging activities that would lead to neglect, dereliction and/or deterioration of rural resources; examples include soil erosion, flooding, pollution and illegitimate dumping of waste.

1.3.3 The objective of this Policy & Design Guidance is based on MEPA’s approved strategy for rural areas, as set out in the Rural Strategy Topic Paper (MEPA, 2003); the obligations and opportunities arising from EU Regulations and Directives; the challenges of agriculture in the market and modern society; and the ecological and cultural characteristics of Malta’s rural areas. The Authority will have regard to this objective during the implementation of the general policies in this Part and the specific policies in Parts 2, 3 and 4.

1.3.4 MEPA, government entities, architects, farmers, developers, consultants and land managers have an important role in the implementation of this objective. The stated objective is 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.
1.3.5 MEPA’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.

1.3.6 A well-protected and enhanced countryside also sustains a healthy workforce. Given that most of the population in Malta, like other countries in Europe, work and interact within urban environments, public demand for the informal enjoyment and appreciation of the natural environment and the traditional rural landscapes has increased significantly. Therefore, apart from their distinctive values, natural areas, cultural heritage, traditional agriculture and the rural landscape also have an important intrinsic social value which is important for the maintenance of the local community (including Malta’s workforce) and tourists alike.

Setting and Amenity of the Countryside:

**POLICY 1.3A: RURAL CHARACTER AND LANDSCAPE**

In considering applications for development permission, the Authority will have regard to any possible cumulative impacts (both visual and physical) that the proposed development may have, in conjunction with existing and planned surrounding uses and activities, on the site and/or the surrounding area.

Proposed development which would have an unacceptable adverse impact on the rural landscape, the rural character, the integrity of valleys, or the scenic value of the countryside will not be permitted. In particular, locations:

- on or near a ridge, where the structure would break an undisturbed skyline, or
- where it would obstruct or significantly intrude into a pleasant and particularly panoramic view,

will not be permitted.

Where permitted, the proposed development shall be so sited, and shall be of a scale, design, form, mass, material, colour and texture, in accordance with the guidelines in Part 5, that it is consistent with the rural character of the area, it is integrated in the landscape and it does not have an adverse visual impact on the rural area.
1.3.7 **Policy 1.3A** seeks the protection of the landscape, the rural character, the integrity of valleys and the scenic value of the countryside, by requesting an assessment of the site in question; the context of the site; any existing nearby buildings/structures; the proposed development (including details); and, where requested, the proposals for screening and landscaping.

1.3.8 Appendix 2 includes examples of various local rural areas having distinct rural characters. These examples are intended to highlight two important points which should be taken into consideration when assessing the impact of proposed developments:

(i) rural areas are not homogenous: the countryside consists of distinct local rural areas having particular characters, landscapes and scenic values; and

(ii) the character and landscape of a local rural area are determined by the relationship of various natural and man-made factors, including:

- their proximity to settlements, major developments and/or coast;
- the intensity of development, scale and design of buildings;
- the size and configuration of land (including slope of land, type and height of rubble walls, topography, terraced fields, etc.);
- the composition of different types of land covers, including natural habitats, agricultural land, cultural heritage, landscape features, valleys and watercourses; and
- the density of trees and other vegetation on agricultural land, including abandoned agricultural land.

**NOTE:** The examples of rural characters and landscapes (Appendix 2) are not intended for direct interpretation or for use in relation to any past, current or future proposed developments. It is not the intention of this Policy and Design Guidance to make judgement about the quality of the landscape or the scenic value of the rural areas shown in Appendix 2.

1.3.9 The relationship between the proposed development and any other existing or planned adjacent buildings, uses and/or activities should be assessed in order to determine the likely cumulative adverse impact on the landscape and rural character of the area. This means that an adverse impact on the landscape or the rural character could also result as a consequence of various small-scale developments concentrated in a particular area.
1.3.10 In order to control the adverse impacts of proposed developments on the landscape, the rural character and the scenic value of the area, Policy 1.3A requires an assessment of the site context. In addition to the designation of Areas of High Landscape Value, no development permission will be granted where the Authority considers that:

- the landscape and/or the character of the area should be retained; and/or
- the scenic value of the rural area should be conserved.

1.3.11 This Policy also prohibits developments which would have an adverse impact (physical and/or visual) on particular rural areas having a traditional character which is relatively unspoilt by structures or built development of no cultural value.

1.3.12 Moreover, land which has become degraded, particularly as a consequence of trampling; disturbance; removal of vegetation; and/or littering or dumping of waste, shall not be perceived as an overriding factor for permitting development in an area which otherwise would have been considered unacceptable. In fact, development of degraded land does not necessarily result in environmental improvement: restoration of degraded land/landscapes may be a more suitable and effective option for the enhancement of local rural environments.

1.3.13 Where the proposed development is considered acceptable in principle, in accordance with all relevant policies in this document, the Authority shall also be satisfied that the proposal – in terms of siting, scale, design, form, mass, material, colour and/or texture – is consistent with the rural character of the area and is well integrated into the landscape in order to mitigate any possible visual impact on the area (refer to the guidelines in Part 5).

**POLICY 1.3B: AMENITY**

In considering applications for development permission, the Authority will seek to protect the amenity of the surrounding areas, particularly any nearby dwellings and/or public open space. MEPA will not permit proposed development which, in its opinion, would cause an unacceptable conflict with adjacent legitimate activities.

1.3.14 Policy 1.3B seeks to ensure protection of the amenity of rural areas and any existing legitimate activities which are adjacent to the site of the proposed development. When considering applications for development permission, careful consideration must be given to the consequent adverse impacts of the proposed development on adjacent activities and land-uses. Therefore, consideration should also be given to the policies in the Local Plan for the area, in particular, the land designations affecting the site in question and its surroundings.
Conservation of Valleys and Landscape Features:

**POLICY 1.3C: VALLEYS**

The Authority will not grant permission for the construction of any new building and/or an extension to any existing building, including proposals for hard surfacing, on a valley side, valley bed and/or a watercourse.

1.3.15 **Policy 1.3C** safeguards valleys and watercourses from development. As also recognised by the Structure Plan, valleys and watercourses are important for their contribution towards people’s informal enjoyment of the countryside, for the natural recharge of the water aquifers and for their ecological and landscape value. Valleys and watercourses are also of significant value with respect to a number of EU Environmental Directives; in particular, the Habitats and the Wild Birds Directives (nature protection) and the Water Directives (protection of water resources and avoidance of pollution) (see Appendix 1).

**POLICY 1.3D: PROTECTION OF LANDSCAPE FEATURES**

In considering applications for development permission, the Authority will seek to conserve, maintain and enhance important landscape features (man-made or natural), which, in its opinion, make an important contribution to:

- the connectivity, appearance and/or integrity of protected areas, sites and/or features;
- the character, scenic or ecological value of the rural area;
- cultural heritage and its setting;
- soil conservation (including rubble walls); and/or
- the maintenance of biodiversity and species of wild flora and fauna (including features which are important for the migration/dispersal of wildlife).

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.
1.3.16 **Policy 1.3D** protects important features of the landscape. These features of the landscape include (but are not limited to) rubble walls; terracing (including terraced fields) which follows the natural contour of the site; traditional way/property markers; watercourses and the immediate embankments; natural pools / ponds; woodland; stands of indigenous trees; escarpments; karstic features; exposed geological formations; etc. A feature of the landscape may be important for a variety of reasons: for example, watercourses are important for the natural recharge of the aquifers, are normally of high scenic and ecological value, contribute significantly to the character of a local rural area, and function as ecological (or wildlife) corridors. Rubble walls are another example: these features contribute towards soil conservation, are of cultural and landscape value, enhance the character of the area, are a habitat for particular plant and animal species, and act as ecological corridors particularly in areas which are predominantly agricultural. Appendix 2(C) illustrates some examples of good and bad practices of rubble walling in the Maltese Islands.

1.3.17 This policy also contributes towards the protection of landscape features referred to in **Article 10 of the Habitats Directive**; this Directive requires Member States to integrate provisions for the conservation of landscape features, which are of major importance for fauna and flora, into their land-use planning and development policies. These landscape features refer to those features which, “by virtue of their linear and continuous structure (such as rivers with their banks or the traditional systems for marking field boundaries) or their function as stepping stones (such as ponds or small woods), are essential for the migration, dispersal and genetic exchange of wild species” (Article 10, Council Directive 92/43/EEC).
POLICY 1.3E: CULTURAL HERITAGE

Proposals which would cause damage to or detract from the integrity, character or value of cultural heritage, including buildings, monuments and features of archaeological, architectural or historical importance, will not be permitted.

1.3.18 **Policy 1.3E** affords protection to cultural heritage, including buildings, monuments and features of archaeological, architectural or historical importance together with their integrity and character. The term “integrity” should be interpreted in a broad sense and it includes the setting of buildings and/or features and, where present, any structure, feature and/or historical open space, which forms part of the historical function or value of that building/feature. The Cultural Heritage Act (Chapter 445 of the Laws of Malta) of 2002 provides a comprehensive definition of the meaning of cultural heritage.
POLICY 1.3F: RESTORATION OF CULTURAL HERITAGE

In considering proposals for the reuse or conversion of existing buildings of architectural or historical importance, in accordance with the policies in Parts 2, 3 and 4 of this document, the Authority shall request the applicant to submit an acceptable restoration and conservation method statement. The Authority shall be satisfied that the proposed development is of a scale, design, form, mass, material, colour and texture, in accordance with the guidelines in Part 5, such that it does not detract from:

- the architectural or historical value of the building, including its character, appearance and traditional massing; and
- the character of the site and its surrounding area.

1.3.19 Various policies in Parts 2, 3 and 4 of this document make provision for the reuse and conversion of existing rural buildings, including buildings of architectural or historical importance. **Policy 1.3F** deals specifically with proposals for the reuse and conversion of existing buildings of architectural or historical importance, and requests the applicant to submit an acceptable restoration and conservation method statement, including any proposed mitigation measures and/or alternative methods, for MEPA's approval. The restoration and conservation method statement should demonstrate, to the satisfaction of MEPA, that the proposed development is consistent with the cultural heritage value of the building, including its character, appearance, traditional massing and setting. In particular, the Authority will be assessing the siting, scale, design, form, mass, proposed materials, colour and texture of the proposal - together with the submitted method statement - to determine whether the proposed development satisfies the criteria and requirements of this Policy and Policy 1.3E.

*Photo: An old rural structure (MEPA)*
POLICY 1.3G: PROTECTED SPECIES AND THEIR HABITATS

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

- any protected species of wild flora or fauna; and/or
- 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.

1.3.20 The objective of **Policy 1.3G** is to ensure conservation of protected species of wild flora and fauna of Community Importance\(^3\) as well as those of national importance\(^4\), together with their habitat(s) (both man-made and natural). Appendix 1 provides an overview of the land-use planning requirements of the EU Habitats and the Wild Birds Directives together with information on the species of Community Importance (see section on Nature Directives in Appendix 1). Species of Community Importance and those of national importance are protected under national environmental regulations, in particular, the Flora, Fauna and Natural Habitats Protection Regulations (LN 257 of 2003)\(^5\). The national environmental regulations set out a system for the effective conservation of all protected species and their habitats.

1.3.21 The **habitats of protected species** could consist of both natural habitats/features or man-made habitats, which in particular cases could also include built structures, such as artificial underground structures and rubble walls (also see Appendix 2(C)). Rubble walls are protected under the Rubble Walls and Rural Structures Conservation and Maintenance Regulations of 1997 (as amended), for their important function towards biodiversity conservation. Also, the habitat of a protected species (including those of Community Importance) may constitute a habitat which is either protected for other reasons or which may not be protected through any specific land designation and/or environmental regulation *per se*. These types of habitats

\(^3\) Protected under the EU Habitats Directive and/or the Wild Birds Directive and the respective national environmental regulations.

\(^4\) Protected under national environmental regulations.

also include important breeding, rearing, nesting and/or resting sites of the protected species; in case of the Wild Birds Directive, the species in question refers to “all species of naturally occurring birds in the wild state in the European territory of the Member States”.

1.3.22 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 of Community Importance, the Authority shall ensure that the objectives and procedures of the EU Habitats Directive (transposed through the Flora, Fauna and Natural Habitats Protection Regulations of 2003), including any necessary reporting obligations, and the Wild Birds Directive are fully satisfied (see Appendix 1).

1.3.23 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.).

1.3.24 Therefore, in considering applications for development permission, in accordance with Parts 2, 3 and 4 of this document, the Authority will also consider the indirect influences of the proposed development on the environment hosting the species or the habitat (e.g. space, water, air, soils, etc). If these influences result in making the conservation status of the habitat less favourable to the protected species, permission for development shall not be granted. In this respect, the EU Water Framework Directive also requires the protection of surface water bodies which are important for habitats and species of Community Importance; in the local context, valleys and watercourses are of particular concern in this regard. Also, the EU Environmental Liability Directive requires Member States to prevent and
remedy any environmental damage caused to (amongst other factors) species and/or natural habitats which are protected under the Habitats and/or the Wild Birds Directives (refer to Appendix 1 for further details on these Directives).

**POLICY 1.3H: PROTECTED AREAS**

Proposed developments which would have an unacceptable adverse impact on the conservation value, the character and/or the integrity of any scheduled, listed, designated or protected area, site or feature of ecological, scientific, landscape, cultural and/or archaeological value will not be permitted.

1.3.25 **Policy 1.3H** deals with the conservation of scheduled, listed, designated or protected areas, sites and features, 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 SAIs)
- Areas of High Landscape Value (AHLV)
- Protected Landscape Areas
- National Parks
- Nature Reserves
- Tree/Woodland Reserves
- Bird Reserves
- Scheduled Trees
- Buildings or Features of Historical and/or Architectural Interest
- Any other conservation designations which may be adopted in the future

1.3.26 Any proposed development which would have an unacceptable adverse impact on these areas, sites and/or features of ecological, scientific, landscape, cultural and/or archaeological value, including their character and integrity, will not be permitted.

1.3.27 Areas, sites and features of ecological, scientific, landscape, cultural or archaeological value are scheduled, listed, designated and/or protected in accordance with the Development Planning Act of 1992 and/or the Environment Protection Act of 2001. The Structure Plan (and other planning policies) and the relevant environmental regulations set out the main assessment criteria to determine whether the proposed development would have an unacceptable adverse impact or not. Moreover, the explanation and justification to Policies 1.3A, 1.3E and 1.3F provide detailed considerations regarding the rural character and integrity of a
rural area, including scheduled, listed, designated and/or protected areas, sites and features.

1.3.28 Structure Plan Policies RCO 1 and RCO 12, together with the Structure Plan Explanatory Memorandum paragraphs 15.34, 15.35, 15.38, 15.39 and 15.40, provide a comprehensive list of criteria which must be satisfied by all proposals within scheduled or listed Areas of Ecological Importance (AEIs) and Sites of Scientific Importance (SSIs). Structure Plan Policy RCO 1 also makes provision for the designation and protection of Areas of High Landscape Value (AHLVs), whilst Structure Plan Policies ARC 2 and ARC 3 establish criteria for the protection of scheduled or listed Sites of Archaeological Importance (SAIs) and Areas of Archaeological Importance (AAIs). Scheduled Trees are protected under the Development Planning Act, 1992, and buildings of historical or architectural importance are protected in view of the Structure Plan conservation policies. Development control criteria and policies for the protection of AEIs, SSIs, AHLVs, SAIs, AAIs and cultural heritage, are also established in Local Plans and other supplementary guidance.

1.3.29 Provisions for the control of activities (including development) affecting Nature Reserves, Tree/Woodland Reserves and Bird Reserves (or Bird Sanctuaries) are established in various environmental regulations, enacted under the Environment Protection Act of 2001. Special Areas of Conservation are designated and protected under the Flora, Fauna and Natural Habitats Protection Regulations of 2003, enacted under both the Development Planning Act of 1992 and the Environment Protection Act of 2001. Any proposal which is likely to affect a designated or potential Special Area of Conservation (SAC) and/or a Special Protected Area (SPA) shall be assessed according to Policy 1.3I.

Photo: Special Area of Conservation & Scheduled AEI/SSI – Coastal Cliffs (MEPA)
**POLICY 1.3I: SPECIAL AREAS OF CONSERVATION AND SPECIAL PROTECTED AREAS**

Proposed developments which could affect a Special Area of Conservation (SAC) and/or a Special Protected Area (SPA) will be subject to MEPA’s assessment.

Proposals which are not directly connected with or necessary to the management (ecological) of the SAC and/or SPA will not be permitted, unless the Authority is satisfied that:

1. the proposal is consistent with the rural conservation policies of the Structure Plan and the Local Plan for the area; and

2. the proposed development would either:
   a. NOT have an adverse impact (including any possible cumulative impacts) on the conservation objectives and integrity of the SAC and/or SPA; or
   b. have an adverse impact (including any possible cumulative impacts) on the conservation objectives and integrity of the SAC and/or SPA, but regardless of such negative effect,
      - there is no alternative solution; and
      - there are imperative reasons of over-riding public interest for the proposed development.

Where the proposal affects a priority natural habitat type and/or a priority species, as defined in Annex I and Annex II to the Habitats Directive, the only reasons of over-riding public interest which could be considered favourably are those related to human health or public safety, to beneficial consequences of primary importance for the environment or, further to an opinion from the Commission, to other imperative reasons of over-riding public interest.

Where the Authority is satisfied that the proposal is required because of imperative reasons of over-riding public interest, the applicant shall be requested to propose and implement, to MEPA’s satisfaction, suitable compensatory measures necessary to ensure the protection of the overall coherence of Natura 2000.
1.3.30 **Policy 1.3I** deals specifically with Special Areas of Conservation (SACs) and Special Protected Areas (SPAs). In particular, this policy requires MEPA to assess the potential adverse impacts of proposed developments (including any possible cumulative impacts) on designated or potential SACs and SPAs, irrespective of the site location and scale of the development in question. The acceptability of proposed developments which are likely to affect SACs and SPAs shall be determined in accordance with the assessment procedure established by Article 6 of the EU Habitats Directive (Directive 92/43/EEC) and which has been transposed into the Flora, Fauna and Natural Habitats Protection Regulations of 2003. The assessment procedure should be based on the EU guidance documents on the implementation of Article 6 of the Directive (see section on Nature Directives in Appendix 1). The applicant may be requested to prepare such assessment in accordance with Terms of Reference issued by MEPA.

1.3.31 Given that various SACs and SPAs are also scheduled and/or protected as AEIs, SSIs, Nature Reserves, Tree/Woodland Reserves and Bird Reserves, Policy 1.3I requires that, first, the proposed development should satisfy the rural conservation policies of the Structure Plan and the Local Plan for the area. According to the Development Planning Act of 1992 (as amended), proposals which do not satisfy the policy requirements of the Structure Plan and/or the Local Plan for the area should NOT be granted permission.

### POLICY 1.3J: ENHANCEMENT OF THE BIODIVERSITY AND LANDSCAPE VALUE OF PROTECTED NATURAL AREAS

The Authority will seek to enhance the biodiversity and landscape value of protected natural areas. In considering applications for development permission within or adjoining protected natural areas/sites, the Authority shall request the applicant to enter into a planning obligation to submit and implement suitable proposals for the creation or maintenance of habitats and/or landscape features which are beneficial to wildlife, biodiversity and/or the scenic value of that protected area/site.

1.3.32 This policy recognises the importance of environmental stewardship as a means of enhancing the conservation value of protected natural areas, whereby farmers and other land managers become involved in land management activities for environmental improvement.
1.3.33 In order to improve the biodiversity and landscape value of protected natural areas, the Authority, through Policy 1.3J, will require the applicant to enter into a planning obligation, imposed as a condition of the permit, to implement acceptable proposals (e.g. management plans, schemes or agreements) for the maintenance or creation of habitats (natural or man-made) and/or landscape features which are beneficial to wildlife, biodiversity and the scenic value of the protected area.

1.3.34 Any obligation entered into through Policy 1.3J shall be justified on the basis of the conservation objectives and/or the legal environmental requirements affecting the protected area(s) in question.

Sustainable Use of Natural Resources:

<table>
<thead>
<tr>
<th>POLICY 1.3K: PROTECTION OF AGRICULTURAL LAND</th>
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<tbody>
<tr>
<td>In considering proposals for development permission, the Authority will seek to protect good quality agricultural land. The applicant shall submit an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:</td>
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<tr>
<td>(a) the proposed development would have no adverse impact on good quality agricultural land; or</td>
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<tr>
<td>(b) despite of its negative impact on good quality agricultural land, the proposed development consists only of a small-scale structure that is essential for the continued and viable operation of the applicant's arable farm, as defined in Part 2, and that:</td>
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<tr>
<td>• any land irrigated from naturally occurring sources of water is safeguarded;</td>
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<tr>
<td>• there are no opportunities to locate the proposal on least good quality agricultural land or within a nearby rural settlement; and</td>
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<tr>
<td>• all arable agricultural land officially registered in the name of the applicant within a distance of 1 kilometre radius from the site of the proposed development is of good quality.</td>
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1.3.35 Policy 1.3K affords protection to good quality agricultural land, and in particular, proposed developments which would adversely affect land that is irrigated from naturally occurring sources of water will be refused permission in all circumstances. Good quality agricultural land requires some form of ongoing maintenance and therefore, the associated arable farming activity must be sustained. In this regard, Policy 1.3K introduces some exceptions to the general rule, whereby proposals for small-scale structures which normally contribute to the effective operation of arable farms – as defined in Part 2 of this document – will be considered favourably, provided that the applicant demonstrates, to the satisfaction of MEPA, that:
• any land that is irrigated from naturally occurring sources of water is safeguarded;
• there are no opportunities to locate the proposal on least good quality agricultural land or within a nearby rural settlement; and
• all arable agricultural land officially registered in the name of the applicant within a distance of 1 kilometre radius from the proposed site (if any) is of good quality; officially registered arable agricultural land refers to arable agricultural land registered in the name of the applicant with the Department of Agriculture.

1.3.36 Given that information on the classification of the quality of agricultural land in Malta is not consolidated in a single database system/map, the Authority shall continue to seek the advice of the Department of Agriculture on a case-by-case basis in order to determine whether:

• the affected arable agricultural land in the proposed site is of good quality; and
• the applicant has any agricultural land that is not of good quality within a distance of 1 kilometre radius from the site of the proposed development, where the proposed development could be accommodated.

POLICY 1.3L: PROTECTION OF WATER RESOURCES

In considering proposals for development permission, the Authority will seek to protect important water resources. Proposed developments which would have an adverse impact on the status of inland freshwater bodies supporting terrestrial eco-systems will not be permitted. In addition, the applicant shall submit an official statement from the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development would have no adverse impact on important water resources, including:

• groundwater bodies used for the abstraction of water intended for human consumption (or intended for such use in the future); and/or

• valleys, watercourses and other features which contribute to the recharge of underlying groundwater bodies.

Adequate protection and pollution mitigation measures which are sensitive to the site context will be required within water protected areas, such as Drinking Water Safeguard Zones (also known as Groundwater Protection Zone), established under the Water Framework Directive.

1.3.37 Policy 1.3L focuses on the protection of water resources and identifies various sources and features which should be protected against any possible adverse impacts. These protected water resources incorporate features or areas which require protection under the EU Water Directives (see Appendix 1), and include: the quality and status of inland freshwater bodies and dependent terrestrial eco-systems; groundwater bodies used for the
abstraction of water intended for human consumption (including those water bodies which could be used for such use in the future); and hydrological features which contribute to the recharge of underlying groundwater bodies.

1.3.38 In determining whether the proposed development would have any unacceptable adverse impact on water resources, the Authority will seek the advice of the Malta Resources Authority. The Authority, together with the Malta Resources Authority, should consider whether the likely adverse impacts of proposed developments on water resources could be avoided or mitigated through proper mitigation measures or alternative solutions which are also sensitive to the site context. MEPA will have special regard to the protection of the status of 'protected' surface waters that are important for the conservation of protected habitats and species.

**Country Pathways:**

**POLICY 1.3M: COUNTRY PATHWAYS**

1. Where the proposal would affect a country pathway, the applicant shall submit an official statement from a qualified public notary, together with all relevant official documentation and evidence, stating, to the satisfaction of MEPA, that:

   (a) the affected country pathway is in private ownership; and

   (b) the proposed development would have no adverse impact on any public rights of access and/or public rights of use.

   Proposals which would cause damage to and/or destruction, closure, removal, obstruction or hindrance of public country pathways will not be permitted.

2. The Authority will seek to safeguard traditional and/or historical country pathways and their character, together with any abutting rubble walls, irrespective of their type of ownership.

1.3.39 The countryside is characterised by various types of country pathways (some examples are included in Appendix 2B). In the context of Policy 1.3M, 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); are accessible by vehicles and tend to connect particular land or buildings directly to country roads/lanes or other roads;

• **traditional footways or cart ways/tracks** (‘*sqaqien’): 3 metres wide or less; normally unsurfaced; 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.

1.3.40 In accordance with **Policy 1.3M**, the Authority will safeguard public country pathways in order to protect public rights of access and public rights of use. Therefore, where the proposal would affect a country pathway, the applicant shall submit official proof together with an official statement from a qualified public notary, to demonstrate to the satisfaction of MEPA, that the affected pathway is in private ownership (i.e. it is owned by the applicant). However, it is important to note that not all types of country pathways may be accessible to the public: for example, rights of way, as defined under Article 448 of the Civil Code, are granted to farmers having...
PART ONE

their land enclosed on all sides – these rights of way are not normally granted to the general public.

1.3.41 Policy 1.3M also protects old traditional pathways and their character, irrespective of their type of ownership. Appendix 2B includes some examples of the different types and characters of country pathways; these types of pathways are not necessarily open for public use. 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. Appendix 2(C) illustrates some examples of good and bad practices of rubble walling in the Maltese Islands.

Other Policy Provisions:

POLICY 1.3N: OTHER POLICY REQUIREMENTS

(1) In considering applications for development permission, in accordance with the policies in Parts 2, 3 and 4 of this document, the Authority shall be satisfied that:

(a) the proposed development will not cause additional risks of light pollution, flooding, erosion, surface water run-off, degradation of the site or adjoining land, or pollution of air, soil, valleys, watercourses, land or water bodies;

(b) 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 or an environmental impact; and

(c) the proposals for management, storage, treatment and disposal of solid and liquid waste and surface water runoff are acceptable and do not have unacceptable adverse environmental impacts.

(2) In considering applications for development permission, in accordance with the policies in Parts 2, 3 and 4 of this document, the Authority shall request the applicant to submit acceptable proposals for managing the whole activity and site, for environmental improvement and for landscaping the site, including a programme for implementation and maintenance, in accordance with MEPA’s approved Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands, and should also include provisions for the:

- maintenance of any existing (and proposed) rubble walls and important features of the landscape;
- replacement of any alien invasive tree species by
indigenous species; and

- removal of any buildings, structures, features, physical interventions (including objects) and/or litter or dumping, which in the opinion of the Authority has an adverse impact on the quality of the rural environment.

(3) Proposed developments covered by policies 2.2A, 2.2B, 2.3(A), (C) and (D), 2.4A, 2.5, 2.8(A) and (B), 2.9, 2.10(A) and (B), and 2.11 in Part 2; policies 3.3, 3.4A, 3.6A and 3.7(A) and (B) in Part 3; and policy 4.3, shall make suitable provision for the storage of surface water run-off by means of an underground reservoir.

(4) Proposed developments covered by policies 2.2A, 2.2B, 2.3(A), (C) and (D), 2.8(A) and (B), 2.9 and 2.10(B) in Part 2; policies 3.3, 3.4A, 3.5A, 3.6A and 3.7(A) and (B) in Part 3; and policy 4.3, shall provide adequate manoeuvring space and sufficient vehicular parking space within the site.

(5) Proposed works for the provision of services, including those for electricity supply, telecommunications, water supply, drainage and sewage disposal, may only be considered favourably in relation to developments covered by policies 2.2, 2.3, 2.5 (electricity only), 2.8(A) and (B), 2.9 and 2.10(B) in Part 2 and policies 3.3, 3.4(A), 3.6(A) and 3.7(A) and (B) in Part 3. These proposals should not have adverse environmental impacts and should be located underground within trenches under existing legitimate roads or tracks.

1.3.42 Policy 1.3N should be applied to all types of developments covered in Parts 2, 3 and 4 of this document, as specified in the policy itself.

1.3.43 This policy is divided into five sections: Policy 1.3N(1) to 1.3N(5). Policy criteria 1.3N(1) deals with various detailed considerations which must be satisfied by all types of proposed developments in respect of vehicular access, traffic, flooding, erosion, increase in surface water run-off, land degradation, pollution, etc. Criterion 1.3N(1c) deals with the management of wastes, including the structural and infrastructural works which are required to manage waste properly; the construction of cesspits with double bottom is an example. In order to determine whether proposals for management of waste and water run-off are acceptable (or otherwise), the Authority should seek the advice of the Malta Resources Authority; in addition, the advice of the Food and Veterinary Regulation Division (FVRD) and the Department of Agriculture should be sought in view of proposals involving agricultural developments and/or animals, particularly in view of the requirements of the Code of Good Agricultural Practices (CoGAP).

1.3.44 Policy criterion 1.3N(2) contributes directly towards environmental stewardship, whereby farmers are requested to mitigate particular impacts and contribute towards the overall improvement of the rural environment. This means that applicants shall also seek opportunities that are, or would be, available under the Rural Development Plan for Malta to implement measures.
(particularly Priority Axis 2 measures) for the conservation and enhancement of the countryside, as requested by Policy 1.3N(2).

1.3.45 Reducing the visual impact of development in the countryside through landscaping and improved design quality is particularly important to maintain and enhance the rural character and the landscape value. A landscaping scheme, with implementation and maintenance details, must be submitted. It should show full details of all new and retained planting as well as provision for the maintenance of existing, and for the proper construction of proposed, rubble walls in accordance with the requirements of Legal Notice 160 of 1997 (as amended) - Appendix 2(C) illustrates some examples of good and bad practices of rubble walling in the Maltese Islands. New planting should conform to the requirements set out in the Authority’s approved ‘Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands’ (February 2002), which gives information on appropriate indigenous and archaeophytic species, methods of planting etc. Section 5.6 of Part 5 also gives further guidelines on basic landscaping principles.

1.3.46 In addition to landscaping and the maintenance of rubble walls, much can be done to limit the impact of development and enhance the overall environment, through good field management practices covering matters such as the removal of materials and objects which are intrusive in the landscape; improvement of boundary walls, such as those surrounding livestock farm buildings, through good quality design; the replacement of alien invasive species with indigenous ones; ensuring tidiness/cleanliness of the site and surroundings; maintenance and reinstatement of traditional features of the rural landscape; maintenance of existing old traditional pathways; etc.

1.3.47 Policy criteria 1.3N (3) to (5) set out various requirements for particular types of developments, which should be applied in conjunction with the policies in Parts 2, 3 and 4. These policy criteria control the provision of services and the design of the proposed development, in order to ensure collection of surface rainwater run-off and, where acceptable, the suitable provision of vehicular parking within the site and proper installation of facilities to supply electricity, telecommunications, water and drainage, and proper sewage disposal.
## 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 and honey processing, greenhouses, land reclamation, wineries and development related to olive oil production. Each policy in this Part is accompanied by a justification and/or further explanation.

2.1.2 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.

### 2.2 FARM DWELLINGS

#### POLICY 2.2A: FARM DWELLINGS FOR LIVESTOCK FARMERS

Preference will be given to the location of farm dwellings for livestock farmers within urban areas or rural settlements as defined in Local Plans.

Permission may be granted for the erection of a single dwelling unit for a livestock farmer outside the development boundary (ODZ), provided that all of the following criteria are satisfied:

1. the applicant submits official statements from the Department of Agriculture and the Employment and Training Corporation (ETC) stating, to the satisfaction of MEPA, that the applicant:
   
   a. is a livestock farmer, registered as a full time livestock breeder with the Department of Agriculture and ETC; and

   b. is operating a livestock farm unit on full-time basis for at least 2 consecutive years prior to the application; the Department of Agriculture shall also specify whether the livestock farm unit in question is an officially registered farm.

   The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the existing livestock farm unit and the site in question are operated in conformity with all permissions granted by the Authority (or its predecessors);

2. the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that:

   a. the applicant’s livestock farm unit is registered as a commercial activity and is operated in conformity
with valid licences (including the licensed quota/s) issued by the Department of Agriculture and the Food and Veterinary Regulation Division;

(b) the applicant’s livestock farm unit has a minimum of:

- 40 sows (i.e. pigs, but excluding piglets) or 400 fattening units, or
- 40 milking cows (excluding cattle),

on the same site or on land immediately adjacent to the site of the proposed dwelling (see criterion 7); and

(c) the proposed dwelling is essential for the effective management and supervision of the livestock farm unit and it is necessary for the livestock breeder to live on site on the farm;

(3) the Authority is satisfied that it is not possible for the dwelling to be sited within a designated urban area or a rural settlement as defined in a Local Plan;

(4) the applicant submits an official statement from a qualified public notary, together with all relevant official documentation and evidence, stating, to the satisfaction of MEPA, that the applicant was not, during the last 10 years prior to the application, the owner of any another dwelling within 1 (one) kilometre of the proposed site, and did not own a dwelling (within 1 kilometre) other than a dwelling sold or otherwise transferred to a person qualified as a registered farmer or livestock breeder;

(5) the proposed dwelling is not located within a scheduled, listed, designated or protected area or site of ecological, scientific, cultural, archaeological or landscape value;

(6) the applicant submits an official statement from the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development incorporates all necessary structural and infrastructural requirements to protect water resources, including groundwater, and prevent risks of pollution to such resources;

(7) the proposed dwelling is located within the existing physical boundary (curtilage) of the applicant’s livestock farm unit. In exceptional cases, where the Authority is satisfied that the available space within the existing curtilage of the applicant’s livestock farm unit is not suitable to accommodate the proposed dwelling, the Authority may permit such dwelling to be constructed on land immediately adjacent/contiguous to the existing physical boundary of the livestock farm unit in question;

(8) the proposed dwelling does not exceed a height of 7
metres measured externally from existing ground level, has a footprint which does not exceed 150 sqm (measured externally including any internal courtyards) and a total floorspace of not more than 200 sqm. External paved areas will not be permitted.

The following occupancy condition will be imposed on any development permission: ‘The residential occupation of the property shall be limited to a livestock breeder, registered with the Department of Agriculture, working, or last working before retirement, in the locality in agriculture, or a widow or widower of such a person, and to any resident dependants’. The applicant will be required to enter into a planning obligation to tie 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 in operation.

The applicant will be required to enter into a planning obligation to carry out works to provide (or otherwise provide) wider environmental benefits, where the Authority considers this to be in the interest of the proper planning of the area.

2.2.1 **Policy 2.2A** deals with the construction of new farm dwellings for livestock farmers (i.e. a farmstead). Proposals involving the reuse or conversion of existing buildings ODZ for residential purposes shall be assessed in accordance with the policies of: the Structure Plan; the Local Plan for the area; and the Development Control Policy and Design Guidance on ‘Development Outside Built Up Areas’.

2.2.2 Although, according to the analysis undertaken in the Rural Strategy Topic Paper, the pressure for new dwellings for farmers in the countryside has been slight, there remains the need to ensure that only those dwellings which are genuinely required and essential to the needs of agriculture are permitted. This policy provides for new farm dwellings only in those cases where the supervision requirements of particular large-scale animal husbandry operations require that livestock breeders live on site and dwellings can not be located in rural settlements or within the development zone.

2.2.3 The first four criteria define eligibility and essentiality (that the requirements of the agricultural enterprise make it essential for the farmer concerned to live on site) and include minimum thresholds for the number (and types) of livestock required for a viable livestock farm unit, and hence a genuine agricultural need. In addition to meeting these minimum thresholds, the livestock farm unit must have been in operation for at least two years prior to the application for a dwelling and moreover, the dwelling must be essential for the effective management of the livestock farm unit, which normally means that the supervision needed by the farm unit requires the continuous presence of the farmer, who must, therefore, live on site.

2.2.4 Most of the significant livestock farms in Malta, which may require some form of continuous supervision, are dairy farms (excluding beef) and pig farms. Therefore, the Authority will not permit new farm dwellings for other types of livestock farms. The Authority will also take particular care in assessing the
need for a continuous presence in relation to dwelling applications for dairy (excluding cattle) and pig farms as particular circumstances in individual cases; for example specific forms of farm management systems including automated systems, may mean that this constant supervision (and hence a new farm dwelling) is not essential. Also, agricultural needs are not likely to justify the provision of new dwellings as retirement homes for livestock breeders; in all cases agricultural needs must be related to the farming operation itself and not to the preferences or circumstances of the applicant.

2.2.5 In order to assess the need for a farm dwelling on the farm, the applicant will be required to provide a report, which, in addition to indicating the number/type of livestock, employment and documentary evidence of production or turnover, sets out:

- where the livestock breeder lives at present and how the livestock farm unit is currently managed and supervised;
- what management or supervision gaps or deficiencies there are;
- evidence of the adverse effects of these deficiencies;
- an indication of how the proposed farm dwelling would overcome or address these deficiencies and adverse effects, and consequently why the applicant’s present living accommodation is inadequate to meet the needs of the livestock farm unit; and
- a discussion of alternative locations considered and, in particular, why, from a farm management viewpoint, the dwelling can not be located in an urban or rural settlement.

Without prejudice to other environmental and planning-related criteria, the requested evidence/documentation must be certified/confirmed by the Department of Agriculture.

2.2.6 MEPA will give preference to a farm dwelling sited in an urban area or a rural settlement, as designated in a Local Plan, as it may be possible for adequate supervision to be exercised through periodic visits rather than a continuous presence (especially with automated management systems). So regard will be given to the distance of the livestock farm unit from such urban areas/settlements, to the ease of travel and to balance the need between an on-farm and an off-farm location. In this regard, a 1-kilometre distance (from the livestock farm) could be used as an indicator to determine whether it is possible for the farmer to find a dwelling for sale (or otherwise) in a nearby urban area whilst retaining a relatively short distance to travel to the farm. However, the Department of Agriculture may certify that the level of supervision required on particular dairy farms cannot be exercised through periodic visits; in such cases, the distance of dairy farms from urban areas should not be considered as a limiting factor.

2.2.7 Where the proposal is for a new dwelling for a new or relocated livestock farm unit, the same considerations of eligibility and essentiality apply. In the case of a new livestock farm unit, it is important to ensure that the tests of need are met, particularly that the farm unit will be viable, but, in addition, to make certain that the farm unit is built and is actually viable, permission will not be granted concurrently for the livestock farm unit and for a farm dwelling. The livestock farm unit must be in operation for at least two years, and the proposed farm dwelling must meet all criteria set out in this policy and
the general policies, before the Authority will favourably consider an application for a dwelling. The Authority will also pay particular attention to proposals for new farm dwellings associated with livestock farms which have already been relocated from nearby urban areas. Livestock farm units relocated from urban to rural areas result in vacated sites within the development zone, part of which could be re-used by the applicant to establish his/her dwelling; this would also depend on the type of land-use zoning system established by the Local Plan for the area.

2.2.8 In considering whether a new dwelling is essential it is also necessary to determine the recent pattern of use of any existing accommodation on the farm unit. For example, if a dwelling has recently been sold separately from the livestock farm, this could constitute evidence of lack of agricultural need. It may also be relevant to consider the applicant's present accommodation and whether any new factors have arisen which render it unsuitable for continued use in conjunction with the livestock farm unit. Criterion 4 is specifically directed to the sale of otherwise suitable accommodation.

2.2.9 In order to ensure that the farm dwelling is used for the intended purpose and to limit the size of the farm dwelling so that its consequent land take-up and impact on the landscape and on the character of the countryside are minimised, the policy requires that:

- the dwelling be constructed on the farm (i.e. within the existing physical boundary [curtilage] of the farm unit) (see Diagram 2);
- the maximum permitted height of the dwelling is 7 metres measured externally from existing ground level; and
- the total permitted floorspace (measured externally) does not exceed a maximum of 150 square metres including any internal courtyards.

Provided that these thresholds are not exceeded, a basement (of not more than 3 courses above road level), which could be used in part for the storage of vehicles or machinery associated with the farm unit, as well as for domestic purposes, will be acceptable, provided that the total footprint area occupied by the dwelling is not exceeded. The dwelling should also be designed so that it respects the local vernacular architecture and has a positive impact on the character of the countryside, as indicated in Part 5 and in accordance with the general policies. Proposals for sewage disposal must be acceptable; where the site is not sewered and a cesspit is proposed for the dwelling, this must be separate from the livestock farm’s cesspit or the livestock farm’s means of sewage treatment/disposal.

2.2.10 If the livestock farm unit is not operating in accordance with a development permit, or development has been undertaken without permission, then this situation must be rectified before permission will be given for a new farm dwelling (also see Policy 2.3E).

2.2.11 Where the Authority has accepted the need to provide accommodation for a livestock breeder to live at the place of work, it is necessary to ensure that the dwelling is kept available to meet this need and does not simply become part of the housing stock of the area. For this reason any development permission will be subject to an occupancy condition and the Authority will require the applicant to enter into a planning obligation to reinforce this condition and to tie the ownership and occupation of the dwelling to that of the farm unit as a whole. This would ensure that the dwelling or the farm buildings could not be
sold separately without the Authority’s approval. Should there cease to be a need for the dwelling on the particular farm unit, then the Authority will have regard to the elements of the test of a continuing need set out in paragraphs 2.3.12 and 2.3.13 in considering any application to remove the condition, alter or terminate the obligation etc, and in deciding whether or not there is a continuing need for a dwelling for a qualified occupier in the area.

**POLICY 2.2B: FARM DWELLINGS FOR ARABLE FARMERS**

Permission may be granted for the erection of a single dwelling unit for an arable full time farmer outside the development boundary (ODZ), provided that all of the following criteria are satisfied:

1. The arable cultivated land holding of the applicant is located at least 1 kilometre away from a designated urban area or a rural settlement as defined in a Local Plan;

2. The applicant is a full time registered farmer, registered as an arable farmer with the Department of Agriculture, who for three consecutive years prior to the application, sold at least Lm10,000 (23,294 euros) worth of produce each year at the official markets and has not already benefited from this policy or from any other decision permitting an ODZ residence;

3. The applicant’s registered arable cultivated land holdings occupy a total land area of at least 30 tumoli in size;

4. The applicant submits an official statement from a qualified public notary, together with all relevant official documentation and evidence, stating, to the satisfaction of MEPA, that the applicant was not, during the last 10 years prior to the application, the owner of any another dwelling within 1 (one) kilometre of the proposed site;

5. The proposed dwelling is not located within a scheduled, listed, designated or protected area or site of ecological, scientific, cultural, archaeological or landscape value;

6. The proposed dwelling is located on the arable land registered in the name of the applicant with the Department of Agriculture, and all the 30 tumoli are located within a radius of not more than 1 kilometre.

7. The proposed dwelling does not exceed a height of 7 metres measured externally from existing ground level, has a footprint which does not exceed 150 sq. m (measured externally, including any internal courtyards) and a total floorspace of not more than 200 square meters. No recreational facilities or other unrelated structures, such as swimming pools and tennis courts will be permitted. The site should have an existing
access to public road network;

Provided that all conditions of this policy are adhered to, the conversion or redevelopment of existing permitted structures on arable land being farmed by the applicant is preferable to the construction of a new building.

The following occupancy condition will be imposed on any development permission:

‘The residential occupation of the property shall be limited to:

1) an arable farmer, registered with the Department of Agriculture, working, or last working before retirement, in the locality, or

2) a widow or widower of such a person, and to any resident dependants’

The applicant will be required to enter into a planning obligation to tie the ownership and occupation of the dwelling to that of the farm, so that the residential building is only sold/leased or transferred to a registered full time farmer in conjunction with the cultivated arable land as identified at the time of the issue of the permit for such dwelling and, in that case, the farm continues in operation.

2.2.12 The number of arable farms with more than 30 tumoli of registered land holdings is very limited. Allowing for a residential unit within the arable farm area, facilitates the operation of the farm and concurrently serves an incentive to the farmer and his family to pursue the agricultural activity. It is also a disincentive against fragmentation of arable farm holdings. Sufficient safeguard are included in the policy framework to ensure that the residential unit will be truly for the use of the farmer working the land.
NOTE: This diagram is not to scale and is not intended for direct interpretation; the diagram illustrates particular policy concepts for clarification purposes only.
2.3 AGRICULTURAL BUILDINGS FOR LIVESTOCK FARMING

<table>
<thead>
<tr>
<th>POLICY 2.3A: EXISTING LIVESTOCK FARM UNITS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Permission may be granted for the erection of a new building, or redevelopment of, or an extension to an existing building, for animal breeding, production and/or the related storage of feed, fodder or machinery/equipment, provided that all of the following criteria are satisfied:</td>
</tr>
<tr>
<td>(1) the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that:</td>
</tr>
<tr>
<td>(a) the proposed development is directly related to an existing livestock farm managed by the applicant;</td>
</tr>
<tr>
<td>(b) the applicant is a livestock farmer, registered as a livestock breeder with the Department of Agriculture and the Food and Veterinary Regulation Division, satisfying at least one of the following conditions:</td>
</tr>
<tr>
<td>(i) the applicant is operating an officially registered livestock farm unit in conformity with valid licences (including licensed quota/s) issued by the Department of Agriculture and the Food and Veterinary Regulation Division for at least 2 consecutive years prior to the application, or</td>
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<tr>
<td>(ii) has at least 5 years experience in animal husbandry, or</td>
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<tr>
<td>(iii) has successfully followed a course in animal husbandry recognised by the Department of Agriculture;</td>
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<tr>
<td>(c) the proposed development is essential for the effective operation of the farm unit and for the overall environmental improvement of the livestock farm operation.</td>
</tr>
<tr>
<td>The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the existing farm buildings are in conformity with all permissions granted by the Authority (or its predecessors). Where relevant, the Authority will apply the provisions of Policy 2.3E.</td>
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<tr>
<td>(2) the applicant demonstrates, to the satisfaction of MEPA, that no existing disused or under-utilised agricultural building, on the holding, is suitable for conversion to the proposed purpose;</td>
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<tr>
<td>(3) the proposed development is not located within a</td>
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</table>
scheduled, listed, designated or protected:

- Area of Ecological Importance (Level 1 / Level 2)
- Site of Scientific Importance (Level 1 / Level 2);

(4) where the existing livestock farm unit is already operating within a scheduled, listed, designated or protected

- Area of Ecological Importance or Site of Scientific Importance (Level 3 / Level 4), or
- Area or Site of Archaeological Importance, or
- Area of High Landscape Value,

and the site of the proposed development is not of ecological, scientific, landscape, cultural or archaeological value *per se*, the Authority may grant permission for the upgrading of the existing farm, provided that:

- the proposed development would not have an adverse impact on the scheduled, listed, designated or protected natural, cultural and/or landscape features and their setting, in accordance with the general policies in this document; and

- the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the proposed upgrading is essential to meet official standards on waste management, hygiene and/or animal welfare and the proposal will not result in an increase in the total number of livestock units on the farm at any one time;

(5) the site is located at least 183 metres away from the development zone, as specified in the Animal Welfare Act (2002) or any subsequent amendment thereof, unless the Food and Veterinary Regulation Division consents to the development on the basis that this will not create adverse impacts in terms of the amenity and health of the residents in the neighbouring development zones/built-up areas, or that it will not create adverse impacts on such residents *in addition* to the situation that is already legally established; and

(6) the applicant submits official statements from the Food and Veterinary Regulation Division, the Department of Agriculture, the Department of Health and the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development incorporates all necessary structural and infrastructural requirements to satisfy the relevant official standards on waste management, animal welfare, hygiene, health and protection of water resources
2.3.1 There is likely to be a continuing need for development in relation to existing livestock operations – to increase production, improve farmers’ incomes, improve working conditions, meet new requirements and European Standards for animal welfare, animal husbandry practices, or hygiene or waste management, including the requirements of the Code of Good Agricultural Practices (CoGAP) and cross-compliance, and in general to modernise the livestock sector; **Policy 2.3A** addresses these issues in detail. The main objectives of this policy are 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. In order to minimise the number of new buildings in the countryside, the conversion or use of existing under-utilised or disused buildings on the existing livestock farm holding is preferred to the construction of new buildings. **Also, consideration must be given to the more effective use of underground space, below existing building/s within livestock farm units, in order to limit the amount of land take-up by development above ground level. Therefore, it is essential to determine whether, from an operational and environmental perspective, the proposed development (or parts thereof) could be accommodated underground.**

2.3.2 As with new farm dwellings, there is a test of need which must be fulfilled. The new building must be essential to the continued effective operation of the farm enterprise, in that the livestock farm must be a viable unit or become a viable unit with the new building/development. The application should provide a study (similar to that required in paragraph 2.2.5) indicating how the building will contribute to this, covering:

- the current size of the farm unit – number/type of livestock and buildings (and their location);
- documentary evidence of production or turnover, such as the income tax or VAT returns (where available);
- reasons for the choice of site and details of its relationship to the land and to other buildings owned or leased and used by the applicant;
- the purpose of the new building/development;
- how this will contribute to the increased efficiency and viability of the farm unit; and
- demonstrating that there are no existing disused/under-utilised buildings on the holding which are suitable for use or conversion.
2.3.3 In most cases this kind of study will not be required for applications for:

(i) extensions to existing buildings (unless the extension is of a significant scale, in terms of its footprint or volume, in relation to the farm complex as a whole);

(ii) structures required to meet official standards on waste management, farm hygiene, animal welfare, etc; and/or

(iii) buildings for the storage of fodder, food etc,

for existing operational livestock farm units. For more specific and detailed information requirements for the upgrading of existing livestock farm units see Appendix 3.

2.3.4 Where a proposal is for the breeding/keeping of unusual types of animals/livestock (examples include: frogs, snails, emus, ostriches, kangaroos, wallabies and crocodiles), the study should give detailed information and analysis on expected production and turnover with supporting evidence, in order to indicate the extent and continuing likelihood of financial viability and to determine the agricultural need (or otherwise) of the proposed development, since the Authority will assess these proposals with particular rigour to ensure that they are viable and that enterprises are not likely to cease comparatively soon after establishment, leading to abandoned/dilapidated buildings.

2.3.5 This policy also identifies various specific locations where the proposed development will not be permitted or where it will be permitted under specific conditions. In part, this provision prevents environmental damage and conflicts with other land-uses, particularly the intensification of any existing conflicts with nearby activities.

POLICY 2.3B: UPGRADING OF OPERATIONAL LIVESTOCK FARMS LOCATED IN, OR WITHIN 183 METRES\(^6\) OF, AN INHABITED AREA, etc.

Temporary permission may be granted for the upgrading and improvement of existing livestock breeding/production units located in the development zone, or to units located within 183 metres of the development zone where, even after consultations with the Food and Veterinary Regulation Division, the units are deemed to be unacceptable to be located permanently therein, provided that:

- the proposal is intended to facilitate better management and enable the requirements for waste management, farm hygiene, animal welfare and other similar standards to be met;

- the applicant submits official documentation to demonstrate, to the satisfaction of MEPA, that prior approval has been obtained from the Department of Health

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\(^6\) The distance as specified in the Animal Welfare Act (2002), or any subsequent amendment thereof.
and the Food and Veterinary Regulation Division;

- the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the proposed development will not result in an increase in the total number of livestock units on the farm at any one time;

- such improvement and upgrading would not result in an increase in the total site area occupied by the livestock farm unit; and

- criteria 1(a), 1(b)(i), 1(c), 2, 3, 4 and 6 in policy 2.3A are satisfied.

Temporary permission for the upgrading and improvement of current livestock farm units pending the identification of an alternative site will only be granted for a limited period of not more than five years.

Permission will not be granted for the expansion of existing livestock breeding/production units located in the development zone, or to units located within 183 metres of the development zone where, even after consultations with the Food and Veterinary Regulation Division, the units are deemed to be unacceptable to be located permanently therein.

2.3.6 **Policy 2.3B** deals with livestock farms located within or adjoining urban areas; these farms present a specific problem as they are likely to have an adverse environmental impact and so are, in general, incompatible with residential uses in particular. The potential for relocation is limited and possibly more long-term than short-term. In these circumstances, it is of wider benefit that these units are improved to meet present day EU standards (also see Section on cross-compliance in Part 1 of this document), especially as regards the management of farm wastes, hygiene and animal welfare, whilst ensuring that any adverse impacts are mitigated. To prevent similar problems in the future, permission will not be given for new livestock farms in or near to inhabited areas. Where permission is granted for improvements pending relocation, then that permission will be for a limited period only (5 years) to ensure that relocation does take place. The Authority may, in collaboration with the Department of Agriculture, identify, or suggest that the Agriculture Department identifies, farms within urban areas which are causing an adverse impact and request the owners to undertake the necessary improvements or relocate to more appropriate areas within Intensive Agricultural Areas, as designated in Local Plans, or to existing livestock farm buildings. To support the Department of Agriculture in the
selection of more appropriate locations for the relocation of livestock farm units, the Authority will:

- strictly control the change of use of existing disused/abandoned livestock farm buildings ODZ; and
- consider extending the period of the temporary development permits by an additional and final 5 years, provided that the applicant demonstrates, to the satisfaction of the Authority in consultation with the Department of Agriculture, that an alternative suitable site or an existing farm building (also see paragraph 2.3.10) has been found and that relocation will be successful by the end of the extended period of the temporary permit.

For specific and detailed information requirements for the upgrading of existing livestock farm units see Appendix 3.

### POLICY 2.3C: NEW OR RELOCATED LIVESTOCK FARMS

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

1. the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the applicant is a livestock farmer, registered as a livestock breeder with the Department of Agriculture and the Food and Veterinary Regulation Division, satisfying at least one of the conditions listed in criterion 1(b) of Policy 2.3A. With respect to proposals for the relocation of existing livestock farm units, applicants shall satisfy criterion 1(b)(i) of Policy 2.3A;

2. for new livestock farms, the applicant submits evidence, certified by the Department of Agriculture, to the satisfaction of the Authority, that the proposed new livestock farm is likely to become a viable farm unit and hence essential to the needs of agriculture;

3. the applicant submits an official statement from the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development satisfies one of the following conditions:
   - (a) the proposal is located at least 300 metres away from sources used for the abstraction of water intended for human consumption or intended for future such use, such as boreholes, underground pumping stations and spring gallery systems; or
   - (b) the proposal consists of a relocated livestock farm unit and the Malta Resources Authority is satisfied that the proposed site for relocation presents a lower risk of pollution to the groundwater than the present
site of the same livestock farm; or

(c) the proposal consists of an entirely new poultry or rabbit farm unit and the proposed site is located at least 200 metres away from sources used for the abstraction of water intended for human consumption or intended for future such use, such as boreholes, underground pumping stations and spring gallery systems;

(4) the proposed development is not located within:

(a) a scheduled, listed, designated or protected area or site of ecological, scientific, cultural, archaeological or landscape value; and

(b) a distance of 183 metres from an inhabited area or an area which is intended for residential, residential institutions, hotels, education, assembly or leisure buildings, or tourism development, as specified in the Animal Welfare Act (2002), or any subsequent amendment thereof;

(5) the proposed new and/or relocated livestock farm unit is located within an Intensive Agricultural Area, as designated in the Local Plan for the area. Where no Intensive Agricultural Area has been designated in the Local Plan, the Authority will give preference to the re-use or conversion of disused or abandoned livestock farm buildings or other suitable agricultural buildings for such purpose. Applicants proposing the construction of new buildings for a new or relocated livestock farm unit shall demonstrate, to the satisfaction of the Authority, that:

- the proposed development cannot be located within an Intensive Agricultural Area as designated in the Local Plan; and

- there are no disused or abandoned agricultural buildings, particularly livestock farm buildings, suitable for re-use or conversion; and

(6) the applicant submits official statements from the Food and Veterinary Regulation Division, the Department of Agriculture, the Department of Health and the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development incorporates all necessary structural and infrastructural requirements to satisfy the relevant official standards on waste management, animal welfare, hygiene, health and protection of water resources.

The Authority will impose the following condition on development permissions issued in accordance to this policy to ensure that it is not used for purposes other than that for which it is permitted:
‘This development permission does not signify that any buildings or structures hereby being permitted may eventually be allowed to be put to any use other than for animal husbandry. If in the opinion of the Malta Environment and Planning Authority, the development hereby being approved is no longer being used for agricultural purposes, then it may be required to be removed, at the expense of the applicant, and reverted back to the original state of the site as decided by the Malta Environment and Planning Authority, within a specific time period as stipulated by the Authority.’

2.3.7 In addition to new or extended buildings for existing livestock farm units, there may be proposals for new livestock farm units; Policy 2.3C deals with this issue. Proposals for new livestock farm units may result from pressure to relocate from unsuitable sites (in or close to urban areas, for example), or from the need to restructure the buildings of an existing farm unit to meet current space, building, animal welfare or other standards. In both these cases, all the criteria in this policy should be applied.

2.3.8 Where the new livestock farm is an entirely new unit which has not been operating before, then the prior operation requirement cannot be applied; however, in such cases, a more detailed feasibility study (see paragraphs 2.3.2 and 2.3.4) will be required, certified by the Department of Agriculture, to indicate that the farm will be viable and therefore essential to agriculture (that it will provide sufficient financial return for a reasonable income for the operator, as well as for continuing investment in the maintenance and improvement of the farm business, and will require the input of labour broadly equivalent to a full time occupation). With respect to proposals for farm relocation, the Authority must ensure that the applicant is still operating the existing livestock farm unit – which requires relocation – in conformity with valid licences (including licensed quota/s) issued by the Department of Agriculture and the Food and Veterinary Regulation Division, at the time of the application for development permission, and that such existing animal farm has been operational for the last 2 years.

2.3.9 Although not a planning consideration, there may be instances where quotas for specific types of livestock, particularly poultry, are already met and new farms may not be licensed by the Department of Agriculture; these cases should be regarded as non-essential to the needs of agriculture.

2.3.10 In order to minimise the number of new buildings in the countryside, particularly new isolated or new clusters of livestock farm units, 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 within Intensive Agricultural Areas as designated in Local Plans. Where no Intensive Agricultural Areas have been designated in Local Plans, the Authority must be satisfied, as demonstrated by the applicant, that there are no abandoned or disused livestock farm buildings suitable for reuse or conversion, prior to considering the development of a new livestock farm unit in the countryside. This is one factor to which the Authority will have particular regard in considering applications for new or relocated livestock farms. **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. With respect to proposals for the relocation of livestock farm units, the Authority will also have regard to any abandoned or disused livestock farm buildings within the same locality of the present site of the farm unit or in nearby localities. Also, the Authority will give significant consideration to the more effective use of underground space in order to: (i) limit the amount of land take-up by development above ground level; and (ii) increase the efficient use of land or existing buildings for reuse/conversion purposes. Therefore, it is essential to determine whether, from an operational and environmental perspective, the proposed development (or parts thereof) could be accommodated underground.

2.3.11 This policy also identifies various specific locations where the proposed development will not be permitted. In part, this provision prevents environmental damage and possible conflicts with other land-uses. The livestock farm sector can be best protected if adequate safeguards are provided in the policy document to prevent speculative development, which is presented as livestock farm development, but which is actually intended for eventual non-agricultural uses (such as residential). A condition requiring the removal of these structures once the commercial farming activity ceases, is intended as a disincentive against speculative applications. With such a condition, the farm is more likely to continue in commercial farm operation.

**POLICY 2.3D: CHANGE OF USE OR REDEVELOPMENT OF DISUSED OR ABANDONED LIVESTOCK FARM BUILDINGS**

Permission may be granted for the change of use of an existing disused or abandoned livestock farm building ODZ, provided that all of the following criteria are satisfied:

1. the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the existing livestock farm building is no longer used for livestock farming;

2. the applicant submits official statements from the Department of Agriculture, the Food and Veterinary Regulation Division and the Malta Resources Authority stating, to the satisfaction of MEPA, that the existing farm building in question is not suitable to accommodate new or existing livestock farm units requiring relocation; and

3. the proposed use consists of either:
   - (a) an agricultural activity (as defined in Part 2 of this document), or
   - (b) a visitor attraction or a horse riding establishment (as defined in Part 3 of this document), or
   - (c) a slaughterhouse (as defined in Policy 3.7A), or
(d) stables (as defined in Part 4 of this document), or

(e) a proposal which is directly connected to the proper management of a protected site or area, and the proposed conversion and reuse of the building forms part of an approved site-specific conservation measure (e.g. a management plan, a conservation order or a management agreement) which it is intended to serve, or

(f) other uses proposed in areas which are not declared as sensitive by the Authority, and which in the opinion of the Authority would contribute to an improvement on the site or to the general environmental infrastructure (e.g., waste treatment facilities) may be considered favourably, subject to the necessary studies and if considered appropriate an EIA;

Where the disused/abandoned livestock farm building is located within a scheduled, listed, designated or protected site or area (including buffer zones), the Authority may, with immediate effect: (i) request the total demolition of the existing building and subsequent rehabilitation of the site in accordance with an acceptable method statement or rehabilitation plan; or (ii) restrict development to that listed in criterion 3(e) of this policy.

(4) where the disused or abandoned livestock farm building is located within 183 metres\(^7\) from the development zone boundaries, the Authority may also consider redevelopment of such farm building and its change of use into additional types of uses not specified in criterion 3 of this policy, provided that:

- the disused or abandoned livestock farm building is covered by a valid development permit, granted by the Malta Environment and Planning Authority (or its predecessors);
- the proposed development is not located within a scheduled, listed, designated or protected area or site;
- the proposed development conforms with the general policies in Part 1 of this document;
- the proposed development does not exceed the total footprint area occupied by the existing disused or abandoned livestock farm building; and
- the proposal is compatible with adjacent legitimate

\(^7\) The distance as specified in the Animal Welfare Act (2002), or any subsequent amendment thereof.
uses, the context in which it is located and the adjacent rural setting and character.

(5) Permission for residential use may be granted provided that all of the following criteria are satisfied:

(a) the approved floor space of the disused livestock farm is not less than 150 square metres (measured externally);

(b) the applicant submits official statements from the Department of Agriculture and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the abandoned livestock farm building was licensed to keep the minimum-required number of heads to maintain an official quota, destined for human consumption;

(c) the development is limited to not more than one (1) dwelling;

(d) the proposed dwelling does not exceed a height of 7 metres measured externally from existing ground level, has a footprint which does not exceed 150 square metres (measured externally, including any internal courtyards) and a total floorspace of not more than 200 square meters. External paved areas will not be permitted;

(e) a basement may be included provided that it is constructed fully underground on all sides;

(f) the application relates to the entire farm holding including all structures and fields;

(g) it can be shown to the satisfaction of MEPA that none of the uses indicated in criterion 3 of this policy are considered feasible for the site because of location, nature of existing buildings, size of holding and/or for other reasons;

(h) all existing farm buildings and other structures are demolished or removed from site, provided that if a structure is considered to be of heritage importance it is to form part of the dwelling unit referred to above and included within the 150 square metres footprint of the dwelling;

(i) other than the single dwelling unit referred to above, no structure is to be allowed within the site, except for (a) rubble walls no higher than 1.2 meters within and around the periphery of the site, and (b) underground rainwater reservoir;

(j) the entire site is to be appropriately landscaped using indigenous trees in accordance with MEPA’s
2.3.12 **Policy 2.3D** addresses the change of use of livestock farm buildings. Once permission has been granted for the operation of a livestock building or livestock farm unit ODZ, it should continue to be used for that purpose. **The Authority will require the applicant to enter into a planning obligation to restrict the transfer of ownership of the building or of the farm unit, as a means of ensuring that buildings are not used for non agricultural purposes.**

2.3.13 When considering applications for development permission for the change of use of a disused or abandoned livestock farm building, the Authority will rigorously assess, on the advice of the Department of Agriculture, the Food and Veterinary Regulation Division and the Malta Resources Authority, whether the farm building is suitable to accommodate any existing operational livestock farm units requiring relocation or any new livestock farm units. The Authority will also consider, on the advice of the Department of Agriculture and the Food and Veterinary Regulation Division, the suitability of the building for livestock rearing/breeding and the possibility of adaptation/alteration of the structure (including the efficient use of underground space) to meet modern standards for animal welfare, animal husbandry practices, or hygiene or waste management. The Authority will apply this requirement stringently particularly in view of the numerous livestock farm units requiring relocation from urban areas, which at present have a consequential adverse effect on nearby urban uses (including residences). In particular, the Department of Agriculture will advice the Authority whether there are any operational livestock farm units within the same locality of the proposed site (or in nearby localities) which require relocation. **However, in accordance with Policy 2.3C, disused or abandoned livestock farm buildings located within 183 metres from the development zone boundaries cannot be re-used for livestock farming.**

2.3.14 Where the Authority is satisfied that the existing livestock farm building ODZ is not suitable for the relocation of an operational livestock farm unit, then, it may consider proposals for change of use favourably, provided that the proposed use consists of:

- an agricultural use/activity, as defined in Part 2 of this document; or
- a visitor attraction or horse riding establishment, as defined in Part 3 of this document; or
- a slaughterhouse, as defined in Policy 3.7A; or
- stables, as defined in Part 4 of this document; or
- proposals which are essential and directly connected to the proper management of protected sites or areas (subject to an approved management plan); or
- other uses that are proposed in areas which are not declared as sensitive by the Authority, and which in the opinion of the Authority would contribute to an improvement to the environmental infrastructure (e.g. waste treatment facilities), provided no alternatives exist.

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8. The distance as specified in the Animal Welfare Act (2002), or any subsequent amendment thereof.
The Authority will not permit change of use from livestock farming to other types of uses which are not listed in criteria 3(a-f) of Policy 2.3D. However, where the disused or abandoned livestock farm building is located within 183 metres from the development zone boundaries, the Authority may also consider redevelopment of such farm building and its change of use into additional types of uses, subject to various conditions specified in criterion 4 of Policy 2.3D. The developable area (the combined total footprint area of the existing disused or abandoned livestock farm) shall be redeveloped on site with attention to the best possible orientation to minimise the impact of the new development.

2.3.15 With reference to disused or abandoned livestock farm buildings within scheduled, listed, designated or protected areas or sites, the Authority may decide (without having regard to the length of time the building has remained unused) to either request the complete demolition of the building and proper rehabilitation of the site, or restrict the development to that specified in criterion 3(e) of policy 2.3D. The Authority will not normally apply criterion (1) of this policy to proposals that are (i) directly connected to the proper management of a protected site/area as defined in criterion 3(e) of this policy, and/or (ii) essential to a genuine agricultural use/activity as defined in criterion 3(a) of this policy.

2.3.16 There are several instances of abandoned buildings. With the consolidation of agricultural operations into a smaller number yet larger farm units, there may well be a further number of abandoned buildings in the coming years. Irrespective of the floor area of the existing farm buildings, only one residential unit with a total building footprint of 150m² within each abandoned farm holding will be allowed, meaning that there will be a reduction of building footprint within the site (Criterion 5). This combined with the provision of appropriate landscaping will be a means of replacing an eyesore (the abandoned farm structures) with a development which is compatible to the rural surroundings, without creating an undue incentive to speculative development. Change of use to industrial use or warehousing will not be considered acceptable.

2.3.17 Criterion 5(a) prohibits redevelopment and conversion of disused or abandoned farms (to a single unit of accommodation) that have a total floor space of less than 150m². Criterion 5(b) also prohibits redevelopment and conversion into residential use if the abandoned farm is not officially recognised by the Department of Agriculture and the Food and Veterinary Regulation Division as having an official quota before its abandonment, irrespective of its total floor space. The objective of this criterion is to prohibit the conversion of abandoned buildings claimed to be livestock farms when in effect such buildings only house a few animals without an official quota.

### POLICY 2.3E: OPERATIONAL LIVESTOCK FARMS ESTABLISHED BEFORE OCTOBER 1992 (PRE-1992 FARMS)

(1) When considering applications for development permission for the permanent upgrading of operational livestock farm units, in accordance with the relevant Policies in this document, the Authority will regard livestock farms that started operating before October 1992 in accordance with
an official licence or licences issued by the ‘relevant authorities’, as “covered” by a development permit for the type of livestock permitted by the licence or licences issued by the same ‘relevant authorities’ before October 1992, provided that all of the following criteria are satisfied:

(a) the applicant submits an official statement from the Department of Agriculture stating and demonstrating, to the satisfaction of MEPA, that:

- the livestock farm unit was operational before October 1992 in accordance with a licence or licences issued by the ‘relevant authorities’ and that the same livestock farming enterprise has not been discontinued after October 1992;
- the livestock farm unit was operated by a livestock farmer, registered as a livestock breeder with the ‘relevant authorities’, before October 1992; and
- the type of livestock licensed by the ‘relevant authorities’ before October 1992 consisted of poultry, pigs, cattle, sheep and/or goats;

(b) the applicant submits official documentation to demonstrate, to the satisfaction of the Authority, that the existing buildings and structures serving the livestock farm unit were:

- constructed or erected before October 1992; and/or
- constructed or erected in accordance with a development permit issued under the Development Planning Act of 1992 (or an equivalent PAPB permit).

(2) When assessing proposals against Policy 2.3E(1), the Authority will regard livestock farm units which:

(a) started operating before October 1992 without a valid licence or licences issued by the Department of Agriculture and the Food and Veterinary Regulation Division (or the Department of Health); or

(b) do not satisfy any of the criteria in Policy 2.3E(1), as having no development permit.

(3) Any development undertaken after October 1992, on livestock farms that started operating before October 1992, requires a development permit in accordance with the Development Planning Act of 1992 (as amended).

(4) Proposals for new development, or for the regularisation of development undertaken after October 1992, on livestock
farms that started operating before October 1992, shall be assessed against the criteria of Policy 2.3A and other relevant planning policies.

2.3.18 **Policy 2.3E** applies only in relation to proposals for the permanent upgrading of operational livestock farms that started operating before October 1992, for which the Department of Agriculture is the coordinating body in view of the ‘Meeting Standards’ process. The objective of the ‘Meeting Standards’ process is to ensure that the livestock farming sector in Malta is upgraded up to EU standards.

2.3.19 Prior to the setting up of the Planning Authority in October 1992, various livestock farms were re-built or upgraded without the necessary PAPB permit, reportedly as a consequence of the urgent need to address problems related to the livestock epidemics of the mid 1970’s (Department of Agriculture, 2004). During the mid 1970’s, the agricultural industry suffered from various livestock epidemics, namely: (i) the Foot and Mouth disease which affected pigs, cattle, sheep and goats; (ii) the African Swine fever which affected pigs; and (iii) the Newcastle’s disease which affected poultry. The Department of Agriculture also notes that government had obtained international funding to adopt specific measures for eradication of the diseases, namely: (i) slaughtering of all livestock; (ii) burning of combustible material in all farms; and (iii) disinfecting all the farms. International funding was provided on condition that all livestock had to be slaughtered and the farms had to be upgraded or replaced by new farms. In view of the urgent need to reinstate the livestock farming sector, livestock breeders were given the go ahead to undertake structural works: as a result, most structural works were undertaken without the necessary PAPB permits.

2.3.20 In view of this, policy 2.3E sets out criteria which MEPA should use to determine whether an existing livestock farm unit, which started operating before October 1992 in accordance with a licence or licences issued by the ‘relevant authorities’, could be considered as “covered” by a development permit; at that time, livestock farming activities were not necessarily registered with the Department of Agriculture and therefore, the ‘relevant authorities’ refers to the Department of Agriculture and the Food and Veterinary Regulation Division (or their predecessors) or the Department of Health, as relevant at the time of registration/licensing. The objective of policy 2.3E is primarily intended to assist livestock breeders to respond to the challenges that the livestock sector is facing, whilst ensuring that the upgrading of these animal farms occurs in accordance with European standards on animal welfare and health, hygiene, waste management, etc. and obligations regarding environment protection. **Appendix 3 sets out detailed information requirements that must be submitted together with applications for development permission in relation to livestock farms that started operating before October 1992.**

2.3.21 **This Policy applies to proposals for the permanent upgrading of livestock farms that started operating before October 1992 and therefore, the Authority will also assess such proposals in accordance with the other relevant Policies on livestock farming in this Part of the document.**
2.3.22 Waste management issues are significant when related to livestock farms, particularly when located within Drinking Water Safeguard Zone or close to urban areas. More generally, there are particular problems with livestock buildings and the storage, treatment and disposal of waste. Greater emphasis needs to be given to the design of farms and of livestock buildings in order to comply with European and International Standards in this respect. MEPA, in consultation with the various competent bodies, will need to be satisfied that the proposal incorporates adequate and stringent measures to prevent pollution of adjoining land, watercourses or groundwater bodies in accordance with the Code of Good Agricultural Practices. In particular, proposed cesspits must be constructed in such a way, to the satisfaction of MEPA and the Malta Resources Authority, so that risks of leakages, spillage and pollution are cancelled or reduced significantly: the use of a double bottom cesspit, which could be certified as leak proof by an architect/engineer, is an example.

2.3.23 Landscaping and the design of farm buildings (including the outer boundary walls and gates) are also of particular importance in order to minimise the impact on the landscape. Regard should be had to siting, building form and materials etc. Buildings should meet the specifications produced by the Department of Agriculture. In addition to the requirements set out in the general policies (Part 1 of this document), much can be done to limit the consequent environmental and social impacts of farm operations, through good management practices covering matters like the proper storage and disposal of waste and of other materials; the storage of equipment and machinery; the tidiness/cleanliness of the surroundings; the improvement of the overall external appearance of the farm; etc.

2.4 AGRICULTURAL BUILDINGS FOR STORAGE FOR ARABLE FARMING

**POLICY 2.4A: NEW, OR EXTENSIONS TO, AGRICULTURAL BUILDINGS FOR STORAGE FOR ARABLE FARMING**

Permission may be granted for the construction of a building (or an extension to an existing building) for the storage of farm machinery and agricultural equipment, provided that all of the following criteria are satisfied:

1. the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:
   a. the applicant is a farmer, registered as an arable
farmer with the Department of Agriculture, operating an officially registered arable farm (see criterion 1c of this policy) for at least 2 consecutive years prior to the application;

(b) the applicant has a satisfactory history of producing substantial and genuine agricultural crops (including organic crops) for human consumption, or for processing, during the last 2 consecutive years prior to the application;

(c) the applicant’s registered arable farm occupies a total land area (i.e. arable agricultural land) of at least 5 tumoli in size, excluding land that is used for the production of fodder or which has been used for the production of fodder during the last 2 consecutive years prior to the application;

(d) the proposed (new or extended) storage building is essential for the continuing satisfactory and effective operation of the applicant’s arable farm unit; and

(e) it is essential for the development to be located in the area, and on the site, proposed.

The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the existing arable farm is operated in conformity with all permissions granted by the Authority (or its predecessors);

(2) there is no disused or under-utilised building on any arable farm holding of the applicant which could be used for this purpose and the Authority is satisfied that the proposal cannot be located in a nearby rural settlement (as defined in the Local Plan and in conformity with the relevant policies of that Plan);

(3) no building for storage purposes will be permitted on arable farms (see criterion 1c of this policy) of less than 5 tumoli. A storage building with a total floorspace of not more than 15 square metres (measured externally) may be permitted on an arable farm (see criterion 1c of this policy) of between 5 and 10 tumoli; a storage building of not more than 20 square metres (measured externally) may be permitted on an arable farm (see criterion 1c of this policy) of between 10 and 20 tumoli; and a storage building of not more than 40 square metres (measured externally, may be permitted on an arable farm (see criterion 1c of this policy) larger than 20 tumoli;

(4) the proposed development is located on arable land (see criterion 1c of this policy) registered in the name of the applicant with the Department of Agriculture, and all of this land (see criterion 3 above) is located within a radius
of not more than 1 kilometre from the footprint area of the proposed building. No other storage building will be permitted on the applicant’s holding within a radius of 1 kilometre from the footprint area of the proposed building;

(5) the applicant submits an official statement from the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development is not located within a distance of less than 5 metres from the edge of a watercourse and a buffer zone of 30 metres radius from sources used for the abstraction of water intended for human consumption or intended for future such use, such as boreholes, underground pumping stations and spring gallery systems;

(6) the proposed development is not located:
   (a) within a site which lies on a slope with a general gradient higher than 1 in 6;
   (b) on land which is of ecological, scientific, landscape, cultural or archaeological value; and
   (c) within a scheduled, listed, designated or protected:
      - Area of Ecological Importance
      - Sites of Scientific Importance
      - Areas or Sites of Archaeological Importance (including a buffer zone under Class A and B)
      - Areas of High Landscape Value;

(7) where available, the proposed building is located adjacent to existing buildings;

(8) the proposed building would not detract from the landscape and the rural character of the area through its siting (the building shall be located so as to be the least intrusive within the site), the use of inappropriate materials or because of a poor quality design, and complies with the guidelines in Part 5;

(9) 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 a height not exceeding 3.75 metres (measured externally) is essential to store agricultural machinery necessitating such height; and

The Authority will impose the following condition on a permission for a storage building to ensure that it is not used for purposes other than that for which it is permitted: ‘This permit remains valid for as long as:

(a) the building will continue to be used for genuine arable farming purposes, that is, for the storage of farm
machinery, agricultural equipment and produce;

(b) the applicant and the arable farm continue to satisfy criteria 1, 3 and 4 established in Policy 2.4A of the Policy and Design Guidance: Agriculture, Farm Diversification and Stables (2007) or any subsequent amendment or variation thereof; and

(c) in the case of a transfer, assignment or any concession of rights of the property as a whole, such a transfer, assignment or concession is made to an individual who satisfies criteria 1, 3 and 4 established in Policy 2.4A of the Policy and Design Guidance: Agriculture, Farm Diversification and Stables (2007) or any subsequent amendment or variation thereof.’

POLICY 2.4B: CHANGE OF USE OF BUILDINGS FOR STORAGE FOR ARABLE FARMING

The Authority will NOT grant permission for the change of use or for the conversion of a storage building to a non agricultural use, unless otherwise stated in the policies in this document.

2.4.1 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 2.4A addresses this issue in detail. However, it is also well known that various “storage buildings” are used or promoted as weekend family shelters, as hunting and trapping hides, or to accommodate other non-agricultural related activities. Consequently, the proliferation of built structures in the countryside has become a major concern which requires control and remedial action. To prevent the cumulative impact on the rural landscape which the excessive development of agricultural stores might have, and to prevent unnecessary abuses of the system, 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. In this regard, it is also well known that various farmers do not leave all agricultural-related equipment and produce in their storage buildings overnight for fear of theft or vandalism, especially when their fields are located in remote areas. Criteria 1 to 4 set out tests of need and eligibility.

Photo: Proliferation of “storage” buildings in the countryside (MEPA)
2.4.2 In particular it will be necessary for MEPA to be satisfied that a new (or extended) storage building is essential (a) for the arable unit as a whole, and (b) on the site proposed. The arable farm unit should be a viable one and the thresholds are stated in criterion 3. Applicants will be required to submit a study of the farm enterprise which indicates:

- the size of the tilled land and the degree of consolidation of land holdings;
- a block plan showing all applicant’s land holdings within a radius of 1 kilometre from the footprint area of the proposed building, certified by the Department of Agriculture;
- availability of water sources and the type of irrigation system being used;
- the types of products or crops produced per year per land parcel;
- the equipment required to cultivate the land;
- the location, size, use etc. of current storage facilities;
- reasons for the inadequacy of the existing storage facilities;
- purpose(s) of the proposed storage building and a concrete indication of how this will positively contribute to the operation of the holding;
- reasons for the choice of site and details of its relationship to the land and to other buildings owned or leased and farmed by the applicant;
- distance of the site from the nearest rural settlement where a building could be located;
- the turnover from the Pitkali or any other officially audited records of production supported by official VAT receipts (excluding any unofficial documentation, including handwritten notes, etc); and
- where the storage is for a vehicle used exclusively for the tilling of land, proof of sole ownership of that vehicle and that the vehicle is officially registered as agricultural.

This information will enable the Authority, based on the advice provided by the Department of Agriculture, to consider the extent to which new storage is essential, and, equally important, essential on the site proposed.

2.4.3 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 similar agricultural machinery. For instance, proposed storage buildings for the garaging of vehicles (including 4x4 vehicles), which are normally available for use for other purposes other than for the working of agricultural land, are not acceptable.

2.4.4 Criterion 3 sets out the upper limit on the size of the building which may be permitted, relative to the size of holding, in order to ensure that the building is essential and that its impact is similarly limited. These floorspace limitations relate to both new buildings and to extensions (including the existing buildings); they are also cumulative and are to be taken together with existing buildings in the area. The holding sizes refer to both dry and irrigated land, making no distinction between the two, but non arable agricultural land including garigue or stone/rock and arable land used for the production of fodder should not be included. Also, in order to be eligible for the construction of a storage building, or for an extension, the applicant must not have any other building which could be used for storage purposes.
2.4.5 Preference is given to the use of existing buildings but where a new building is essential it should be located adjoining existing buildings (where available), again to limit landscape impact. Storage buildings should be carefully sited, designed and landscaped to minimise any impacts on the rural environment in which they are situated, following the advice in Part 5. Where the farm holding is fragmented, or located close to a settlement, then it may be possible and preferable to locate a new storage building in a rural settlement as designated in a Local Plan (where this would conform to the relevant policies of the Plan). Normally, the maximum permissible height of storage buildings (including the roof slab and optramorta) is 3.2 metres (measured externally). However, in exceptional cases, a maximum height of 3.75 metres (measured externally) may be permitted if the Authority is satisfied that such height is required for the storage of particular agricultural equipment/machinery that necessitates such height. In certain cases it may be possible to site buildings so that their height above the level of the surrounding land is below the permitted height.

2.4.6 If the arable farm has not operated in accordance with any development permit, or development has been undertaken without permission, then this situation must be rectified (i.e. sanctioned) before permission will be granted for further development.

2.4.7 Criteria 5 and 6 list locations where proposals for the construction of new storage buildings, or extensions, will not be permitted, including particular protected areas. It is also important that the development does not take place in particular locations, as follows: on land which is of ecological, scientific, landscape, cultural or archaeological value; in the vicinity of watercourses and other important water resources (e.g. boreholes, pumping stations, etc); and on slopes having a gradient higher than 1 in 6, in order to prevent erosion and environmental damage during and after the construction phase. It will also be important to ensure that any existing buildings which are to be demolished or replaced by new buildings are not of architectural or historic interest. It is equally important to examine issues related to site configuration and access to the site in order to determine whether the proposed development would lead to consequent adverse environmental impacts during the construction phase.

2.4.8 As with livestock buildings, it will be necessary to require the applicant to enter into a planning obligation to restrict or prohibit the transfer of ownership of the storage building. Since there is normally no necessity for storage buildings to be provided with infrastructure services, like water and electricity, and in order to help prevent potential abuse by unauthorised changes of use, a condition will be imposed on permissions prohibiting the provision of these services. However, there may be few exceptional cases where electricity services may be required for the cold storage of large quantities of crops harvested from large arable farms (arable farms consisting of 10 tumoli of arable land or more) under intensive cultivation (excluding fodder and similar produce). In such cases, cold storage, where justified on the basis of the types of crops produced and the rate of crop production per season/year, can be provided within the storage building itself or underground, beneath the main storage building, provided that: (i) the footprint area occupied by the main storage building above ground level is not exceeded; and (ii) cold storage is small-scale and entirely ancillary to the arable farming activity and the main storage building (also see the relevant general policy on the provision of services in Part 1 of this document). No new building for such purpose (cold storage) will be permitted ODZ.
2.4.9 Again as with a building for livestock, since a storage building (including any ancillary cold storage – where applicable) for an arable farm is an exception to the general restriction on new buildings ODZ, it should continue to be used for that purpose. In accordance with Policy 2.4B, the Authority will not grant permission for a change of use of storage buildings (or cold storage) intended for arable farming into a non agricultural use.

2.5 AGRICULTURAL STRUCTURES: GREENHOUSES

POLICY 2.5: GREENHOUSES

Permission may be granted for the erection of a greenhouse, provided that all of the following criteria are satisfied:

1. the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:
   a. the applicant
      i. is a farmer, registered as an arable farmer with the Department of Agriculture, and
      ii. manages an arable farm that is registered in his/her name with the Department of Agriculture; and
   b. the proposal is essential to the needs of agriculture and considers that it is essential for the greenhouse to be located in the area, and on the site, proposed.

   The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the site and the existing activity are operated in conformity with all permissions granted by the Authority (or its predecessors);

2. the proposed greenhouse is located on arable land registered in the name of the applicant with the Department of Agriculture;

3. the applicant submits an official statement from the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed development is not located within a buffer zone of 30 metres radius from watercourses and sources used for the abstraction of water intended for human consumption or intended for future such use, such as boreholes, underground pumping stations and spring gallery systems;

4. the proposed development is not located within:
   a. a distance of 50 metres from a ridge; and
   b. a scheduled, listed, designated or protected:
      i. Area of Ecological Importance
2.5.1 **Policy 2.5** deals with proposals for greenhouse developments. Greenhouses include glass and metal or wood structures, and the much more common polythene and metal structures, and may take the form of high or low tunnels with a single span or a number of spans. All these protected cropping structures are intended for intensive crop cultivation, in part to overcome some of the climatic and other constraints on fruit and vegetable production. The pressure for this type of development is likely to increase in the future. 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, cultural, archaeological, landscape and other value are protected.
2.5.2 Criteria 1 and 2 seek to ensure that greenhouse development is restricted to those cases where there is a genuine agricultural need. Moreover, proposals which would be tantamount to the creation of a new greenhouse unit (a protected cropping structure with no other land, for example) require careful evaluation to ensure that they are genuine and viable, hence essential to the needs of agriculture. This also applies to extensions to existing greenhouse units. Hence, in both cases (i.e. new greenhouses and additions to existing greenhouse units), the applicant shall be requested to submit a report indicating:

- the size of the unit, and the location of the other land registered in the name of the application with the Department of Agriculture;
- the nature of the current farming enterprise (type, amount etc. of crops grown);
- the proposed function of the structure – crops to be grown, projected yields and financial return – how this will contribute to the increased efficiency and viability of the farm unit;
- availability of water sources; and
- rationale for the choice of site, including reasons for the rejection of alternative locations on the applicant’s land.

2.5.3 Glass, and to a lesser extent polythene, are reflective in bright sunlight and so tend to be very visible and therefore, intrusive in the rural scenery. This visibility is exacerbated by the generally large size of the structures, given that the average footprint of a single-span ‘greenhouse’ is around 500 square metres (500m²). Therefore, greenhouses are likely to have a significant impact on the countryside and its character (also see Policy 1.3A). Careful consideration must be given to their location in order to maintain and enhance the character and quality of affected rural landscapes, and paragraph 5.2.1 of Part 5 provides further guidelines in this regard. Greenhouse units also tend to be sited on valley bottoms or on shallow clay slopes where soils are fertile and have good water retention and thus they may be visible from surrounding higher ground. Criteria 3 to 5 indicate those locations where greenhouses will not be acceptable. Sites where the structure would break the skyline and so be particularly intrusive should be avoided, and the structures should be set back at least 50 metres from a ridge. Account will also be taken of the cumulative impact which a number of greenhouses may have on a particular area (criterion 5). Grouping these structures may reduce the spatial extent of their impact but, conversely, may intensify this impact on a specific area, so that a balance should be achieved.
2.5.4 Landscaping is necessary to reduce the visual impact of structures on the landscape. Greenhouses should, where possible, be orientated in a north-south direction to receive maximum sunshine conditions during the winter months, and planting should take account of this orientation. Planting may, though, be difficult unless there is sufficient site area to avoid overshadowing of the structure by trees and therefore, greenhouses should not cover the entire site. Rubble walls may also help screen views, provided that these are maintained, repaired, restored and/or constructed properly in traditional methods and materials - Appendix 2(C) illustrates some examples of good and bad practices of rubble walling in the Maltese Islands. Alternatively, greenhouse units may be sited amongst other buildings to minimise visual impacts.

*Photo:* Intensification of greenhouses in a particular rural area (MEPA)

*Photo:* Examples of greenhouses screened through landscaping (MEPA).

*Photo:* An example of exposed greenhouses without landscaping (MEPA).
2.5.5 Recently, farmers have shown particular interest in the construction of concrete floors under greenhouses in order to reduce risks of nitrates pollution and to avoid soil-borne diseases as an alternative to methyl bromide. The EU Nitrates Directive requires Member States, and therefore also Malta, to prepare and implement a Code of Good Agriculture Practices (CoGAP) and an Action Programme for areas designated as Nitrates Vulnerable Zone (NVZ). The EU expects Member States to address the issue of nitrates pollution from agriculture through, in particular, the implementation of the CoGAP and the Action Programme.

2.5.6 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 wide-spread. 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. MEPA will require confirmation from the Department of Agriculture 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.

2.5.7 As with other forms of agricultural activity carried out within buildings or structures, the disposal of waste from, and the prevention of pollution by, protecting cropping requires careful consideration.

2.5.8 Proposals for storage buildings associated with greenhouses will be considered in accordance with the criteria set out in Policy 2.4.

2.6 AGRICULTURAL STRUCTURES: RESERVOIRS AND PUMP CHAMBERS

### POLICY 2.6A: RESERVOIRS AND PUMP CHAMBERS

Permission may be granted for the construction of reservoirs and pump chambers, provided that all of the following criteria are satisfied:

1. **The applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:**
   - (a) the applicant is a farmer, registered as an arable farmer with the Department of Agriculture;
   - manages an arable farm that is registered in his/her name with the Department of Agriculture; and

2. **(b) the proposal is essential to the needs of agriculture.**
The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the site and the existing agricultural activity are operated in conformity with all permissions granted by the Authority (or its predecessors);

(2) the structure(s) is/are located on arable land registered in the name of the applicant with the Department of Agriculture;

(3) the proposed structure(s) is/are not located within a scheduled, listed, designated or protected:
   • Area of Ecological Importance (Level 1 / Level 2)
   • Site of Scientific Importance (Level 1 / Level 2)
   • Area or Site of Archaeological Importance (including a buffer zone under Class A and B);

(4) the proposed development would not have an adverse impact on areas of quaternary deposits;

(5) the proposed structure(s), together with other similar structures on adjoining or nearby land, would not detract from the character and scenic value of the rural area;

(6) in relation to any proposed reservoir, the applicant submits
   (a) an official statement from the Malta Resources Authority stating, to the satisfaction of MEPA, that:
      • the proposed reservoir is likely to be used for the collection and storage of surface water runoff which is conveyed in nearby country roads and/or from roof(s) of existing structures; and/or
      • groundwater has been identified as a source of water for such reservoir and that the applicant is in possession of a valid permit/licence, issued by the Malta Resources Authority, for the abstraction and use of groundwater from a borehole (or a spring) that is officially registered in the name of the applicant;
   (b) an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that a reservoir of the size proposed is essential to the satisfactory operation of the arable farm and that it would significantly increase productivity and soil and water conservation;

(7) the Authority will only permit pump chambers which would serve existing reservoirs;

(8) in relation to any proposed pump chamber, the applicant
submits an official statement from:

(a) the Department of Agriculture stating, to the satisfaction of MEPA, that the proposed pump chamber would be used to pump water to another reservoir which is located on higher grounds or for irrigation purposes; or

(b) the Malta Resources Authority stating, to the satisfaction of MEPA, that the proposed pump chamber will be used to extract water from an officially registered borehole (or spring) in accordance with all valid permits or licences issued by the Malta Resources Authority; and

(9) a reservoir does not exceed a height of 1.7 metres above ground level and a pump chamber does not exceed a height of 1.1 metres above ground level and a total footprint area (measured externally) of 4 square metres ($4m^2$), except that where a reservoir is proposed within a scheduled, listed, designated or protected area it shall be constructed totally below ground level and covered with soil.

2.6.1 **Policy 2.6A** makes provision for the development of reservoirs and pump chambers in order to support the sensitive conversion of dry agricultural land into irrigated land without resulting in adverse environmental impacts (also see Policies in Part 1). According to the Rural Development Department (2004), irrigated agricultural land (i.e. *raba` saqwi*) must have 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 having a minimum capacity of 100,000 gallons per tumolo; or (iv) a pipeline connected to any source mentioned in points (i) to (iii).

2.6.2 The recent increase in the amount of irrigated agricultural land is likely to continue, particularly as it has benefits in increased production, whilst the encouragement of the collection and reuse of surface water runoff will contribute to a reduction in the exploitation of groundwater and in flooding. In general terms these are trends which should be supported, but they may well, together with agricultural land fragmentation and the small size of arable farm holdings, lead to a continuing, and perhaps increasing, pressure for additional structures for the storage and distribution of water. Therefore, the Authority will assess proposals for reservoirs and/or pump chambers in relation to adjacent land holdings (including existing structures) which are registered in the name of the applicant with the Department of Agriculture.
2.6.3 Most of the proposals for reservoirs are expected to be related to the conversion of dry agricultural land to irrigated land. Similarly to greenhouses, irrigated arable land is normally associated with intensive farming, whereby the annual rate of application of pesticides and fertilisers on fields is likely to be much higher than that applied on traditional arable farms in order to ensure continuous production of crops throughout the year. However, in sensitive locations, such as on sloping land, within protected areas and in the vicinity of natural habitats and watercourses, intensive farming practices may lead to adverse environmental impacts, including damage to biodiversity and pollution. Conversion of traditional farmland to intensive farming systems may also result in the removal of trees and shrubs from the periphery of fields in order to increase the total amount of land area under crop production, at the expense of wildlife and traditional ecological corridors. Therefore, the impact on the traditional rural landscape may also be significant. When considering proposals for reservoirs, the Authority will pay particular attention to these possible environmental impacts and will consider the possibility of adopting suitable mitigation measures or alternative solutions to address such concerns; examples include: (i) the establishment of management agreements with farmers in or near protected areas; and (ii) compliance with the requirements of the Code of Good Agricultural Practices and the Good Farming Practices.

2.6.4 In accordance with the Development Notification Order (DNO), many agricultural reservoirs and pump chambers do not require a full development permit. Such exemption has in many cases resulted in attempts to obtain clearance for other development (including non-agricultural) or illegal extraction of groundwater, hence it is important to provide appropriate policy safeguards. In particular, the Authority will assess whether the proposed reservoir is likely to be used for the collection and storage of surface water runoff conveyed in nearby country roads and/or from roofs of existing structures: reservoirs should be sited in suitable locations, preferably adjacent to existing rubble walls, in order to facilitate the collection of surface water runoff and its distribution to other agricultural holdings that are managed by the same applicant in the vicinity of the site. Therefore, the siting of the proposed reservoir(s) in relation to existing buildings/structures (if any); nearby country roads and pathways; the gradient of the land; and the distribution of the applicant’s agricultural land holdings in the vicinity of the area, requires particular attention. In carrying out such assessment, the Authority will also rely on the expertise of the Malta Resources Authority. Also, pump chambers are essential for the distribution of water to reservoirs which are normally located on higher grounds or to extract water from a borehole or spring. In case of the latter, the applicant shall have an officially registered borehole (or spring) on the same site of the proposed pump chamber and shall be in possession of a valid permit or licence issued by the Malta Resources Authority which authorises the applicant to extract water from the borehole (or spring).
2.6.5 Policy 2.6A encourages the provision of new water storage capacity for irrigation of agricultural land, whilst minimising any adverse environmental impacts. The permitted dimensions for pump chambers, as specified in the DNO Regulations, are considered to be adequate to cater for the needs of agriculture and to limit the impact of such structures on the rural landscape. However, the permitted dimensions for reservoirs, as specified in the DNO Regulations, may not be adequate to cater for the needs of farmers having large agricultural holdings.

2.6.6 Where considered acceptable, the conversion of dry agricultural land to irrigated land requires a reservoir with a capacity of 100,000 gallons (455 cubic metres) per tumolo (Rural Development Department, 2004). This implies that for every 1 tumolo of dry agricultural land, the applicant would require a reservoir with a capacity of 455 cubic metres, that is, a reservoir with a total floor area of not more than 100 square metres and a depth of between 4 to 5 metres. Proposed reservoirs having a capacity of more than 455 cubic metres per tumolo will not be considered acceptable, unless the total land area of the dry agricultural land holding that would be served by the reservoir is larger than 1 tumolo in size and the Authority, in consultation with the Department of Agriculture, is satisfied that the proposal is justified and essential to the needs of agriculture in accordance with Policy 2.6A.

2.6.7 For agricultural holdings larger than 1 tumolo in size, 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, i.e. at a rate of 455 cubic metres per tumolo. In determining the genuine need for proposed reservoirs, the Authority will only have regard to the total land area of the applicant’s dry agricultural land that the reservoir is intended to serve, unless the proposal is related to an existing reservoir. 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.

2.6.8 Development of reservoirs at a capacity rate of 455 cubic metres per tumolo may lead to: (i) the construction of reservoirs of a considerable size; and/or (ii) proposals for more than one reservoir per holding, with a consequent adverse impact on the rural landscape. Therefore, the Authority will normally require that proposed reservoirs be constructed totally below ground level and covered with soil even outside scheduled, protected, listed and designated sites/areas. Alternatively, the applicant has to justify and demonstrate, to the satisfaction of the Authority that the proposed reservoir(s) can not be constructed totally below ground level; where relevant, the applicant also has to justify why the total floor area for reservoirs above ground level, as permitted by the DNO, is not adequate. The maximum permitted height for reservoirs above ground level is specified in criterion 9 of Policy 2.6A.

2.6.9 Reservoirs proposed to be constructed above (or partly above) ground level should preferably be covered in order to reduce the rate of water evaporation, particularly during the dry season. Covering of open reservoirs should be achieved through means that are compatible with the rural environment, such as assembled sheets of reeds or plantation of indigenous trees adjacent to reservoirs to create shade, without making use of any building material like concrete slabs, concrete roofs or building stone.
2.6.10 Where the proposed reservoir should be constructed totally underground, it 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 0.5 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.

2.6.11 Since the structures which would be subject to this policy could exceed the DNO dimensions for permitted structures (as stated in the preceding paragraphs), the need for them must be clearly demonstrated. The applicant should submit a statement which indicates:

- the reasons for the choice of site, and how it relates to the land farmed by the applicant;
- the presence of any existing reservoirs/pump chambers on the applicant’s holding;
- the main reasons why the proposed reservoir can not be located totally underground;
- in case of open reservoirs, the details (also shown on plans/drawings) of the proposed method through which the open reservoir would be covered;
- in case of underground reservoirs, the details (also shown on plans/drawings) of the proposed manhole, sump and covering of the underground reservoir with soil;
- the location of the water source;
- a description of the catchment area from which rain-water run-off would be collected/pumped, e.g. roof of adjoining building(s) or an adjoining road;
- a plan of the ancillary conditions through which runoff water would be diverted into the reservoir / pumped from the reservoir, e.g. gutters in roads, canals and/or pipe work;
- the rationale for the requirement for a structure of the size proposed, including how it will contribute towards increased productivity and/or soil and water conservation; and
- why a structure of the dimensions permitted by the DNO is insufficient.

This policy also lists those areas or locations where these structures (both reservoirs and pump chambers) should not be sited. In addition to the areas/sites of ecological, scientific or archaeological importance, this policy protects areas of quaternary deposits since these would be adversely affected by the excavation of reservoirs.
POLICY 2.6B: TRADITIONAL WIND-DRIVEN PUMPS

The Authority will support proposals for the installation of traditional wind-driven pumps (“raddiena”), as an alternative to pump chambers, provided that the proposed structure:

1. is intended to serve an existing reservoir;
2. is not located on land of ecological, scientific, landscape, cultural and/or archaeological value;
3. is not located within a schedule, listed, designated or protected:
   - Area of High Landscape Value
   - Area of Ecological Importance (Level 1 / Level 2)
   - Site of Scientific Importance (Level 1 / Level 2)
   - Area or Site of Archaeological Importance (including a buffer zone under Class A or B); and
4. satisfies criteria (1), (2), (5) and (8) in policy 2.6A.

2.6.12 **Policy 2.6B** encourages farmers to establish traditional wind-driven pumps on their arable farms (the “raddiena”), as an alternative to pump chambers. Traditional wind-driven pumps operate with wind power and therefore, are a form of renewable energy installation.

2.6.13 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; such impacts are more associated with the visual clutter that these structures could create in particular rural areas. Therefore, this policy also identifies particular locations where the Authority will not allow these types of installations. Where permitted, proposed traditional wind-driven pumps must be sited in such a way so that any possible adverse impact on the landscape and/or character of local rural areas is avoided or mitigated.

Photo: Traditional wind-driven pump (MEPA)
### POLICY 2.7: LAND RECLAMATION

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

1. the Authority is satisfied that the proposal:
   - would improve and enhance the environment of the rural area;
   - respects the topography of the site and the surrounding area;
   - would not have an adverse impact on the hydrological characteristics of the area; and
   - is consistent and compatible with the rural character and landscape of the surrounding area;

2. the land affected by the proposed development is not of ecological, scientific, landscape, cultural and/or archaeological value; and

3. the applicant demonstrates, to the satisfaction of the Authority, that the surrounding area, particularly where it is of ecological, scientific, landscape, cultural and/or archaeological value, is safeguarded.

#### 2.7.1 Policy 2.7

Policy 2.7 deals with the reclamation of land for agricultural purposes. It is the policy of the Department of Agriculture to increase the amount of land under vines, to raise local production of quality wine grapes using modern vineyard management techniques. This will involve the conversion of non agricultural land (which is development) as well as the use of current agricultural land (for which development permission is not required). Elsewhere viticulture offers the potential for the rehabilitation of abandoned fields, or indeed of abandoned quarries, with a consequent positive impact on the landscape. Permission for new vineyards is required from the Department of Agriculture.

#### 2.7.2

The reclamation or conversion of non agricultural land for vineyards or for arable uses is acceptable provided that the land is not of any ecological, scientific, landscape, cultural 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 ‘reclamation’ 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. Moreover, the Authority must be satisfied that the proposed development will not have an adverse environmental impact, including indirect impacts, on any scheduled, listed, designated or protected area, site or feature. Also, when assessing proposals for the reclamation 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.

2.8 WINERIES

**POLICY 2.8A: CONVERSION OF EXISTING BUILDINGS FOR PROCESSING AND PRODUCTION OF WINE**

Permission may be granted for the change of use or conversion of an abandoned or under-utilised agricultural building ODZ for the processing and production of wine (a winery), provided that all of the following criteria are satisfied:

1. the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:
   a. the applicant is a farmer, registered as a vine grower with the Viticulture and Oenology Unit of the Department of Agriculture, managing a registered vineyard holding for at least 2 consecutive years prior to the application in accordance with valid ‘planting rights’ granted by the same Department; and
   b. the proposed use is essential to the needs of agriculture; and
   • and the vineyard holding it is intended to serve are complementary and will operate as one unit.

The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the site in question is in conformity with all permissions granted by the Authority (or its predecessors);

2. the existing building is located in, or immediately adjoining, the vineyard holding it is intended to serve;

3. the Authority is satisfied that the existing building is genuinely under-utilised or abandoned and that the conversion will not result in a proposal for the construction of a replacement building;

4. where the proposal entails the erection of an extension to the existing building, the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that such an extension is essential to the operation of the winery. Where justified, the Authority may only grant permission for an extension of limited scale. The footprint of the extension shall not exceed 25% of the footprint area (measured externally) of the existing building (limited to a once and for all extension and if there is more than one building, to an
extension to one building only), provided that the resultant total floorspace (measured externally) of the existing building together with the proposed extension does not exceed 150 square metres ($150m^2$). No extension will be permitted to existing buildings having a total floorspace (measured externally) of 150 square metres or more; and

(5) the applicant submits official statements from the Department of Agriculture and the Department of Health stating, to the satisfaction of MEPA, that the proposed development satisfies:

(a) all relevant official hygiene and health standards; and

(b) all other requirements leading to the licensing of the applicant to operate as an official vintner and the building to function as a winery.

The applicant shall be required to enter into a planning obligation to tie the use and operation of the winery to the operation of the vineyard, so that the Authority is satisfied that the winery and the vineyard remain complementary and operate as one unit.

2.8.1 For clarification purposes, the term:

- ‘authorised vine varieties’ refers to the vine varieties listed in the Classification of Vine Varieties (Production of Wine Grapes) Regulations, 2006 under the Wine Act of 2001, certified by the Viticulture and Oenology Unit of the Department of Agriculture;

- ‘consolidated land holding’ refers to separate vineyard plots (normally each plot is enclosed by rubble walls) that are located contiguous to each other, and may constitute or form part of the applicant’s entire vineyard holding;

- ‘planting rights’ refers to a “right given to a grower to plant vines for the purpose of establishing new vineyards, for varietal reconversion and for the renewal of vines, in specific areas over a determined period of time” and which are granted by the Viticulture and Oenology Unit of the Department of Agriculture;

- ‘registered vineyard’ refers to a vineyard (i.e. arable agricultural land covered by authorised vine varieties for production of grapes) that is registered in the name of the applicant with the Department of Agriculture in accordance with the requirement of the Wine Act, 2001;

- ‘vineyard holding’ refers to all vineyards that are registered in the name of the same person (the applicant) with the Viticulture and Oenology Unit of the Department of Agriculture; such vineyards may be owned or directly leased to the applicant;

- ‘vintner’ refers to “any person who produces wine and must to be sold, and includes, where applicable, with reference to the marketing of wine and must, any merchant other than a retailer” (Wine Act, 2001); and
• ‘winery’ refers to “any premises in which wine is prepared, processed and stored before it is sold or offered for sale” (Wine Act, 2001).

2.8.2 According to the Wine Seminar “Challenges and Opportunities for European Wines” (European Commission, February 2006), the main objectives of the reform of the common organisation of the wine sector in the EU should ensure that supply is driven by market demand, competitiveness and sustainability in order to, amongst other important factors: satisfy and reflect the requirements and preferences of consumers; improve competitiveness of European wines by focusing on quality and marketing; ensure that wine production is sustainable in economic, cultural, social and environmental terms; and modernise the wine industry while preserving the authenticity and character of wines and safeguarding the characteristics of the European vine landscapes which give them their typical features (European Commission, 2006).

2.8.3 The EU classifies its wines into two broad categories: quality wines produced in specific regions (also known as ‘quality wines psr’) and table wines. Malta, like other new Member States, is making a notable progress in encouraging new plantation of vineyards according to its established quota of ‘planting rights’ and in the classification of its local wines according to their type and quality. Similar to other EU Member States, Malta has the right conditions to produce its local ‘quality wines psr’. Malta’s potential to produce such wines is acknowledged by Article 6 of Council Regulation (EC) No. 1493/1999 (as amended) which states that Malta’s permitted new planting rights, i.e. up to a maximum of 1,000 hectares, shall be allocated for the production of ‘quality wine psr’. Moreover, Article 29 of Commission Regulation (EC) No. 753/2002 as amended by Commission Regulation (EC) No. 1429/2004 authorises Malta to distinguish and label its ‘quality wines psr’ as ‘D.O.K.’ meaning ‘Denominazzjoni ta’ Origini Kontrollata’; this is expected to result in the production of “Gozo” DOK quality wines and “Malta” DOK quality wines.

2.8.4 Although new vineyards are encouraged, the growth in the production of vines in Malta should take place without resulting in environmental damage (e.g. illegal reclamation of natural sites; alteration of site configuration and site levels; loss of traditional landscape features [both natural and man-made]; disruption or loss of terracing; etc.) or in creating pressure for unnecessary development in the countryside. The wine-making process (including crushing of grapes, fermentation, bottling and storage) is an industrial operation. With the widespread availability of designated industrial land and the consequent minimal travel time/distance for the transport of grapes, wineries can be located on industrial land within the development zone boundary. Moreover, the basic EU rules for the production and classification of ‘quality wines psr’, as set out in Annex VI to Regulation (EC) No. 1493/1999, do not require that such wines be prepared, processed and/or bottled on the vineyard holding or in its vicinity.

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9 as amended by Commission Regulation (EC) No. 1429/2004
immediate vicinity. Given that all of the vineyards in the whole of Malta and Gozo are considered suitable for the production of ‘quality wines psr’\textsuperscript{10}, new winery buildings can be accommodated within designated industrial areas without affecting the quality of local wines or their designation as ‘D.O.K’.

2.8.5 However, a small-scale ‘estate’ winery may offer the opportunity for the renovation or reuse of an abandoned or under-utilised building in the countryside (Policy 2.8A), especially if coupled with or part of a farm diversification project of the kind considered in Part 3. Criterion 1 of Policy 2.8A sets out the main eligibility conditions, most of which deal with official licences and registrations\textsuperscript{11}, and the operation of the activity in accordance with relevant national\textsuperscript{12} and EU legislation. The registered vineyard holding that the proposed winery is intended to serve must have already been operational for at least 2 consecutive years before the application for development permission. Also, it is important to ascertain that the applicant’s valid ‘planting rights’ (in terms of location, amounts and types of authorised vine varieties), the size of the registered vineyard holding, the scale of the proposed winery and the expected rate and capacity of wine production per year are interrelated.

2.8.6 Therefore, in order to determine that the proposed winery is essential to the needs of agriculture, the applicant will be required to submit a project description statement, indicating:

- the applicant’s experience in wine-making and/or in managing vineyards for the production of wine, certified by the Viticulture and Oenology Unit of the Department of Agriculture;
- the turnover from officially audited records of production/sale of vine grapes supported by official VAT receipts (excluding any unofficial documentation, including handwritten notes, etc.);
- the reasons for the choice of site, the alternatives considered and the reasons for their rejection;
- the location, size, use, etc. of current facilities (if any) and the reasons for the inadequacy of such existing facilities;
- the size of the vineyard holding - the total land area covered by vines within the applicant’s holding - registered in the name of the applicant with the Viticulture and Oenology Unit of the Department of Agriculture and the location of such vineyard holding from the site of the proposed development;
- the number of years the vineyard holding has been in operation, certified by the Viticulture and Oenology Unit of the Department of Agriculture;
- the types of vine varieties grown in the vineyard holding;
- the different types of wines intended for production from the proposed winery;
- the adopted methods for, and the rate of, wine production including processing, fermentation, bottling and storage by type per year;

\textsuperscript{11} Article 5(3) of the Wine Act states that “No person shall produce grapes for wine production or use any land for the growing of grapes for wine production unless the person is registered as a grower and the land under vine is registered with the Department”
\textsuperscript{12} Act XXII of 2001 (Wine Act)
• the scale and type of equipment and machinery used during the entire process, including plantation, maintenance, harvesting, processing, bottling, storage, etc.;
• the availability of water sources and the type of irrigation system used in the management of the vineyard holding;
• the types and scale of uses to be accommodated within the winery building; and
• the likely traffic generation, including patterns, frequency etc of movement of raw materials and finished products to and from the site, etc.

2.8.7 The project description statement must include a clear and detailed description of the whole activity, including the number of workers employed/to be employed, the type and extent of on-going maintenance works required and the entire wine-making process. Also, the applicant shall be requested to submit official evidence that he/she is in possession of valid ‘planting rights’, granted by the Viticulture and Oenology Unit of the Department of Agriculture, for the plantation of authorised vine varieties within the vineyard holding. In order to operate a winery, the applicant must also obtain a valid licence, issued by the Department of Agriculture upon inspection/certification of the building by the Department of Health, to operate as an official vintner. Therefore, the proposed development shall be endorsed/certified by the Department of Agriculture and the Department of Health in order to demonstrate, to the satisfaction of MEPA, that the proposal satisfies all relevant official hygiene and health standards and all other requirements leading to the eventual licensing of:
• the applicant to operate as an official vintner; and
• the building to function as a winery.
A copy of the plans and drawings must be endorsed/approved by the Department of Agriculture and the Department of Health and shall be submitted together with the application for development permission.

This evidence/information will enable the Authority, based on the advice of the Viticulture and Oenology Unit of the Department of Agriculture, to consider the extent to which the proposal is essential to the needs of agriculture. For proposals involving extensions, in addition to the information noted above, the report should clearly demonstrate why the building needs to be extended and how the extension is essential to the operation of the winery. The Authority will place great emphasis on the use of underground space below the main buildings, for the accommodation of facilities that are ancillary and complementary to the main agricultural activity (e.g. cellars), provided that the footprint area occupied by the main building(s) at ground level is not exceeded.

2.8.8 The remaining criteria are largely directed to ensuring that the impact of development on the landscape and any building of architectural or historical value is minimised. In particular, extensions (which may include the excavation of cellars below ground level) should be small scale and well designed; proposals for the disposal of waste should be satisfactory; and the road network is capable of accommodating the type and volume of traffic which will be generated by the activity.
POLICY 2.8B: CONSTRUCTION OF NEW BUILDINGS FOR PROCESSING AND PRODUCTION OF ‘QUALITY WINE PSR’ (NEW WINERIES)

The preferred location for new winery buildings is on land designated in a Local Plan (or within the Development Zone) for industrial development.

Permission for the construction of a new winery building ODZ may only be granted for the processing and production of ‘quality wine psr’, provided that all of the following criteria are satisfied:

(1) the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that the proposal is essential to the needs of agriculture, and that:

   (a) the applicant is a farmer, registered as a vine grower with the Viticulture and Oenology Unit of the Department of Agriculture, managing a registered vineyard holding for the production of ‘quality wine psr’ for at least 2 consecutive years prior to the application in accordance with valid ‘planting rights’ granted by the same Department;

   (b) the applicant’s registered vineyard holding occupies a total land area that is covered by vine varieties of the species *Vitis vinifera* of at least 2 hectares in size, all of which should be owned by the applicant and located within a radius of 500 metres from the site of the proposed development; and

   (c) the proposed winery building and the applicant’s vineyard holding it is intended to serve are complementary and will operate as one unit for the production of ‘quality wine psr’, which would be:

       - produced from vine varieties of the species *Vitis vinifera* that are grown in and harvested from the applicant’s vineyard holding; and

       - processed, produced and bottled in the proposed winery building on the applicant’s vineyard holding,

           in accordance with EU standards/requirements and the applicant’s valid licences and ‘planting rights’.

The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the site in question is in conformity with all permissions granted by the Authority (or its predecessors);

(2) the applicant is not operating and is not the owner of any
other winery ODZ;

(3) the Authority may only permit 1 (one) winery building per holding, even if the applicant owns or manages separate vineyards and/or vineyards in different ‘geographical units’ as designated by the Department of Agriculture;

(4) the proposed winery building is located directly on the applicant’s vineyard holding (see criterion 1b of this policy), more specifically on a consolidated land holding that occupies a total land area that is covered by authorised vine varieties for the production of ‘quality wines psr’ of at least 1 hectare, all of which shall be owned by the applicant;

(5) there is no disused or under-utilised building on the applicant’s vineyard holding which could be used or converted for this purpose;

(6) the proposed winery is not located within a scheduled, listed, designated or protected area or site and the land is not of ecological, scientific, landscape, cultural, or archaeological value;

(7) the proposed new winery building is of a design, in accordance with the guidelines in Part 5 (also see Section 5.7 in Part 5), such that it does not detract from the character and scenic value of the rural area. The proposed winery shall consist of a single building not exceeding:

- a height of 7 metres measured externally from existing ground level;
- a total footprint area of 150 square metres, measured externally at existing ground level; and
- a total floorspace of 220 square metres above ground level (measured externally) and 180 square metres entirely below ground level,

except that, where the applicant’s vineyard holding has a total land area that is covered by vine varieties of the species *Vitis vinifera* of more than 5 hectares in size, the Authority may permit an additional increase to the basic permitted floorspace of the winery building by up to 20 square metres for every additional hectare over the basic 5 hectares;

Any permitted increase to the basic floorspace of a proposed winery building shall be distributed as follows:

- at least 90% of such increase must be provided entirely below ground level, distributed amongst the areas used for fermentation, bottling and wine storage/barrique area; and
up to 10% of such increase may be provided at ground floor level, distributed between the areas used for storage and grape crushing only; and

(8) the applicant submits official statements from the Department of Agriculture and the Department of Health stating, to the satisfaction of MEPA, that the proposed development satisfies:

(a) all relevant official hygiene and health standards; and
(b) all other requirements leading to the licensing of the applicant to operate as an official vintner and the building to function as a winery.

The Authority will impose a condition on all development permissions granted for new winery buildings ODZ requiring that, should the winery cease to be used for the permitted purpose (including abandonment of the winery or the vineyard), it should be demolished and removed from the site and the land should be restored/rehabilitated to the satisfaction of the Authority in accordance with an acceptable method statement.

The applicant will be required to enter into a planning obligation to:

• tie the use and operation of the winery to the operation of the applicant’s vineyard holding, so that the Authority is satisfied that the winery and the vineyard, all of which contributing to the production of ‘quality wine psr’, remain complementary and operate as one unit; and
• carry out works to provide (or otherwise provide) wider environmental benefits, where the Authority considers this to be in the interest of the proper planning of the area.

POLICY 2.8C: CHANGE OF USE OF WINERY BUILDINGS

The Authority will NOT grant permission for the change of use or for the conversion of any winery into a non agricultural use, unless otherwise stated in the policies in this document or the Local Plan for the area.

2.8.9 The terms defined in paragraph 2.8.1 also apply to Policy 2.8B, which deals with proposals for the construction of new winery buildings ODZ.

2.8.10 According to the conditions attached to the ‘planting rights’ granted by the EU, Maltese wine-making processes should focus on the production of ‘quality wines psr’. As already mentioned in paragraph 2.8.4, it is not necessary to produce a ‘quality wine psr’ from a winery which is located directly on the
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Vineyard holding. However, the relevant EU Regulations\textsuperscript{13} make additional (optional) provisions for the designation and labelling of ‘quality wines psr’ that are produced and bottled directly on a vineyard holding from where the authorised vine varieties for such wines are grown, harvested and processed. Such additional information improves consumers’ appreciation, and the marketability, presentation and advertising, of local ‘quality wines psr’.

2.8.11 Policy 2.8B supports development that is essential for the production of Maltese ‘quality wines psr’ and therefore, it permits the construction of a new winery building ODZ on a vineyard holding, in suitable locations and under particular conditions. Provided that the basic dimensions and requirements are satisfied, as detailed in this policy, the Authority may only permit 1 (one) winery building per vineyard holding, irrespective of the location of the applicant’s vineyards (criterion 3). Moreover, it is important to ensure that the applicant is not operating and is not the owner of another winery ODZ (criterion 2). In part, this would limit the adverse impact of new winery buildings on the countryside.

2.8.12 Criterion 1 of Policy 2.8B sets out the main eligibility criteria for new winery buildings ODZ; Diagram 3 illustrates some basic policy concepts for the construction of new wineries ODZ. In particular, the applicant’s registered vineyard holding, for which the applicant (i.e. a registered vine grower) must possess valid ‘planting rights’ granted by the Viticulture and Oenology Unit of the Department of Agriculture for the plantation of authorised vine varieties of the species \textit{Vitis vinifera}\textsuperscript{14}, must:

(a) be registered with the Department of Agriculture and must have been operational – operated by the applicant – for at least 2 consecutive years prior to the application;

(b) occupy a total land area that is covered by authorised vine varieties (\textit{Vitis vinifera}) for the production of ‘quality wine psr’ of at least 2 hectares in size, which must be owned and managed by the same applicant and located within a radius of 500 metres from the site of the proposed development. \textbf{At least 1 hectare of such 2 hectares must consist of a consolidated land holding covered by authorised vine varieties, where the proposed winery building shall be located.} Therefore, vineyards that are either not owned by the applicant or leased to the applicant cannot be considered in relation to proposals for a new basic winery building ODZ.

2.8.13 Also, there may be vineyards that are managed by other vine growers and which are intended to serve the applicant’s winery for the production of ‘quality


\textsuperscript{14} Only authorised vine varieties of the species \textit{Vitis vinifera} may be used for the production of ‘quality wine psr’
2.8.14 It is also important to ascertain that the proposal and the entire activity, including the applicant's vineyard holding, are essential to the needs of agriculture. Therefore, the applicant will be requested to submit a Report similar to that outlined in paragraphs 2.8.6 and 2.8.7. In addition, the applicant shall also demonstrate, to the satisfaction of the Authority, that there are no buildings on the applicant's holdings that are suitable for reuse or conversion for this purpose.

2.8.15 Criterion 6 of the policy requires that new winery buildings ODZ shall be designed in such a way so that the rural character and scenic value of the rural area are respected; the acceptable design concept for new wineries ODZ is set out in Section 5.7 of Part 5 of this document. Criterion 6 also sets out the permitted basic dimensions and the permitted additional floorspace for new winery buildings ODZ in relation to the size of the applicant's vineyard holding (excluding any vineyards that are managed by other growers in relation to the applicant's winery).

2.8.16 As already explained above, to be eligible for a new basic winery building ODZ, the applicant must be the owner of a vineyard (covered by authorised vine varieties Vitis vinifera) of at least 2 hectares in size, 5 tumoli of which should consist of a consolidated land holding; the proposed winery shall be located on such 5 tumoli of consolidated land. The permitted dimensions for a new basic winery building ODZ would serve a vineyard holding of between 2 to 5 hectares in size. Where the applicant's vineyard holding is larger than 5 hectares, the Authority may permit additional floorspace to the basic winery building as specified in Criterion 7 of the policy; in such cases, the applicant is not required to be the owner of all vineyard plots that form part of his/her vineyard holding. Provided that the minimum required land area (i.e. a vineyard holding of 2 hectares which is: covered by authorised vines for 'quality wine psr'; owned and managed by the same applicant; located within a radius of 500 metres from the site of the proposed development; and consists of at least 5 tumoli of consolidated land) and the eligibility/locational requirements and prerequisites are satisfied, the Authority may also consider vineyards that are leased directly to the applicant – irrespective of their location – in order to determine whether any additional floorspace to the basic winery building is required (or otherwise). Only vineyards that are registered in the name of the same applicant with the Viticulture and Oenology Unit of the Department of Agriculture will be considered in relation to any possible increase to the permitted floorspace of the basic winery building.

2.8.17 In order to reduce the impact of such large-scale buildings in the countryside, most of the development, including any permitted additional floorspace, shall take place below ground level. In particular cases where the applicant's intention is to specialise and increase the rate of production of particular quality wines psr, the depth of the underground floorspace may need to be increased in order to accommodate larger and taller fermentation tanks. However, proposals for the expansion of ancillary facilities, including any wine tasting areas and office space, will NOT be permitted.

2.8.18 The remaining criteria are largely directed to ensuring that official standards on hygiene and health are met, that the impact of development on sensitive rural
areas is minimised and that the applicant should enter into a planning obligation to tie the operation and use of the entire vineyard holdings with the operation and use of the permitted winery. Where existing buildings are available on the applicant’s vineyard holding for reuse, the Authority would give preference to the conversion or redevelopment of such existing buildings into a winery building, provided that all relevant policies in this document are satisfied.

2.8.19 Also, the Authority will not permit the change of use of wineries into non-agricultural uses unless otherwise specified in other policies in this document or the Local Plan for the area (Policy 2.8C). With respect to abandoned or disused new winery buildings, i.e. excluding those wineries which were established through reuse or conversion of existing buildings, the Authority will impose a condition in the permit requiring the applicant to demolish the building (including any other ancillary facility) and to restore/rehabilitate the land in accordance with an acceptable method statement.
NOTE: This diagram is not to scale and is not intended for direct interpretation; the diagram illustrates particular policy concepts for clarification purposes only.
2.9 OLIVE OIL PRODUCTION

POLICY 2.9A: CONVERSION OF BUILDINGS FOR OLIVE OIL PRODUCTION

The preferred location for new buildings for olive oil production is on land designated in a Local Plan (or within the Development Zone) for industrial development.

Permission may be granted for the change of use or conversion of an abandoned or under-utilised agricultural building ODZ for olive oil production, provided that all of the following criteria are satisfied:

(1) the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:

   (a) the proposal is essential to the needs of agriculture; and
   
   (b) the applicant is a farmer, registered as an arable farmer with the Department of Agriculture, managing an officially registered olive grove for olive oil production for at least 2 consecutive years prior to the application.

   The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the existing olive grove is operated in conformity with all permissions granted by the Authority (or its predecessors);

(2) the Authority is satisfied that the building is genuinely abandoned or under-utilised and that the conversion will not result in a proposal for the construction of a replacement building;

(3) the proposed development is not of a scale such that it could be located in an industrial area;

(4) where the proposal entails the erection of an extension to the existing building, the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that such an extension is essential to the operation of the olive oil production activity. Where justified, the Authority may only grant permission for an extension of limited scale. The footprint of the extension shall not exceed 25% of the footprint area (measured externally) of the existing building (limited to a once and for all extension and if there is more than one building, to an extension to one building only), provided that the resultant total floorspace (measured externally) of the existing building together with the proposed extension does not exceed 150 square metres (150m²). No extension
(5) The applicant submits an official statement from the Department of Health stating, to the satisfaction of the Authority, that the proposed development satisfies all relevant official hygiene and health standards.

The applicant will be required to enter into a planning obligation to tie the use and operation of the building for olive oil production to the operation of the applicant’s olive grove, so that the Authority is satisfied that the use of such building and the olive grove in question remain complementary and operate as one unit.

**POLICY 2.9B: NEW BUILDINGS FOR OLIVE OIL PRODUCTION**

The Authority will NOT grant permission for the erection of a new building ODZ for olive oil production, unless such proposal is designated in the Local Plan for the area and it satisfies the requirements of that plan.

2.9.1 Policy 2.9A deals with development related to olive oil production. As noted earlier, the RDP gives encouragement to farmers to increase the quality of their products and to identify and cater to specific niche markets. It may be that, apart from wine production, the production of olive oil or other olive based products is one such market, and since local climatic and soil conditions are highly suitable for the growing of olives, there may be a growing pressure for this type of development. At present 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 existing buildings with the possibility of a limited extension. In particular, the olive oil production should not be of such a scale that it should be located in an industrial area and growers/producers, as well as the olive grove in question, should be registered with the Department of Agriculture; therefore, a registered olive grove refers to an olive grove that is registered with the Department of Agriculture.

2.9.2 Proposals for development for olive oil production should demonstrate that the production facilities are necessary and that olive production has been underway for at least two years prior to the application for development. 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 existing building space for such uses. Also, in order to minimise the amount of land dedicated to buildings above ground level, the Authority will place great emphasis on the use of underground space below the main building/s, for the accommodation of facilities/activities that are ancillary.
and complementary to the main activity, provided that the footprint area occupied by the main building is not exceeded.

2.9.3 Permission for the construction of a new building for olive oil production will not be permitted unless otherwise indicated in the Local Plan for the area (Policy 2.9B).

2.9.4 In order to determine whether the proposal is essential to the needs of agriculture and whether it is of such a scale that it should be located in an industrial area, applicants shall be required to submit a study of the farm enterprise which indicates:

- the applicant’s experience in olive oil production and/or in managing olive groves for olive oil production, certified by the Department of Agriculture;
- the turnover from officially audited records of production/sale of olives supported by official VAT receipts (excluding any unofficial documentation, including handwritten notes, etc.);
- the reasons for the choice of the site, the alternatives considered and the reasons for their rejection;
- the location, size, use etc. of current facilities (if any) and the reasons for the inadequacy of such existing facilities;
- the number of people employed/to be employed in the activity;
- the size of the olive grove(s) registered in the name of the applicant with the Department of Agriculture and the distance of such grove(s) from the proposed site;
- the number of years the olive grove has been in operation, certified by the Department of Agriculture;
- the type(s) of olive tree species used and the number of olive trees;
- the adopted methods for, and the periods and rate of, harvesting, pressing and processing of olives (for olive oil production) per year;
- the adopted methods for, and the rate of, olive oil production, including bottling, per year;
- the scale and type of equipment and machinery used during the whole process, including maintenance, harvesting, processing, bottling, etc.;
- the availability of water sources and the type of irrigation system used;
- the types and scale of uses/activities to be accommodated within the building; and
- the likely traffic to be generated by the activity, including patterns, frequency, etc of movement of raw materials and finished products to and from the site.

2.9.5 Therefore, the study should include a clear and detailed description of the whole activity, including the number of workers involved, the type and extent of on-going maintenance works required and the entire olive oil production process and sale. This evidence/information will enable the Authority, based on the advice of the Department of Agriculture, to consider the extent to which the proposal is essential, and whether it is of such a scale that it should be accommodated within an industrial area. For proposals involving extensions, in addition to the information noted above, the report should clearly demonstrate why the building needs to be extended and how the extension is essential to the operation of the winery.
<table>
<thead>
<tr>
<th><strong>POLICY 2.10A: DEVELOPMENT FOR BEEKEEPING</strong></th>
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<tbody>
<tr>
<td>Permission may be granted for the conversion of an abandoned or under-utilised agricultural building for storage of equipment related to beekeeping and/or honey production, provided that all of the following criteria are satisfied:</td>
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<tr>
<td>(1) the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:</td>
</tr>
<tr>
<td>(a) the applicant is an active beekeeper, registered as a beekeeper with the Apiculture Section of the Department of Agriculture, operating an officially registered beekeeping activity for at least 2 consecutive years prior to the application; and</td>
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<tr>
<td>(b) the proposal is essential to the needs of agriculture and will not lead to the cessation, or adversely affect the viability or operations, of an established agricultural activity.</td>
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<tr>
<td>The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the existing beekeeping activity is operated in conformity with all permissions granted by the Authority (or its predecessors);</td>
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<tr>
<td>(2) the Authority is satisfied that the building is genuinely abandoned or under-utilised and that the conversion will not result in a proposal for the construction of a replacement building;</td>
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<tr>
<td>(3) where the proposal entails the erection of an extension to the existing building, the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:</td>
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<tr>
<td>(a) such an extension is essential to the operation of the beekeeping/honey production activity; and</td>
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<tr>
<td>(b) the applicant has at least 20 bee colonies registered in his/her name with the Apiculture Section of the Department of Agriculture.</td>
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<tr>
<td>Where justified, the Authority may only grant permission for an extension of limited scale. The footprint of the extension shall not exceed 25% of the footprint area (measured externally) of the existing building (limited to a once and for all extension and if there is more than one building, to an extension to one building only), provided that the resultant total floorspace (measured externally) of the existing building together with the proposed extension</td>
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does not exceed 20 square metres (20m$^2$). No extension will be permitted to existing buildings having a total floorspace (measured externally) of 20 square metres or more; and

(4) the applicant submits official statements from the Department of Health and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the proposed development satisfies all relevant official hygiene and health standards.

The Authority will NOT grant permission for the construction of a new storage building for beekeeping purposes.

**POLICY 2.10B: NEW BUILDINGS FOR HONEY PRODUCTION (EXTRACTION, PROCESSING AND BOTTLING)**

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

(1) the applicant submits an official statement from the Department of Agriculture stating, to the satisfaction of MEPA, that:

(a) the applicant is an active beekeeper, registered as a beekeeper with the Apiculture Section of the Department of Agriculture, operating an officially registered beekeeping activity for at least 2 consecutive years prior to the application;

(b) the applicant has at least 150 bee colonies registered in his/her name with the Apiculture Section of the Department of Agriculture; and

(c) the proposal is essential to the needs of agriculture and will not lead to the cessation, or adversely affect the viability or operations, of an established agricultural activity.

The applicant shall also submit official documentation to demonstrate, to the satisfaction of MEPA, that the site and the existing activity are operated in conformity with all permissions granted by the Authority (or its predecessors);

(2) there is no disused or under-utilised building on the applicant’s holdings which could be used or converted for this purpose;

(3) the proposed development is not located within a scheduled, listed, designated or protected area or site and the land is not of ecological, scientific, landscape, cultural
or archaeological value;

(4) the site consists of a consolidated land holding having a total land area of at least 2 tumoli in size;

(5) the proposed building is of a design, in accordance with the guidelines in Part 5, such that it does not detract from the character and scenic value of the rural area;

(6) the proposed building does not exceed a height of 3.2 metres (measured externally) and a total floorspace of 50 square metres (measured externally), including any internal yards and shafts;

(7) the proposal includes an acceptable scheme for the dense plantation of trees and shrubs around the whole perimeter of the site in order to create a natural physical barrier between the activity and adjoining land or property. Plantation of trees and shrubs shall be in accordance with the approved Guidelines on Trees, Shrubs and Plants for Planting & Landscaping in the Maltese Islands; and

(8) the applicant submits official statements from the Department of Health and the Food and Veterinary Regulation Division stating, to the satisfaction of MEPA, that the proposed development satisfies all relevant official hygiene and health standards.

The Authority will impose a condition on all development permissions granted for new honey production requiring that, should the structure cease to be used for the permitted purpose, it should be demolished and removed from the site and the land should be restored/rehabilitated to the satisfaction of the Authority in accordance with an acceptable method statement.

The applicant will be required to enter into a planning obligation to carry out works to provide (or otherwise provide) wider environmental benefits, where the Authority considers this to be in the interest of the proper planning of the area.

POLICY 2.10C: CHANGE OF USE OF STORAGE BUILDINGS (BEEKEEPING) AND HONEY PRODUCTION UNITS

The Authority will NOT grant permission for the change of use or conversion of storage buildings (beekeeping), or honey processing buildings, to a non agricultural use.

2.10.1 Most beekeeping activity in Malta is small scale, with 73% out of a total of 168 holdings having 10 bee colonies or less; few beekeepers have more than 50 bee colonies (National Statistics Office, 2004, Apiculture Census 2003, News Release No. 64/2004). However, the Department of Agriculture seeks an increase in the number of bee colonies in order to augment production of local
honey; according to EU standards\textsuperscript{15}, professional beekeepers are those having at least 150 bee colonies.

2.10.2 Production of honey per holding (kg) per annum is most significant in holdings having more than 20 bee colonies. During the NSO survey period (1st September 2002 to 31st August 2003), holdings having up to 10 bee colonies each produced just an average of 34kg of honey per holding. Holdings having between 11 and 20 bee colonies each produced an average of 113kg of honey per holding. An average of 622kg of honey per holding was produced by holdings having more than 50 bee colonies each. Given that the average amount of honey produced per year is 10kg per colony, a professional beekeeper would produce around 1,500kg of honey per year. In this regard, this policy encourages beekeepers to move towards professional beekeeping in accordance with EU standards, in order to increase production of local Maltese honey.

2.10.3 Despite its small scale, honey production is a local traditional rural activity. Bees are beneficial for the production of honey and for other important substances, and play a very important role in the conservation of biodiversity, pollination of crops and human health. Undoubtedly, apiculture offers both a direct and an indirect contribution to the agricultural industry and to society.

2.10.4 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. It is imperative to restrict development to those cases where there is a genuine need without encouraging any sporadic development in the countryside. Therefore, it is essential that the applicant is an active beekeeper, registered with the Apiculture Section of the Department of Agriculture. It is equally important to ensure that the applicant is operating a registered beekeeping activity for at least 2 consecutive years prior to the application. A registered beekeeping activity refers to a beekeeping activity that is registered with the Apiculture Section of the Department of Agriculture.

2.10.5 To limit the amount of new buildings in the countryside, Policy 2.10A requires the reuse of existing agricultural buildings with the possibility of a limited extension where there is a genuine need for honey production and/or the

\textsuperscript{15} “A professional beekeeper is one running more than 150 hives” (Commission Regulation (EC) No 917/2004 of 29 April 2004 on detailed rules to implement Council Regulation (EC) No 797/2004 on actions in the field of beekeeping)
implementation of hygiene and health standards, as requested by the Food and Veterinary Regulation Division and the Department of Health. However, the permitted limited extension may not be sufficient to accommodate the needs of professional beekeepers (i.e. those having at least 150 bee colonies) and therefore, adequate provision must be made to sustain the production of local honey products (Policy 2.10B). Given that the number of professional beekeepers in Malta is small, the need for development related to new honey production units is expected to be limited. However, unlike olive oil production, development intended for the extraction and processing of large quantities of honey is difficult to locate in an industrial area, as such activities tend to attract a considerable number of bees thereby causing nuisance to people and adjoining enterprises.

2.10.6 Large scale honey production operations could cause significant nuisance during the extraction and processing of honey, as this process attracts bees from surrounding areas towards a specific place where the processing takes place. Therefore, the Authority must be satisfied that the proposed new building for honey production is essential to the needs of agriculture and is not likely to cause significant nuisance to adjacent activities. To this effect, Policy 2.10B requires the dense plantation of trees surrounding the new building. Such plantation of trees prevents bees from spreading directly onto adjacent fields/properties and therefore, risks of nuisance and conflicts between activities would be reduced.

2.10.7 In relation to both Policy 2.10A and Policy 2.10B, applicants will be required to submit a study of the farm enterprise (apiculture) indicating:
- the applicant’s experience in beekeeping and/or honey production, certified by the Apiculture Section of the Department of Agriculture;
- the type and number of registered bee colonies owned by the applicant, certified by the Department of Agriculture;
- a block plan showing all holdings registered in the applicant’s name (certified by the Apiculture Section of the Department of Agriculture) and the location where the registered bee colonies are kept in relation to the proposed site;
- the scale and type of equipment and machinery required to manage the activity;
- the location, size, use etc. of current facilities;
- reasons for the inadequacy of the existing facilities;
- purpose(s) of the proposed development and how this will positively contribute to the beekeeping operation;
- reasons for the choice of site and details of its relationship to the land and to other buildings owned or leased by the applicant; and
- the turnover from officially audited records of production/sale of honey supported by official VAT receipts (excluding any unofficial documentation, including handwritten notes, etc.).

Where the proposed development relates to new honey production units (Policy 2.10B), the study shall take the form of a project description statement, covering all of the above-mentioned information, and in addition, it should include a clear and detailed description of the whole activity, including: (i) the number of workers involved; (ii) a description of the honey making process; (iii) the rate(s) of honey extraction, processing, production and bottling; (iv)
average production of honey per year; (v) the types of uses to be accommodated within the building; (vi) the extraction, processing and bottling periods; and (v) details related to any produced by-products. This information will enable the Authority, based on the advice of the Department of Agriculture, to consider the extent to which the proposal is essential and, equally important, necessary on the site proposed.

2.10.8 Also, for new honey production units (Policy 2.10B), it will be necessary to require the applicant to enter into a planning obligation to restrict or prohibit the transfer of ownership of the building. A condition will be imposed on all permissions for new honey production units, requiring that, should the structure cease to be used for the permitted purpose, it should be demolished and removed from the site and the land must be rehabilitated to its former use in accordance with an approved method statement.

2.10.9 In considering these types of proposals (Policies 2.10A and 2.10B), the Authority will place great emphasis on the use of underground space below the main buildings, in particular, for the accommodation of facilities/activities that are ancillary and complementary to the main agricultural activity, provided that the footprint area occupied by the main building(s) is not exceeded.

2.10.10 Permission will not be granted for buildings intended for the garaging of any vehicles or for any other purpose not directly related to beekeeping. Since development related to beekeeping and honey processing is an exception to the general restriction on development ODZ, they should continue to be used for that purpose (Policy 2.10C).

2.11 BUILDINGS FOR OTHER FORMS OF AGRICULTURE

<table>
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<tr>
<th>POLICY 2.11: BUILDINGS FOR OTHER FORMS OF AGRICULTURE</th>
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<td>Proposed developments for other forms of agriculture will be assessed against the policy objectives of the Structure Plan, the Local Plan for the area, the general policies in Part 1 of this document, criteria (1c), (2) and (6) in Policy 2.3A and criteria (1e), (2), (7) and (9) in policy 2.4A. In particular, the Authority will look carefully at the site characteristics, its setting and the need for the enterprise and for any proposed building, and will satisfy itself that it is essential</td>
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<td>(1) to the needs of agriculture; and</td>
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<td>(2) that it be located in the area and on the site proposed.</td>
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2.11.1 There may be proposals for buildings to accommodate other forms of agriculture, such as mushroom farming, which do not fall into any of the categories of buildings, structures or enterprises already dealt with. This policy (Policy 2.11) provides broad encouragement, whilst ensuring that such buildings are essential, appropriately located (including the possibility to use underground space more efficiently) and have minimal environmental and other impacts. The Authority will place great emphasis on the use of