

**Partial Local Plan Review of the
2006 Local Plan Policies
for Rural Settlements**

Public Consultation Draft



March 2025

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1 Introduction

- 1.1 This partial review is intended to revise the Local Plan policies related to rural settlements, particularly those classified as Category 2 and Category 3. The policies GZ-RLST-2, GZ-RLST-3 in the Gozo and Comino Local Plan (GCLP), NWRS 3, NWRS 4 in the North West Local Plan (NWLP), CG04 in the Central Malta Local Plan (CMLP) and SMSE07, SMSE08 in the South Malta Local Plan (SMLP) all of which were approved in the year 2006, need to be revised.
- 1.2 The Executive Council has at the Minister's request in terms of article 41(2) of the Development Planning Act (Cap 552), agreed to initiate this partial review of the 2006 Local Plan Policies for Rural Settlements and following the publication of the objectives, is proposing a set of revised policies to take forward these objectives.

2 Background

- 2.1 The Marsaxlokk Bay Local Plan of 1995 through the designation of Benghisa Village, can be considered as the first recognition in policy terms of clusters of residential development ODZ as a distinct settlement typology that required specific policy regime to contain development within these areas and address their specific development needs. This was followed by the Grand Harbour Local Plan of 1997 through the designation of Santur-Rokku as a rural hamlet.
- 2.2 The GCLP (2006), NWLP (2006), CMLP (2006) and the SMLP (2006) elaborated this concept further and recognised "Rural Settlements" or "ODZ Settlements", thereby distinguishing ODZ areas that contain a significant amount of built residential development from other ODZ areas. This concept was developed through:
- A. the identification of these settlements;
 - B. their classification into three categories (1, 2 and 3) based on an analysis of their character, including street patterns, their architecture, the built volumes, massing and space gaps between buildings;
 - C. the delineation of settlement boundaries for some of the settlements;

- D. the drafting of a set of policies, broadly common for all four local plans, to guide further development within the identified settlements.
- 2.3 In August 2014, Government adopted the Rural Policy and Design Guidance and repealed the "Policy and Design Guidance Agriculture and Farm Diversification and Stables Policy (2008)"; the "Development Control Guidance: Development Outside Built-Up Areas (PLP20) (1995)"; and the "Development Control Guidance: Swimming Pools Outside Development Zone (2000)".
- 2.4 The spirit of RPDG14 is "to allow whoever genuinely needs to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use". The document saw buildings [ODZ] as an improvement to the economic growth of the farming sector and supported the scope for diversification of farms by small scale enterprises such as small-scale farm retail, farm-based visitor attractions and agro-tourism accommodation. It also considered that even if established rural activities may not be well sited by today's standards, their reasonable expansion on site needed to be considered.
- 2.5 The RPDG14 sought to address issues of how the rural settlements policies in the local plans and the policies in the RPDG14 should be applied. The scope of Paragraph 0.24 which states, "the policies contained [in the RPDG14] supersede any conflicting provisions concerning Categories 1, 2 and 3 rural settlements", was to address this issue.
- 2.6 Since 2014, in the absence of guidance by local plans rural settlement policies in relation to ancillary facilities, the provisions of the RPDG14, have been applied to rural settlements. This resulted in ancillary facilities such as swimming pools and decking areas and the take up of fresh land in the case of Category 3 settlements, being approved in rural settlements through the application of the RPDG14.
- 2.7 Following legal challenges, paragraph 0.24 in the RPDG14 was struck down by the Court of Appeal on the basis of Article 52 of the Development Planning Act

which establishes the hierarchy of plans and policies. This decision established that the RPDG14, being at the bottom of the hierarchy, cannot prevail over the Local Plan. In its decisions, the Court provided an interpretation of the provisions of the Local Plans' policies for Category 2 and Category 3 Rural Settlements; with the basic implication being that unless a development type is specifically mentioned in the policy as being permitted, then it is not allowed.

- 2.8 This Court ruling is not deemed to reflect the approach adopted by the Planning Authority for over a decade on the application of the rural settlement policies contained in the local plans and the guidelines and policies contained in the RPDG14.

3 Objectives

- 3.1 In terms of Article 41(2) of the Development Planning Act 2016 (Cap 552), the Minister is requesting the Planning Authority to carry out a partial review to the Gozo and Comino Local Plan (2006), North West Local Plan (2006), Central Malta Local Plan (2006) and the South Malta Local Plan (2006) with the following objectives:

To amend the policies for Category 2 and Category 3 Rural Settlements in the four local plans to clearly set out:

- (a) the acceptable development considered as ancillary to a dwelling in Category 2 and 3 Settlements
- (b) the take up of fresh land in Category 3 Settlements for development considered as ancillary to a dwelling.

- 3.2 These objectives were published for a public consultation between the 10th of October 2024 and the 6th of November 2024.

4 Public Consultation

- 4.1 The public consultation exercise generated nine public submissions. Five of the submission were by private individuals and the remaining four submissions were

by ERA, Moviment Graffiti, Din l-Art Helwa, and another by the Partit Nazzjonalista.

- 4.2 Two submissions indicated that tourism accommodation should be included as a permissible use in both Category 2 and 3 rural settlements. Five submissions objected to this partial review. The main reasons given for the objections to this review are that it is only intended to accommodate the needs of few private individuals, and the existing policies already provide clarity and leave no room for conflicting interpretation and the focus should be on restricting allowable uses in rural areas, not enabling further encroachment. The addition of pools as ancillary facilities was objected to as it will increase the pressure on water resources and no such ancillary facilities are required to improve the living standards of dwellings. Other objections were due to the take up of fresh land in rural settlements which is deemed as unjustified, and the review would severely compromise the core direction of the policies for rural settlements.
- 4.3 Other submissions indicated that all policy reviews should be aimed at improving the standard of living and sustainable development. A precautionary approach should be adopted, and the definition of ancillary facilities should not be broad and ambiguous. Additionally, ancillary facilities should be directly related to the dwelling and preferably be accommodated on already developed land and should not result in disproportionate increases to the building mass. It was also suggested that a context-based approach should be adopted, rather than a one-size-fits-all policy revision. Additional suggestions were, that no additional development should be permitted on valley sides, ridges, natural habitats, geological features and other environmentally important sites; that there should be a general presumption against ancillaries which would adversely affect the rural character of the settlement; that there should be a general presumption against the take up of undeveloped land particularly within Category 3 Settlements; and the permitted uses should not be extended as this will give rise to the risk of using this review to sanction illegalities within these areas.

5 Strategic and Local Planning Guidance

- 5.1 This Partial Review is guided strategically by the “Strategic Plan for the Environment and Development (SPED)”.
- 5.2 SPED Thematic Objective 1 requires the management of **“the available potential space and environmental resources on land and sea sustainably to ensure that socio-economic development needs are met whilst protecting the environment and limiting land take up within the Rural Area”**, while Thematic Objective 1.10 adds that **“Socio-economic development should ensure that rural areas are not exploited by uses which are not legitimate or necessary”**.
- 5.3 SPED Rural Objective 3 guides **“development which is either justified to be located in the Rural Area in approved Government policies, plans or programmes”** to the Rural Area but away from protected areas and areas of high landscape sensitivity. Policy RO4.6 requires a review of the hierarchy of rural settlements to guide the nature, scale and type of development within them.
- 5.4 The four local plans, the GCLP, NWLP, CMLP and the SMLP have their individual policies which guide containment and development within rural settlements within their respective local plan area. Even though policy direction for rural settlements is included in four different local plans, the development parameters and permitted land uses are the same for rural settlements category 2 and 3 in each of the local plan areas. In the case of Category 2 Rural settlements the applicable policies are GZ-RLST-2 (GCLP), NWRS 3 (NWLP), SMSE07 (SMLP), and CG04 (CMLP). With regards Category 3 Settlements the respective policies are GZ-RLST-3 (GCLP), NWRS 4 (NWLP), and SMSE08 (SMLP). There are no category 3 settlements in the CMLP.
- 5.5 Policies GZ-RLST-2 (GCLP), NWRS 3 (NWLP), SMSE07 (SMLP), and CG04 (CMLP), guide development within Category 2 rural settlements. These policies allow for the rehabilitation, development and re-development within the identified areas on the respective local plan maps. The permitted land use set by these policies are, dwelling units, agricultural buildings, retail outlets, farm retail outlets, and

tourism accommodation when this involves the conversion of existing buildings of architectural historic merit and traditional groups of buildings worthy of conservation. The policy guidelines are more detailed in the case of development of dwelling units where they set developable footprint and floorspace, building heights, parking requirements and guide the design of the development including structures at roof level. They also include specific development guidance in the case of a complete redevelopment of existing buildings, criteria of what constitutes an existing building and in the case that a new building is proposed on uncommitted land, what constitutes uncommitted land. In the case of other land uses related to agricultural buildings and farm retail outlets the policies require that such developments comply with the then draft Agriculture, Farm Diversification and Stables (2005) which has since been superseded by the RPDG14.

- 5.6 Policies GZ-RLST-3 (GCLP), NWRS 4 (NWLP), and SMSE08 (SMLP), are the relevant policies that guide development within Category 3 rural Settlements. The policies allow only for the rehabilitation and re-development of existing buildings. These policies cross refer to the policies for Category 2 rural settlements for the definition of existing buildings and permitted land uses. The policies for Category 3 rural settlements are stricter with regards to new development that requires the take up of fresh land. Such development is outright prohibited and the definitions of uncommitted land which area available for development in Category 2 rural settlements are not applicable to Category 3 Rural Settlements.
- 5.7 The four local plans under review adopted a separate approach with regards to the rural settlements' boundary delineation in the respective maps. The GCLP indicates specific boundaries for the three categories of rural settlements. The SMLP indicates category 1 and 2 rural settlements with a specific boundary and identified category 3 settlements with a generic designation. The CMLP and the NWLP indicated category 1 rural settlements with a boundary and a generic designation for categories 2 and 3 rural settlements. This lack of consistency in the designation of rural settlements boundaries has led to different approaches to the application of policies particularly in category settlements 2 and 3.

6 Policy Review

6.1 Policies GZ-RLST-2 and GZ-RLST-3 of the approved GCLP require amendments to reflect the objectives set by this partial review in order to allow for the provision of ancillary facilities within Category 2 and 3 rural settlements.

GOZO AND COMINO LOCAL PLAN

Category 2 Rural Settlements ODZ

Category 2 Settlements ODZ are settlements which lie some distance away from the Development Zones and normally support an autonomous community. In a number of instances, these communities are located within rural areas of appreciable scenic and environmental value. A policy for development in Category 2 settlements seeks to reach a balance between allowing consolidation of these settlements through restricted growth and sustainable rural development and to protect their rural character by preventing development which will adversely affect those intrinsic features of the settlement (e.g. historic buildings, considerable gap sites between buildings, landscaping). Thus, restrictions on site planning, footprints, building heights, car parking provision and provision of amenity facilities are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts. Strict criteria for the identification of "gap sites" are also identified to ensure that the minimum amount of uncommitted land is taken up by development in line with the overall strategy for consolidation and prohibition of further growth.

The acceptable land uses in these settlements are aimed at ensuring the genuine needs of agriculture are met, the remnants of agricultural activity are retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside, such as new tourist accommodation.

Strict criteria for the identification of "existing buildings" and "uncommitted land" are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development in line with the overall strategy of consolidation and conservation.

The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition.

GZ-RLST-2: Category 2 Rural Settlements ODZ

In the areas classified as Category 2 Rural Settlements as identified in MAPS 4.2.10 (including the relative inset maps), rehabilitation, development and re-development for the following land-uses will be permitted:

A. Dwelling units (new units on uncommitted land, redevelopment of existing buildings, rehabilitation of existing buildings, and extensions to existing buildings used for residential purposes) together with amenity structures shall be permitted provided the criteria outlined below are met;~~provided the units:~~

Insofar as dwelling units are concerned:

- i. the resultant unit does not create a building with more than 150m² footprint measured externally at ground floor including any internal courtyards;
- ii. the resultant unit occupies an area which is not less than 120m² and not more than 200m² total floorspace measured externally;
- iii. the resultant unit have-has an independent access from any other residential unit;
- iv. the resultant unit does not create a building which is higher than two floors without basement above road level at any point along the street frontage, provided that it would not have and it does not have a detrimental affect on the character of the settlement and the surrounding rural landscape;
- v. structures at roof level do not have a floorspace of more than 20m² measured externally, do not exceed 12 courses overall height measured externally from the lowest roof level, and are located to minimise their visual impact;
- ~~vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the character of the settlement and its surrounding rural environment, and which complies with~~

~~any eventual Settlement Design Statement (SDS) to be prepared by MEPA;
and~~

- vii. ~~the resultant unit if new, shall be served with~~provide on site parking for not more than two car-spaces.

Insofar as amenity structures are concerned, these shall serve a dwelling unit and limited to:

- i. tool sheds which are not to exceed 10 m² and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m² and an overall height of 3.5m measured externally and together shall not occupy more than 10% of the area of the curtilage of the dwelling whichever is the lower;
- ii. swimming pools and deck areas which shall not exceed 75 m² in total area;
- iii toilets, showers and/or changing rooms which do not exceed a height of 2.5m and a combined floor space of not more than 6 m².

Provided further that:

- i. amenity structures shall be located within a reasonable distance from the dwelling unit;
- ii. all permitted interventions shall have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building/s on the character of the settlement and its surrounding rural environment.

In addition, when the new dwelling unit is being proposed as complete redevelopment of an existing building:

- a) the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement;

- b) the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

For the purposes of this policy an existing building includes only any building with an external footprint of not less than 50m² which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the **AEPA 1967** aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14.0m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300m² which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10.0m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3 dwellings with frontage on the same street, provided a strip of land of at least 3.0m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3.0m strip.

Boundary walls of gardens, yards, swimming pool areas and any other open space surrounding an adjacent land-use cannot be considered as a party wall in relation to this policy. Sites, which contain mature trees, which contribute to the character of the settlement, do not constitute uncommitted land even if they fall within the definition stated above.

- B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.
- C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in **the Rural Policy and Design Guidance, 2014 and future amendments** ~~Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006) which is a revised version of~~

~~the Policy and Design Guidance on Farmhouses and Agricultural Buildings (1994). The rural settlement is to be considered as an inhabited area for the purposes of the Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006).~~

- D. Retail outlets provided that the shops
- i. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;
 - ii. sell convenience goods only; and
 - iii. do not have a floor area of more than 50m².

- E. Farm Retail Outlets provided they comply with the criteria set out in ~~Draft Policy and Design Guidance document for Agriculture, Farm Diversification and Stables (2006)~~the Rural Policy and Design Guidance, 2014 and future amendments.

Proposals for rural tourist accommodation will be considered favourably provided they involve the conversion of (i) individual, existing vacant buildings of architectural or historic merit or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.

~~The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:~~

- ~~i. Identify precisely the uncommitted land within these settlements which can be released for development;~~
- ~~ii. Investigate the need to draw settlement boundaries around these settlements;~~
- ~~iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;~~
- ~~iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;~~
- ~~v. Identify additional measures to protect and enhance the character of these settlements.~~

~~The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.~~

Category 3 Small Rural Settlements ODZ

The third category of settlements are characterized by low densities and can only be considered as small clusters of buildings. This is their most significant feature and this policy seeks to protect it by seriously curtailing the taking up of fresh land for buildings for the creation of new dwelling units, which increase densities and activity in the settlement. Thus restrictions on site planning, floor spaces, building heights, and car-parking provision and provision of amenity structures are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts. The thrust of new development in these settlements should be towards rehabilitation and regeneration of the existing stock of buildings.

GZ-RLST-3: Small Rural Settlements (Category 3 Settlements ODZ)

In the areas classified as Category 3 Small Rural Settlements as identified in MAPS 4.2.10 (including the relative inset maps), only rehabilitation, and re-development of existing buildings, as defined in Policy GZ-RLST-2, for the land-uses identified in (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in Policy GZ-RLST-2 for each land-use are complied with.

New development which takes fresh land in category 3 settlement is not allowed unless it qualifies as an amenity structure allowed under Category 2 Settlements.
~~New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Rural Settlements, is not applicable to Category 3 Rural Settlements.~~

NORTH WEST LOCAL PLAN

6.2 Policies NWRS 3 and NWRS 4 of the approved NWLP require amendments to reflect the objectives set by this partial review in order to allow for the provision of ancillary facilities within Category 2 and 3 rural settlements.

NWRS 3 Large Rural Settlements (Category 2 Settlements ODZ)

In the areas classified as Category 2 Large Rural Settlements by Policy NWRS 1, as identified in Maps 3.4 to 3.7, rehabilitation, development and re-development for the following land-uses will be permitted:

A. Dwelling units (new units on uncommitted land, redevelopment of existing buildings, rehabilitation of existing buildings, and extensions to existing buildings used for residential purposes) together with amenity structures shall be permitted provided the criteria outlined below are met;~~provided the units:~~

Insofar as dwelling units are concerned:

- i. the resultant unit does ~~de~~ not create a building with more than 150m² footprint measured externally at ground floor including any internal courtyards;
- ii. the resultant unit occupies an area have not less than 120m² and not more than 200m² total floorspace measured externally;
- iii. the resultant unit has~~have~~ an independent access from any other residential unit;
- iv. the resultant unit does ~~de~~ not create a building which is higher than two floors without basement above road level at any point along the street frontage~~;~~ provided that it would ~~and it does~~ not have a detrimental ~~ee~~effect on the character of the settlement and the surrounding rural landscape;
- v. structures at roof level do not have a floorspace of more than 20m² measured externally, do not exceed 12 courses overall height measured

externally from the lowest roof level, and are located to minimise their visual impact;

- ~~vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the character of the settlement and its surrounding rural environment, and which complies with any eventual Settlement Design Statement (SDS) prepared by MEPA; and~~
- ~~vii.~~ vi. the resultant unit, if new, shall be served with provide on site parking for not more than two car-spaces.

In addition, when the new dwelling unit is being proposed as complete re-development of an existing building:

- a) the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement;
- b) the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

Insofar as amenity structures are concerned, these shall serve a dwelling unit and limited to:

- i. tool sheds which are not to exceed 10 m² and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m² and an overall height of 3.5m measured externally and together shall not occupy more than 10% of the area of the curtilage of the dwelling whichever is the lower;
- ii. swimming pools and deck areas which shall not exceed 75 m² in total area;
- iii. toilets, showers and/or changing rooms which do not exceed a height of 2.5m and a combined floor space of not more than 6 m².

Provided further that:

i. amenity structures shall be located within a reasonable distance from the dwelling unit:

i.ii. all permitted interventions shall have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building/s on the character of the settlement and its surrounding rural environment.

For the purposes of this policy an existing building includes only any building with an external footprint of not less than 50sqm which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the MEPA-PA 1967 aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14.0m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300sqm which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10.0m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3 dwellings with frontage on the same street, provided a strip of land of at least 3.0m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3.0m strip.

Boundary walls of gardens, yards, swimming pool areas and any other open space surrounding an adjacent land-use cannot be considered as a party wall in relation to this policy. Sites, which contain mature trees, which contribute to the

character of the settlement, do not constitute uncommitted land even if they fall within the definition stated above.

- B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.
- C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in ~~draft Agriculture, Farm Diversification and Stables (2005)~~the Rural Policy and Design Guidance, 2014 and future amendments. ~~The rural settlement is to be considered as an inhabited area for the purposes of the draft Agriculture, Farm Diversification and Stables (2005) and future amendments.~~
- D. Retail outlets provided that the shops
 - i. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;
 - ii. sell convenience goods only; and
 - iii. do not have a floor area of more than 50m².
- E. Farm Retail Outlets provided they comply with the criteria set out in the Rural Policy and Design Guidance, 2014~~draft Agriculture, Farm Diversification and Stables (2005)~~ and future amendments.

Proposals for rural tourist accommodation—_ will be considered favourably provided they involve the conversion of (i) individual, existing vacant buildings of architectural or historic merit or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.

~~The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:~~

- ~~i. Identify precisely the uncommitted land within these settlements which can be released for development;~~
- ~~ii. Investigate the need to draw settlement boundaries around these settlements;~~

- ~~iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;~~
- ~~iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;~~
- ~~v. Identify additional measures to protect and enhance the character of these settlements.~~

~~The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.~~

5.4.8 This policy seeks to reach a balance by allowing the consolidation of these settlements through sustainable rural development and protecting their rural character by preventing development, which may adversely affect those intrinsic features of the settlements (historical buildings, considerable gaps between buildings, landscaping), and their setting.

5.4.9 The acceptable land uses in these settlements are aimed at ensuring the genuine needs of agriculture are met, the remnants of agricultural activity are retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside, such as new tourist accommodation.

5.4.10 Restrictions on site planning, footprints, building heights, ~~and~~ car-parking provision and provision of amenity structures are being introduced to ensure that all new development will not create unacceptable environmental impacts. ~~Settlement Design Statements will be prepared by MEPA for these settlements and these Design Statements would describe the distinctive character of the settlement and its immediate surrounding countryside; show how the character of the settlement can be identified by its landscape setting, its shape and the nature of the buildings themselves; and draw up design principles based on the particular distinctive character of the designated settlement. Most importantly it would identify the specific locations where opportunities exist for new development to take place and~~

~~investigate the need for settlement boundaries around these settlements, and make recommendations where appropriate.~~

- 5.4.11 Strict criteria for the identification of “existing buildings” and “uncommitted land” are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development, ~~following confirmation by the Structure Plan Review,~~ in line with the overall strategy of consolidation and conservation.—_The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition.

NWRS 4 Small Rural Settlements (Category 3 Settlements ODZ)

In the areas classified as Category 3 Small Rural Settlements by Policy NWRS 1, as identified in Maps 3.8 to 3.14, only rehabilitation, and re-development of existing buildings, as defined in policy NWRS 3, for the land-uses identified in Policy NWRS 3 (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in Policy NWRS 3 for each land-use are complied with.

~~**New development, which takes up fresh land, in category 3 settlement is not allowed unless it qualifies as an amenity structure allowed under Category 2 Settlements. notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Rural Settlements, is not applicable to Category 3 Rural Settlements.**~~

- 5.4.12 The third category of settlements are characterised by low densities and can only be considered as small clusters of buildings.—_This is their most significant feature and this policy seeks to protect it by seriously curtailing the taking up of fresh land for buildings for the creation of new dwelling units, which increase densities and activity in the settlement.—_Thus restrictions on site planning, floor spaces, building heights, ~~and~~ car-parking provision and provision of amenity structures are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts.

The thrust of new development in these settlements should be towards rehabilitation and regeneration of the existing stock of buildings.

CENTRAL MALTA LOCAL PLAN

6.3 Policy CG04 of the approved CMLP requires amendments to reflect the objectives set by this partial review in order to allow for the provision of ancillary facilities within Category 2 settlements.

CG04 Category 2 Rural Settlements

The settlements of Maghtab as indicated on Map MTB 1 of the Partial Review to the CMLP (2006) - Maghtab Planning Strategy Area and Bidnija as indicated in Planning Control ~~Maps NAB7 and MOB8~~ are designated as Category 2 Rural Settlements located within a wider rural area that should be conserved, consolidated and rehabilitated while protecting their rural character.

Within these Large Rural Settlements rehabilitation, development and re-development for the following land uses will be permitted.

A. A. Dwelling units (new units on uncommitted land, redevelopment of existing buildings, rehabilitation of existing buildings, and extensions to existing buildings used for residential purposes) together with amenity structures shall be permitted provided the criteria outlined below are met;~~provided the units:~~

Insofar as dwelling units are concerned:

- i. the resultant unit does not create a building with more than 150m² footprint measured externally at ground floor including any internal courtyards;
- ii. the resultant unit occupies an area which is ~~have~~ not less than 120m² and not more than 200m² total floorspace measured externally;
- iii. the resultant unit has ~~have~~ an independent access from any other residential unit;
- iv. the resultant unit does~~de~~ not create a building which is higher than two floors without basement above road level at any point along the street frontage, provided that it would not have a detrimental affect on the character of the settlement and the surrounding rural landscape;
- v. structures at roof level do not have a floorspace of more than 20m² measured externally, do not exceed 12 courses overall height measured externally from the lowest roof level, and are located to minimise their visual impact;

- ~~vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the character of the settlement and its surrounding rural environment, and which complies with any eventual Settlement Design Statement (SDS) prepared by MEPA; and~~
- vii. the resultant unit, if new, shall be served provide with on site parking for not more than two car-spaces.

Insofar as amenity structures are concerned, these shall serve a dwelling unit and limited to:

- i. tool sheds which are not to exceed 10 m² and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m² and an overall height of 3.5m measured externally and together shall not occupy more than 10% of the area of the curtilage of the dwelling whichever is the lower;
- ii. swimming pools and deck areas which shall not exceed 75 m² in total area;
- iii. toilets, showers and/or changing rooms which do not exceed a height of 2.5m and a combined floor space of not more than 6 m².

Provided further that:

- i. amenity structures shall be located within a reasonable distance from the dwelling unit;
- ii. all permitted interventions shall have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building/s on the character of the settlement and its surrounding rural environment.

In addition, when the new dwelling unit is being proposed as complete re-development of an existing building:

- a) the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement; and
- b) the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

For the purposes of this policy an existing building includes only any building with an external footprint of not less than 50sqm which is covered by a valid development

permission or else has existed prior to 1968 and can be identified in the **AEPA 1967** aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, and abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14.0m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300sqm which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10.0m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3 dwellings with frontage on the same street, provided a strip of land of at least 3.0m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3.0m strip.

Boundary walls of gardens, yards, swimming pool areas and any other open space surrounding an adjacent land-use cannot be considered as a party wall in relation to this policy. Sites that contain mature trees which contribute to the character of the settlement do not constitute uncommitted land even if they fall within the definition stated above.

B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.

C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in the Rural Policy and Design Guidance, 2014 and future amendments.draft Policy & Design Guidance “Agriculture, Farm Diversification and Stables (2005)”. ~~The rural settlement is to be considered as an inhabited area for the purposes of the draft Policy & Design Guidance “Agriculture, Farm Diversification and Stables (2005)”~~.

D. Retail outlets provided that the shops:

- i. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;
- ii. sell convenience goods only; and
- iii. do not have a floor area of more than 50m².

E. Farm Retail Outlets provided they comply with the criteria set out in the Rural Policy and Design Guidance, 2014 and future amendments.draft Policy & Design Guidance “Agriculture, Farm Diversification and Stables (2005)”.

~~The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:~~

- ~~i. Identify precisely the uncommitted land within these settlements which can be released for development;~~
- ~~ii. Investigate the need to draw settlement boundaries around these settlements;~~

- ~~iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;~~
- ~~iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;~~
- ~~v. Identify additional measures to protect and enhance the character of these settlements.~~

~~The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.~~

3.3.7 The two rural settlements covered by this policy include Bidnija and Maghtab. The Bidnija settlement includes two clusters of buildings situated at Tal-Hireb and Tal-Milord but excludes the villas found to the west of Tal-Milord. These villas are too distant and dispersed to be considered as part of the main rural settlement. On the other hand, the Maghtab settlement is spread out over a large linear area.

3.3.8 Maghtab lacks an identifiable core area and has a number of existing different uses apart from farmhouses. These existing uses include residential units of varying types and design, batching plants, plant yards, garage industries, animal husbandry farms as well as a substantial number of disused buildings. Due to these mixed and conflicting uses and the disorganised character of this settlement, Maghtab is affected by a fall in rural quality and amenity. The aim of this policy is to counteract these problems by preventing the further development of incompatible uses in the area and by directing further growth only to infill, corner and end of terrace sites as defined in the policy. ~~In 2018 the PA has carried out a partial review for the CMLP (2006) entitled Maghtab Planning Strategy. For more detailed guidance for the Maghtab rural settlement, this document should be referred to.~~

3.3.~~97~~ This policy seeks to reach a balance by allowing the consolidation of these settlements through sustainable rural development and protecting their rural character by preventing development, which may adversely affect those intrinsic features of the settlements (historical buildings, considerable gap sites between buildings, landscaping), and their setting.

3.3.~~108~~ The acceptable land uses in these settlements are aimed at ensuring the genuine needs of agriculture are met, the remnants of agricultural activity are

retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside.

3.3.11~~9~~ Restrictions on site planning, footprints, building heights, ~~and~~ car-parking provision and provision of amenity facilities are being introduced to ensure that all new development will not create unacceptable environmental impacts. ~~Settlement Design Statements will be prepared by MEPA for these settlements and these Design Statements would describe the distinctive character of the settlement and its immediate surrounding countryside; show how the character of the settlement can be identified by its landscape setting, its shape and the nature of the buildings themselves; and draw up design principles based on the particular distinctive character of the designated settlement. Most importantly it would identify the specific locations where opportunities exist for new development to take place and investigate the need for settlement boundaries around these settlements, and make recommendations where appropriate.~~

3.3.10 Strict criteria for the identification of “existing buildings” and “uncommitted land” are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development, in line with the overall strategy of consolidation and conservation. ~~The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition.~~

3.3.12 Given that mature trees constitute important components of natural and semi-natural ecosystems and are also important aesthetic features of our rural landscape and within rural settlements, these will be protected. Trees associated with rural settlements are generally indigenous or archaeophytic species that are exploited for agricultural purposes such as carob trees, olive trees, almond trees and pomegranates. Although some of these trees, such as carob trees, were much more commonly exploited in the past, they are generally associated with the agricultural landscape that constitutes a

predominant feature within the Maltese rural environment. In this regard, such trees complement the character and heritage value of rural settlements. Therefore apart from being of intrinsic, ecological and scientific value, trees within rural settlements are also deemed to be of high aesthetic value. The majority of indigenous or archaeophytic trees are protected by ~~Legal Notice Subsidiary Legislation 549.64-12 of 2001~~. This ~~Legal Notice Subsidiary Legislation~~ also protects trees that are more than 50 years of age provided that they are not considered to be invasive (invasive species are listed in Schedule ~~V-III~~ of this ~~Legal Notice Subsidiary Legislation~~), and provided that they are not causing any damage to the biological identity of trees listed in Schedules I and II of this ~~Legal Notice Subsidiary Legislation~~.

SOUTH MALTA LOCAL PLAN

6.4 Policies SMSE 07 and SMSE 08 of the approved SMLP require amendments to reflect the objectives set by this partial review in order to allow for the provision of ancillary facilities within Category 2 and 3 settlements.

SMSE 07 Large Rural Settlements - (Category 2 Settlements ODZ)

In the areas classified as Category 2 Large Rural Settlements by Policy SMSE 05, as identified in Inset RS 6 – RS 7, rehabilitation, development and re-development for the following land uses will be permitted:

A. Dwelling units (new units on uncommitted land, redevelopment of existing buildings, extensions to existing buildings for residential use, and rehabilitation of existing buildings for residential use) together with amenity structures shall be permitted provided the criteria outlined below are met;~~provided the units satisfy all the following conditions:~~

Insofar as dwelling units are concerned:

- i. **the resultant unit does not create a building with more than 150m² footprint**

- ii. ~~the resultant unit occupies an area which is not have~~ not less than 120m² and not more than 200m² total floorspace measured externally;
- iii. ~~the resultant unit has~~ have an independent access from any other residential unit; ~~and its own car access;~~
- iv. ~~the resultant unit does not do not create~~ a building which is higher than two floors ~~without basement~~ above road level at any point along the street frontage ~~and it does provided that it would~~ not have a detrimental affect on the character of the settlement and the surrounding rural landscape;
- v. structures at roof level do not have a floorspace of more than 20m² measured externally, do not exceed an overall height of 12 courses (~~3.4 metres~~) measured externally from the lowest roof level, and are located to minimise their visual impact;
- ~~vi. have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of the new building on the rural character of the settlement and which complies with any eventual Settlement Design Statement prepared by MEPA;~~
- ~~vii.~~ vi. the resultant unit, if new, shall be served with on site parking provision ~~is to be provided on site~~ for not more than two car-spaces.

Insofar as amenity structures are concerned, these shall serve a dwelling unit and limited to:

- i. tool sheds which are not to exceed 10 m² and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m² and an overall height of 3.5m measured externally and together shall not occupy more than 10% of the area of the curtilage of the dwelling whichever is the lower;
- ii. swimming pools and deck areas which shall not exceed 75 m² in total area;
- iii. toilets, showers and/or changing rooms which do not exceed a height of 2.5m and a combined floor space of not more than 6 m².

Provided further that:

- i. amenity structures shall be located within a reasonable distance from the dwelling unit;
- ii. all permitted interventions shall have a high quality design aimed at retaining and enhancing the existing character of the settlement and which demonstrates that due attention has been given to the impact of

the new building/s on the character of the settlement and its surrounding rural environment.

In addition, when the new dwelling unit is being proposed as complete re-development of an existing building:

- a. the existing building is not worthy of retention due to its historical and/or architectural merit and/or the contribution it makes to the character of the settlement;
- b. the new building, if allowable under (a) above, occupies the same position on the land in relation to the street as the existing building.

For the purpose of this policy an existing building includes only any building with an external footprint of not less than 50 m² which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the **AEPA** 1967 aerial photographs. An existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement.

For the purposes of this policy uncommitted land includes only:

1. infill sites with a street frontage of not more than 14 m which abut blank party walls one storey high, or more, on both sides;
2. corner sites defined by two public roads with a site area of not more than 300 m² which abut blank party walls one storey high, or more, on both sides;
3. sites which have a road frontage of not more than 10 m which abut blank party walls one storey high, or more, on one side and which form the end of a terrace of at least 3 dwellings provided a strip of land of at least 3 m in width adjacent to the side elevation of the new dwelling is landscaped. No structures will be permitted below this 3 m strip.

No development in the form of extending the built up footprint of the existing building or a completely new development will be permitted in the back gardens forming part of buildings falling within the Category 2 Rural Settlements **other than amenity structures.**

to the character of the settlement, do not constitute uncommitted land even if they fall within the definition stated above. For the purposes of this policy an existing building does not include greenhouses, agricultural buildings which are essential for the operation of an agricultural holding, abandoned and dilapidated structures which are isolated from the main settlement and any building with an external footprint of less than 40 m².

B. Farmhouses for livestock farmers, arable farmers and other growers provided the criteria stated under “(A)” above are complied with.

C. Agricultural buildings for livestock farming and for arable farming provided they comply with the criteria set out in the Rural Policy and Design Guidance, 2014 and future amendments ~~Policy & Design Guidance on Agriculture, Farm Diversification and Stables (2005)~~ and do not create adverse impacts on the surrounding residences. ~~The rural settlement is to be considered as an inhabited area for the purposes of the Policy & Design Guidance on Agriculture, Farm Diversification and Stables (2005).~~

D. Retail outlets provided that the shops:

- i. are located at ground floor level only of an existing building or of a proposed new building on uncommitted land as defined by this policy;
- ii. sell convenience goods only; and
- iii. do not have a floor area of more than 50m².

E. Farm Retail Outlets provided they comply with the criteria set out in ~~Policy & Design Guidance on Agriculture, Farm Diversification and Stables (2005)~~ the Rural Policy and Design Guidance, 2014 and future amendments.

Proposals for rural tourist accommodation— will be considered favourably provided they involve the conversion of (i) individual, existing vacant buildings of architectural or historic merit or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.

~~The Settlement Design Statements (SDS) referred to in criterion A (vi) above, to be prepared by MEPA, should:~~

- ~~i. Identify precisely the uncommitted land within these settlements which can be released for development;~~
- ~~ii. Investigate the need to draw settlement boundaries around these settlements;~~

- ~~iii. Make recommendations for possible settlement boundaries should a need for them be identified through the further studies carried out under (ii) above;~~
- ~~iv. Provide additional guidance on the design of new buildings or extensions to existing buildings within these settlements;~~
- ~~v. Identify additional measures to protect and enhance the character of these settlements.~~

~~The absence of an SDS for a particular settlement should not prejudice the implementation of the other provisions of this policy.~~

2.4.16 This policy seeks to reach a balance by allowing the consolidation of these settlements through sustainable rural development and protecting their rural character by preventing development, which may adversely affect those intrinsic features of the settlement (historical buildings, considerable gap sites between buildings, landscaping), and their setting.

2.4.17 The acceptable land uses in these settlements are aimed at insuring the genuine needs of agriculture are met, the remnants of agricultural activity are retained and allowing for rural diversification. These settlements can also absorb some development, which might be necessary for diversification of the rural economy but could have an adverse impact if located in the open countryside, such as new tourist accommodation.

2.4.18 Restrictions on site planning, footprints, building heights, ~~and~~ car-parking provision and provision of amenity facilities are being introduced to ensure that all new development will not create unacceptable environmental impacts. ~~Settlement Design Statements will be prepared by MEPA for these settlements and these Design Statements would describe the distinctive character of the settlement and its immediate surrounding countryside; show how the character of the settlement can be identified by its landscape setting, its shape and the nature of the buildings themselves; and draw up design principles based on the particular distinctive character of the designated settlement. Most importantly it would identify the specific locations where opportunities exist for new development to take place and investigate the need for settlement boundaries around these settlements, and make recommendations where appropriate.~~

Strict criteria for the identification of “existing buildings” and “uncommitted land” are also identified by the policy to ensure that the minimum amount of fresh land is taken up by development, ~~following confirmation by the Structure Plan Review,~~ in line with the overall strategy of consolidation and conservation.—_The elimination of blank party walls, leading to the visual enhancement of the settlement, was the main objective of this definition.

SMSE 08 Small Rural Settlements – (Category 3 Settlements ODZ)

In the areas classified as Category 3 Rural Settlements by policy SMSE 05, as identified in Inset RS 8 – RS 9, only rehabilitation and re-development for the land-uses identified in policy SMSE 07 (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in policy SMSE 07 for each land-use are complied with.

New development, which takes up fresh land, in eCategory 3 settlements is not allowed unless it qualifies as an amenity structure allowed under Category 2 Settlements. ~~notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Large Rural Settlements, is not applicable to Category 3 Small Rural Settlements.~~

2.4.19 The third category of settlements are ~~ppropriately characterised~~ by low densities and can only be considered as small clusters of buildings.—_This is their most significant feature and this policy seeks to protect it by seriously curtailing the taking up of fresh land for buildings or the creation of new dwelling units, which increase densities and activity in the settlement.—_Thus restrictions on site planning, floor spaces, building heights, ~~and~~ car-parking provision and provision of amenity facilities are being introduced to ensure that all new development for residential purposes will not create unacceptable environmental impacts.—_The thrust of new development in these settlements should be towards rehabilitation and regeneration of the existing stock of buildings.

7 Way Forward

- 7.1 The Planning Directorate recommended that the Executive Council endorses the Partial Review of the 2006 Local Plan Policies for Rural Settlements as described in this report and publish it for a minimum of six weeks public consultation. At its meeting held on the 18th of March 2025, the Executive Council endorsed this recommendation.

Appendix – Public Submissions on Objectives with Responses

**Public Submissions on Objectives
with responses
Phase 1**

Ref	Name/Company	Date	Comments Received	Remarks
PR-RS(1) - 1	Perit Aaron Abela	16/10/24	<p>Since the present Local plan Policy SMSE 08 with regards to Category 3 Settlements includes tourist accommodation the revisions should also reflect this by including “tourist accommodation” in addition to “dwellings”.</p> <p>“SMSE 08 Small Rural Settlements – (Category 3 Settlements ODZ)</p> <p>In the areas classified as Category 3 Rural Settlements by policy SMSE 05, as identified in Inset RS 8 – RS 9, only rehabilitation and re-development for the land-uses identified in policy SMSE 07 (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in policy SMSE 07 for each land-use are complied with.</p> <p>New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted. The definition of uncommitted land, which is available for development in Category 2 Large Rural Settlements, is not applicable to Category 3 Small Rural Settlements.”</p> <p>Present proposed Objectives 2024 review</p> <p>Partial Review of the 2006 Local Plan Policies for Rural Settlements</p> <ol style="list-style-type: none"> 1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements. 2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling. <p>Hence the objectives should include: “and tourist accommodation”</p> <p>Partial Review of the 2006 Local Plan Policies for Rural Settlements should read</p>	<p>The recommendation to include tourist accommodation in addition to dwellings extends beyond the Governments’ objectives for this review.</p>

			<p>1. The acceptable types of development considered as ancillary to a dwelling and tourist accommodation in Category 2 and 3 Settlements.</p> <p>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling and tourist accommodation.</p>	
PR-RS(1) - 2	Perit Daniel Scerri	31/10/24	<p>With reference to the consultation regarding the Partial Reviews, particularly to policy SMSE 08 Small Rural Settlements – (Category 3 Settlements ODZ)</p> <p>The present Local plan Policy SMSE 08 with regards to Category 3 Settlements includes tourist accommodation.</p> <p>In the present Local Plan, also, the areas classified as Category 3 Rural Settlements by policy SMSE 05, as identified in Inset RS 8 – RS 9, <i>"only rehabilitation and re-development for the land-uses identified in policy SMSE 07 (A) to (E) and tourist accommodation will be permitted, provided the criteria stipulated in policy SMSE 07 for each land-use are complied with"</i>.</p> <p>Similarly, therefore, the objectives in the proposed Objectives 2024 review should include: "tourist accommodation" in addition to "dwellings" ., i.e.:</p> <p>The Partial Review of the 2006 Local Plan Policies for Rural Settlements should, in my opinion, therefore read:</p> <p><i>1. The acceptable types of development considered as ancillary to a dwelling and tourist accommodation in Category 2 and 3 Settlements.</i></p> <p><i>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling and tourist accommodation."</i></p>	The recommendation to include tourist accommodation in addition to dwellings extends beyond the Governments' objectives for this review.

PR-RS(1) - 3	Ms Emma Azzopardi	02/11/24	I would like to object to the proposed Partial Review of the 2006 Local Plan Policies for Rural Settlements	Comment noted.
PR-RS(1) - 4	Mr Thomas Azzopardi	04/11/24	<p>I would like to object to the proposed Partial Review of the 2006 Local Plan Policies for Rural Settlements</p> <ol style="list-style-type: none"> 1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements. 2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling.) <p>in order that precious rural land and water are protected.</p> <p>The PA claims that the amendments are aimed at providing clarity and aligning policies with contemporary planning standards. However, the existing policies are already clear, leaving no room for conflicting interpretation. Expanding land take-up in these settlements, is completely unjustified - particularly as agricultural land is increasingly under threat.</p> <p>Water too is a precious commodity on the islands and water extracted from bore holes should only be allowed for essential use in agriculture , not for the luxurious purpose of filling swimming pools.</p> <p>By allowing further take up of ODZ land for swimming pools, the PA will be encouraging not only the take up of precious rural land but will also be allowing a further strain on the limited availability of water on the island for a non- essential extravagant use.</p>	<p>In August 2014, Government adopted the Rural Policy and Design Guidance and repealed the "Policy and Design Guidance Agriculture and Farm Diversification and Stables Policy (2008)"; the "Development Control Guidance: Development Outside Built-Up Areas (PLP20) (1995)"; and the "Development Control Guidance: Swimming Pools Outside Development Zone (2000)".</p> <p>The spirit of RPDG14 is “to allow whoever genuinely needs to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use”. The document saw buildings [ODZ] as an improvement to the economic growth of the farming sector and supported the scope for diversification of farms by small scale enterprises such as small-scale farm retail, farm-based visitor attractions and agro-tourism accommodation. It also considered that even if established rural activities may not be well sited by today's standards, their reasonable expansion on site needed to be considered.</p>

			<p>Instead of safeguarding rural land, the PA is opening the floodgates for the development of tracts of rural land surrounding these settlements by introducing piecemeal changes to the local plans.</p> <p>The focus should be on restricting allowable uses in rural areas, not enabling further encroachment.</p> <p>Local plans are there for the good of all people of Malta and to protect/control development on the land of the Maltese islands for future generations - they are not to be altered to allow specific individuals the opportunity to sanction their illegal uptake of ODZ land. Rather, the PA should be a robust and respected entity that is seen to be enforcing the removal of illegal structures that have flouted their own policies not shamefully tweaking it's policies to allow individuals to sanction their illegalities!!</p>	<p>The RPDG14 sought to address issues of how the rural settlements policies in the local plans and the policies in the RPDG14 should be applied. The scope of Paragraph 0.24 which states, "the policies contained [in the RPDG14] supersede any conflicting provisions concerning Categories 1, 2 and 3 rural settlements", was to address this issue.</p> <p>Since 2014, in the absence of guidance by local plans rural settlement policies in relation to ancillary facilities, the provisions of the RPDG14, have been applied to rural settlements. This resulted in ancillary facilities such as swimming pools and decking areas and the take up of fresh land in the case of Category 3 settlements, being approved in rural settlements through the application of the RPDG14.</p> <p>Following legal challenges, paragraph 0.24 in the RPDG14 was struck down by the Court of Appeal on the basis of Article 52 of the Development Planning Act which establishes the hierarchy of plans and policies. This decision established that the RPDG14, being at the bottom of the hierarchy, cannot prevail over the Local Plan. In its decisions, the Court provided an interpretation of the provisions of the Local Plans' policies for Category 2 and Category 3 Rural Settlements; with the basic implication being that</p>
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				<p>unless a development type is specifically mentioned in the policy as being permitted, then it is not allowed.</p> <p>This Court ruling is not deemed to reflect the approach adopted by the Planning Authority for over a decade on the application of the rural settlement policies contained in the local plans and the guidelines and policies contained in the RPDG14.</p>
PR-RS(1) - 5	Perit Tara Cassar obo Din I-Art Helwa	05/11/24	<p>The following is being submitted on behalf of eNGO Din I-Art Helwa.</p> <p>The Planning Authority issued this call for public consultation on the <i>Partial Review of the 2006 Local Plan Policies for Rural Settlements</i> on the basis of the following objectives:</p> <ol style="list-style-type: none"> <i>1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.</i> <i>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling.</i> <p>The Authority claims that the above is intended <i>'to bring clarity and update the policies to ensure that the management and development of these areas align with contemporary planning standards while respecting their rural character.'</i></p> <p><u>Submission:</u></p> <ol style="list-style-type: none"> 1. It is being held that the current policies, namely NWRS 3 and NWRS 4, are clear and comprehensive, leaving no room for conflicting 	<p>In August 2014, Government adopted the Rural Policy and Design Guidance and repealed the "Policy and Design Guidance Agriculture and Farm Diversification and Stables Policy (2008)"; the "Development Control Guidance: Development Outside Built-Up Areas (PLP20) (1995)"; and the "Development Control Guidance: Swimming Pools Outside Development Zone (2000)".</p> <p>The spirit of RPDG14 is "to allow whoever genuinely needs to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use". The document saw buildings [ODZ] as an improvement to the economic growth of the farming sector and supported the scope for diversification of farms by small scale enterprises such as small-scale farm retail, farm-based visitor attractions</p>

		<p>interpretation. As such, no further clarifications, as proposed by the Authority, are required.</p> <p>2. The current policy framework adhering to rural settlements aims to curtail further take-up, soil sealing and development of rural land within these settlements to ensure its safeguarding. The proposed 'update' would severely compromise the core direction of these policies by allowing for the 'take-up of fresh land' in Category 3 settlements for uses deemed 'ancillary' to dwellings, when currently NO land fresh land take-up is permitted.</p> <p>3. The current policy framework already lists what uses are deemed permissible in rural settlements and allows for adequate living to high contemporary standards without residents being subjected to squalid unsanitary living conditions. Contemporary planning standards as established by the sanitary law are already applicable to dwellings in rural settlements. It can therefore not be understood why any revision in this regard can be said to be required.</p> <p>4. No additional uses such as pools are required to improve the living standards of dwellings in rural settlements. Allowing such uncomplimentary uses within these settlements will open the floodgates for vast tracks of unbuilt land to be sealed and developed, effectively paving the way for the degradation and ruin of the very characteristics that define these settlements.</p> <p>5. Moreover, since the writing of the 2006 Local Plans, the need to restrict land take-up to curtail the effects of urban development within the rural areas, and protect agricultural land has, contrary to the direction adopted through this amendment, drastically intensified. Agricultural land is increasingly under threat, largely due to worsening climate conditions and the piecemeal development of rural land. Any provisions for new land take-up within rural settlements will only aggravate an already critical situation.</p>	<p>and agro-tourism accommodation. It also considered that even if established rural activities may not be well sited by today's standards, their reasonable expansion on site needed to be considered.</p> <p>The RPDG14 sought to address issues of how the rural settlements policies in the local plans and the policies in the RPDG14 should be applied. The scope of Paragraph 0.24 which states, "the policies contained [in the RPDG14] supersede any conflicting provisions concerning Categories 1, 2 and 3 rural settlements", was to address this issue.</p> <p>Since 2014, in the absence of guidance by local plans rural settlement policies in relation to ancillary facilities, the provisions of the RPDG14, have been applied to rural settlements. This resulted in ancillary facilities such as swimming pools and decking areas and the take up of fresh land in the case of Category 3 settlements, being approved in rural settlements through the application of the RPDG14.</p> <p>Following legal challenges, paragraph 0.24 in the RPDG14 was struck down by the Court of Appeal on the basis of Article 52 of the Development Planning Act which establishes the hierarchy of plans and policies. This decision established that the RPDG14,</p>
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			<p>6. Given the above, it is being held that if any changes are to be implemented they should;</p> <ul style="list-style-type: none"> - Impose additional restrictions to prevent any new land take-up and sealing within rural settlements - Further limit and reduce the types of allowable uses as well as those deemed ancillary to dwellings, within these settlements to prevent their further urbanisation 	<p>being at the bottom of the hierarchy, cannot prevail over the Local Plan. In its decisions, the Court provided an interpretation of the provisions of the Local Plans' policies for Category 2 and Category 3 Rural Settlements; with the basic implication being that unless a development type is specifically mentioned in the policy as being permitted, then it is not allowed.</p> <p>This Court ruling is not deemed to reflect the approach adopted by the Planning Authority for over a decade on the application of the rural settlement policies contained in the local plans and the guidelines and policies contained in the RPDG14.</p>
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PR-RS(1) - 6	Mr Noel Ciantar	06/11/24	<p>Emanuel (Noel) Ciantar Ciantar Farmhouse – Wied Hazrun – RABAT RBT 5990 – MALTA Email: nciantar@hotmail.com</p> <hr/> <p>6 November 2024</p> <p>The Planning Authority consultation-ruralsettlements@pa.org.mt villarosa.consultation@pa.org.mt</p> <p>Dear Sir/Madam</p> <p><u>PUBLIC CONSULTATIONS</u></p> <p><u>1. PARTIAL REVIEW OF THE 2006 NORTH HARBOUR LOCAL PLAN FOR PACEVILLE (VILLA ROSA SITE).</u></p> <p><u>2. PARTIAL REVIEW OF THE 2006 LOCAL PLAN POLICIES FOR RURAL SETTLEMENTS.</u></p> <p>I am writing to submit representations to the Planning Authority (the Authority) in the two public consultations referred-to above.</p> <p>I understand that the two public consultations are separate, and that although they were launched on the same day, they have different closing dates.</p> <p>I will deal with each of the two public consultations separately and specifically in this letter, but I believe that, given the nature of my representations, and given that I am a private individual with limited resources, it makes sense for me to combine them in one letter. I shall be submitting a copy of this letter in each of the public consultations referred-to above, to the separate email addresses listed above.</p> <p>I understand that both public consultations deal with <u>the objectives</u> (which I shall refer to as the consultation objectives) of the proposed partial review of the local plans mentioned in them, but do not at this stage deal with the drafts of the partial reviews. Such drafts should become available after the processing of the public consultation.</p> <p>I am writing as a member of the public, representing my own views based on my own experiences and publicly available information.</p> <p>With respect to the proposed partial revision of the local plans for Rural Settlements, I write from direct experience as I shall explain under that subject in this letter.</p> <p>My representations are set out on the following pages.</p> <p style="text-align: right;">1</p>	<p>In August 2014, Government adopted the Rural Policy and Design Guidance and repealed the "Policy and Design Guidance Agriculture and Farm Diversification and Stables Policy (2008)"; the "Development Control Guidance: Development Outside Built-Up Areas (PLP20) (1995)"; and the "Development Control Guidance: Swimming Pools Outside Development Zone (2000)".</p> <p>The spirit of RPDG14 is “to allow whoever genuinely needs to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use”. The document saw buildings [ODZ] as an improvement to the economic growth of the farming sector and supported the scope for diversification of farms by small scale enterprises such as small-scale farm retail, farm-based visitor attractions and agro-tourism accommodation. It also considered that even if established rural activities may not be well sited by today's standards, their reasonable expansion on site needed to be considered.</p> <p>The RPDG14 sought to address issues of how the rural settlements policies in the local plans and the policies in the RPDG14 should be applied. The scope of Paragraph 0.24 which states, “the policies contained [in the RPDG14] supersede any conflicting</p>
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			<p style="text-align: center;"><u>7. PARTIAL REVIEW OF THE 2006 LOCAL PLAN POLICIES FOR RURAL SETTLEMENTS.</u></p> <p>In the first place, I invoke my representations under <i>1. Partial Review of the 2006 North Harbour Local Plan for Paceville (Villa Rosa Site)</i> above to state that, if the public consultation about the partial review of the 2006 North Harbour Local Plan for Paceville (Villa Rosa site) is vitiated, there is a strong possibility that the public consultation for the partial review of the 2006 Local Plan Policies for Rural Settlements is vitiated also.</p> <p>In the second place, I am now going to show that I contend that this is more than just a strong possibility, and that in fact, it is probable (i.e. it is more likely than not) that the public consultation process for the partial review of the 2006 Local Plan Policies for Rural Settlements is vitiated also, and is therefore null and void, and so is anything that flows from it.</p> <p>On its website, the Authority set out the background of the partial review of the 2006 Local Plan policies for Rural Settlements as follows:</p> <p><i>"The Planning Authority has initiated the process to carry out a <u>partial review of the 2006 Local Plans policies covering rural settlements (category 2 & 3).</u></i></p> <p><i><u>This review seeks to bring clarity and update the policies to ensure that the management and development of these areas align with contemporary planning standards while respecting their rural character.</u></i></p> <p><i>Rural settlements were first designated in 2006 through the local plans. These areas, located outside development boundaries, consist of areas where several buildings for dwellings already existed.</i></p> <p><i>The review will affect four local plans, namely the North West, Central Malta, South Malta and Gozo and Comino. The Planning Authority is proposing the following objectives to guide this review."</i> (Emphasis added by myself.)</p> <p>The consultation objectives for the partial review of the 2006 Local Plan policies for Rural Settlements as published by the Authority are as follows:</p> <p><i>"1. The acceptable types of development considered as <u>ancillary to a dwelling in Category 2 and 3 Settlements.</u></i></p> <p><i>2. The guidelines for the <u>take-up of fresh land in Category 3 Settlements</u> for development that is considered as <u>ancillary to a dwelling.</u>"</i> (Emphasis added by myself.)</p> <p>Considering what the Authority has published about the partial review of the 2006 Local Plan Policies for Rural Settlements, I am convinced that this public consultation is vitiated by the fact that the proposed consultation objectives address two issues which arose on the property of the new Deputy Prime Minister Dr. Ian Borg, to the point that it is more likely than not that the Authority is carrying out this public consultation to address those two issues in favour of the new Deputy Prime Minister, as can be seen from the facts which I refer to below taken all together.</p> <p>The timing of the publication of the public consultation about the partial review of the 2006 Local Plan Policies for Rural Settlements on 15 October 2024 comes very soon after the appointment of the new Deputy Prime Minister which took place on 17 September 2024, and this further points in the direction that the public consultation favours the new Deputy Prime Minister.</p> <p style="text-align: right;">4</p>	<p>provisions concerning Categories 1, 2 and 3 rural settlements", was to address this issue.</p> <p>Since 2014, in the absence of guidance by local plans rural settlement policies in relation to ancillary facilities, the provisions of the RPDG14, have been applied to rural settlements. This resulted in ancillary facilities such as swimming pools and decking areas and the take up of fresh land in the case of Category 3 settlements, being approved in rural settlements through the application of the RPDG14.</p> <p>Following legal challenges, paragraph 0.24 in the RPDG14 was struck down by the Court of Appeal on the basis of Article 52 of the Development Planning Act which establishes the hierarchy of plans and policies. This decision established that the RPDG14, being at the bottom of the hierarchy, cannot prevail over the Local Plan. In its decisions, the Court provided an interpretation of the provisions of the Local Plans' policies for Category 2 and Category 3 Rural Settlements; with the basic implication being that unless a development type is specifically mentioned in the policy as being permitted, then it is not allowed.</p> <p>This Court ruling is not deemed to reflect the approach adopted by the</p>
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			<p>The new Deputy Prime Minister had two main issues concerning his property in the Category 3 Small Rural Settlement ODZ of Santa Katerina, in the limits of Rabat, Malta, namely:</p> <ul style="list-style-type: none"> • The use of <u>fresh land</u>, which was incorporated into his dwelling – this issue arose in 2014/2015. • The <u>development of a swimming pool and ancillary facilities next to his dwelling</u> – this issue arose in 2018-2023. <p>I was actually the person who flagged both issues, and referred them to the authorities.</p> <p>The authorities agreed with my arguments, including about the application and interpretation of the Local Plan policies relating to Small Rural Settlements.</p> <p><u>In both instances, the Authority defended the position of Dr. Borg tooth and nail, and it took no action against the developments carried out, in defiance of the authorities including the Permanent Commission Against Corruption, the Constitutional office of the Ombudsman, and the Court of Appeal.</u></p> <p><u>It now appears that the Authority wants to have the last word by changing the rules. But if anything, such action shows that the Authority was wrong in both cases.</u></p> <p><u>(i) On the subject of the Deputy Prime Minister's use of fresh land</u>, there were two investigations carried out by independent authorities in 2015. In one of the investigations, the Office of the Ombudsman had identified the permitted use of fresh land as a <u>grave error</u> in the permit, and had recommended the review of the permit by the Authority. <u>The Authority refused to accept the conclusions of the Ombudsman and therefore did not review the permit.</u></p> <p>In its investigation report, the Ombudsman had stated, <i>inter-alia</i>, that:</p> <p><i>"Policy NWRS 4 is categoric in that only rehabilitation and re-development of existing buildings was permissible. Policy NWRS 3 is taken as a reference for defining permissible land uses and design criteria (e.g. minimum and maximum footprint and floor area).</i></p> <p><i>In addition the definition of uncommitted land in Policy NWRS 3 for Category 2 Settlements is not applicable in Category 3 Settlements. It is clear that the objective of Policy NWRS 4 is to severely limit the possibility of existing open space within the building cluster to be built up.</i></p> <p><i>In fact it is clearly stated that "New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted.</i></p> <p><i>Given the context of this policy with a strong emphasis against further extension of the building profile, the term 'new development' refers to the rehabilitation and re-development of the existing built-up fabric and not a completely new development on an unbuilt site.</i></p> <p style="text-align: center;">5</p>	<p>Planning Authority for over a decade on the application of the rural settlement policies contained in the local plans and the guidelines and policies contained in the RPDG14.</p>
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A direct comparison of both proposals [PA/02708/14 pertaining to Dr. Ian Barg and PA/0137/12 pertaining to a previous owner – my observation] shows that they are identical in that in both cases, the demolition of the existing building in a Category 3 Settlement, and its replacement by new development are being proposed. The open space in both cases is already surrounded on three sides by buildings, even if in PA/01637/12 the lower corner did not as yet form part of the development. Therefore the classification according to Policy NWRS 4 should have been applied equally in both cases.

By changing this qualification in PA/02708/14, the MEPA facilitated the approval of the proposal when it had strongly objected to identical development on the same site because this plot was classified as fresh land. There was no change in policy in the intervening period between the refusal of PA/01637/12 and the submission of PA/02708/14 which justified the is change of classification.

Conclusions and recommendations.

In conclusion therefore:

- The complaint that policies were incorrectly applied in the processing of application PA/02708/14 is justified. The MEPA had just refused an application on part of the site. One of the main reasons of refusal was the taking up of fresh land which was not permitted in Category 3 Settlements;*
- The MEPA then proceeded to process a similar request albeit on a larger site but which totally incorporated the site in PA/01637/12 including the 'fresh land';*
- In referring to PA/01637/12 within the processing of PA/2708/14, no mention was made of the refusal of the former application because of the taking up of fresh land;*
- This same plot of land is not mentioned in the descriptive text of the DPAR in PA/02708/14. The site is invariably described as an existing building;*
- By changing the classification of the plot, the MEPA removed the one possible reason (and a very strong one) for refusing the proposal, thereby facilitating its approval;*
- The series of omissions and variations in the text of the DPAR in PA/02708/14 cannot be put down to human error but point to a deliberate attempt to remove the one remaining obstacle potentially blocking approval of the application;*
- This grave error on the part of the MEPA should be sufficient to justify the review of the permit and reassess the application by applying the existing policies in the same manner as in PA/01637/12; and*
- As agreed with the Commission Against Corruption, a copy of this report is being provided for any action the Commission may deem fit to take within its ongoing investigation in this case."*

In the other investigation, the Permanent Commission Against Corruption had accepted the conclusions of the Ombudsman and made them part of its own conclusions.

The Ombudsman's report speaks of clarity, not of ambiguity, in the reading, application and interpretation of policies NWRS 3 and NWRS 4, with respect to the use of fresh land.

Therefore, it seems that it is only the Authority which is not seeing the clarity in the existing Local Plan policies relating to Small Rural Settlements.

But in the Deputy Prime Minister's case, the pool was replacing an existing agricultural reservoir. Moreover, the reservoir did not have a permit, and was not visible on the 1967 aerial photos. Therefore, the only options available to the Authority were to either treat the pool as a redevelopment and therefore apply the first paragraph of Policy NWR5 4, or to treat the pool as a new development of fresh land, and apply the second paragraph of Policy NWR5 4. Both paragraphs would have led to the rejection of the application. The existing agricultural reservoir did not even qualify as an "existing building."

Once again, the Appeals Tribunal justified the permit of PA/00867/20 with the RPDG 2014.

But, in the court case *Emmanuel aive Noel Ciantar vs L-Awtorita' tal-Ippjanar* (appeal number 34/2022, decided on 15 March 2023), the Court of Appeal rejected all justifications, and revoked the permit.

At no point in processing the appeals relative to PA/05334/18 and PA/00867/20 did the Court of Appeal express any doubt about the application or interpretation of the Local Plan policies relative to Rural Settlements.

Therefore, once again, it is only the Authority which appears to be having a problem on the clarity of the Local Plan policies relating to Rural Settlements.

Despite the Court of Appeal's revocation of the permit PA/00867/20 in March 2023, Dr. Borg had already carried out his development, because, unlike in the case of PA/05334/18, a request to the Appeals Tribunal to suspend the execution of the development pending the appeals had been rejected. But to date, the Authority failed to take any enforcement action about it.

Incidentally, the high-profile case of PA/00867/20 was one of a number of similar cases where the development had been executed before the Court of Appeal revoked the relative permit, and which led the government and the Authority to carry out a separate public consultation in 2023 on changes to the planning law so that all permits under appeal will have their execution automatically suspended. One year later, that public consultation has produced no outcome.

Thus, from the Authority's current public consultation, one can see the proximity of the consultation objectives with the issues encountered on the property of the Deputy Prime Minister, with the consultation objectives closely linked to "acceptable types of development considered as ancillary to a dwelling" and "the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling."

In support of my arguments, I refer to the following article appearing in the media:

- *How a local plan review could pave the way for pools like Ian Borg's* – published on timesofmalta.com on Wednesday 30 October 2024. Copy in [APPENDIX 4](#).

The article, which goes in detail into the matter summarised in its title, is self-explanatory.

In addition to the above specific matters decided by the authorities, I find the fact that the review of the Local Plans for Rural Settlements is being made on specifically two points, namely: "acceptable types of development considered as ancillary to a dwelling" and "the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling" is particularly telling of the reasons driving the Authority into this public consultation. Why is the Authority limiting itself to these two issues only as opposed to launching a comprehensive public consultation to review all the Local Plan policies for Rural Settlements? And why is the Authority limiting the public consultation to land use for dwellings, as opposed to the other land uses allowed in the Local Plan policies for Rural Settlements?

I also find objectionable the fact that instead of indicating a review of the Local Plans for Rural Settlements in order to better protect their rural character and their agricultural land use, the Authority is only concerned about extensions, and developments ancillary, to dwellings. Why would the Authority want to be concerned about the clarity on extensions, and developments ancillary, to dwellings in Rural Settlements, when: (i) the application and interpretation by the authorities of the Local Plan policies for Rural Settlements has been to restrict such developments and (ii) the objective should in fact be to restrict such developments and instead to promote the rural and agricultural value, of rural settlements?

If the Authority should in any way review the Local Plans for Rural Settlements, it should do so only to protect their traditional character and to promote their land use for agriculture. The other authorities have already done so in their conclusions and decisions referred-to-above. But there is no indication about this in the Authority's public consultation.

I find the fact that the Authority did not take action about the Deputy Prime Minister's pool and ancillary facilities after the permit PA/00867/20 was declared null and void by an Appeals Court in 2023, but has instead procrastinated, and the fact that now the Authority is seeking to modify the Local Plan policies for Rural Settlements on matters of use of fresh land and extensions to dwellings, as probable signs of a deliberate plan to find a way to protect the Deputy Prime Minister's development from enforcement.

Therefore, at this point, I will limit my representations about the public consultation and the consultation objectives for the partial review of the 2006 Local Plan Policies for Rural Settlements to the above observations, and will not add any further representations about this public consultation, whilst I reserve all my legal rights with respect to its outcome.

In conclusion, I believe that the current processes of the public consultations referred to in this letter are vitiated as explained in this letter, and that this constitutes a serious collapse of democracy in Malta because the public has a right to free and fair public consultation.

Thank you for your attention to the matters contained in this letter.

I reserve my right to make further representations as necessary.

I reserve all my legal rights.

Yours truly



Emanuel (Noel) Ciantar

Identity Card number: 9373M

APPENDIX 4: Copy of article entitled How a local plan review could pave the way for pocket bike lanes
Borg's - published on timesofmalta.com on Wednesday 30 October 2024.

See next pages.

How a local plan review could pave the way for pools like Ian Borg's

PA said it started process to 'clearly define' acceptable types of development in rural settlements

National Planning Authority Environment Construction

30 October 2024 | Jessica Azzopardo | D98

3 min read

Ian Borg's pool had its permit revoked by an appeals court last year – but a review of rural planning policies could see it sanctioned. Photo: Chris Sant Fournier

Ian Borg's illegal swimming pool could be sanctioned under proposed changes to planning policies for rural settlements, according to a heritage architect.

The foreign minister's Rabat countryside pool was approved by the Planning Authority in a decision that a court last year [declared illegal](#) because the local plan only allows for the rehabilitation of existing buildings.

But in a vaguely worded proposal issued last week, the PA said it had started the process of reviewing local plans that affect rural settlements to "clearly define" acceptable types of development and fresh take-up of land.

The issue revolves around policies that cover Category 2 and 3 rural settlements⁽¹⁾, which are small clusters of residential developments located outside the development zone (ODZ).

Borg's pool is in the grounds of his countryside villa in the hamlet of Santa Katerina, which is a Category 3 settlement.

The current policy only allows the rehabilitation and re-development of existing buildings – not the addition of swimming pools. It also specifically forbids the take-up of fresh land for new development, irrespective of its location or proximity to existing buildings.

			<p>In its objective, the PA said that the policy review seeks to "clearly define" what acceptable types of development can be considered as ancillary to a dwelling in Category 2 and 3 settlements and to set up guidelines for the fresh take-up of land in Category 3 settlements for development that is considered ancillary to a dwelling.</p> <p>66 Instead of safeguarding rural land, the PA is opening the floodgates for the development of tracts of rural land 99</p> <p>The appeals judgment that definitively declared Borg's pool to be illegal hinged on the interpretation of two policy points (NWRS 3 and 4).</p> <p>While the PA doesn't specifically say in its statement which policies it seeks to amend nor how it intends to review them, it says it wants to "bring clarity and update the policies to ensure that the management and development of these areas align with contemporary planning standards while respecting their rural character".</p> <p>If NWRS 3 and 4 are amended to widen the acceptable types of ancillary development to a dwelling in a Category 3 settlement or allow for the take-up of fresh land, this could pave the way for certain structures to find grounds for sanctioning.</p> <p>'Completely unjustified'</p> <p>Architect Tara Cassar, speaking on behalf of preservation NGO Din I-Art Hedwa, said these amendments will remove safeguards that prevent development in small and traditional rural settlements.</p> <p>"While the Planning Authority has yet to specify which new uses will be included, if pools are listed, it is clear that the changes would enable the sanctioning of the pool that the courts have already deemed illegal," she said.</p> <p>"The PA claims that the amendments are aimed at providing clarity and aligning policies with contemporary planning standards. However, the existing policies are already clear, leaving no room for conflicting interpretation." Expanding land take-up in these settlements, she continued, is "completely unjustified" particularly as agricultural land is increasingly under threat.</p> <p>"Instead of safeguarding rural land, the PA is opening the floodgates for the development of tracts of rural land surrounding these settlements by introducing piecemeal changes to the</p>		
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local plans. The focus should be on restricting allowable uses in rural areas, not enabling further encroachment," Cassar said.

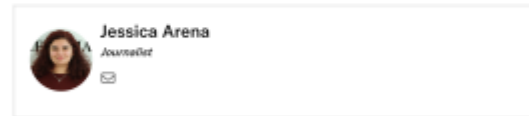
The saga of the Borg family swimming pool has been ongoing for years.

He was first accused of acquiring the property about twice the area of a tennis court in the scenic Santa Katerina valley for just €10,000.

After transforming an abandoned ODZ building into a modern dwelling, Borg successfully applied to build the swimming pool in an adjacent field.

When objector Noel Ciantar's appeal before the planning tribunal was dismissed, he pursued the matter in court, which ruled that the permit should be revoked.

Borg filed a new application for the pool in 2019 which was again approved by the PA and endorsed by the EPRT. Undeterred, Ciantar again pursued the matter in court and once again managed to get the permit overturned. However, by this stage, the pool had been completed.



Advertisement

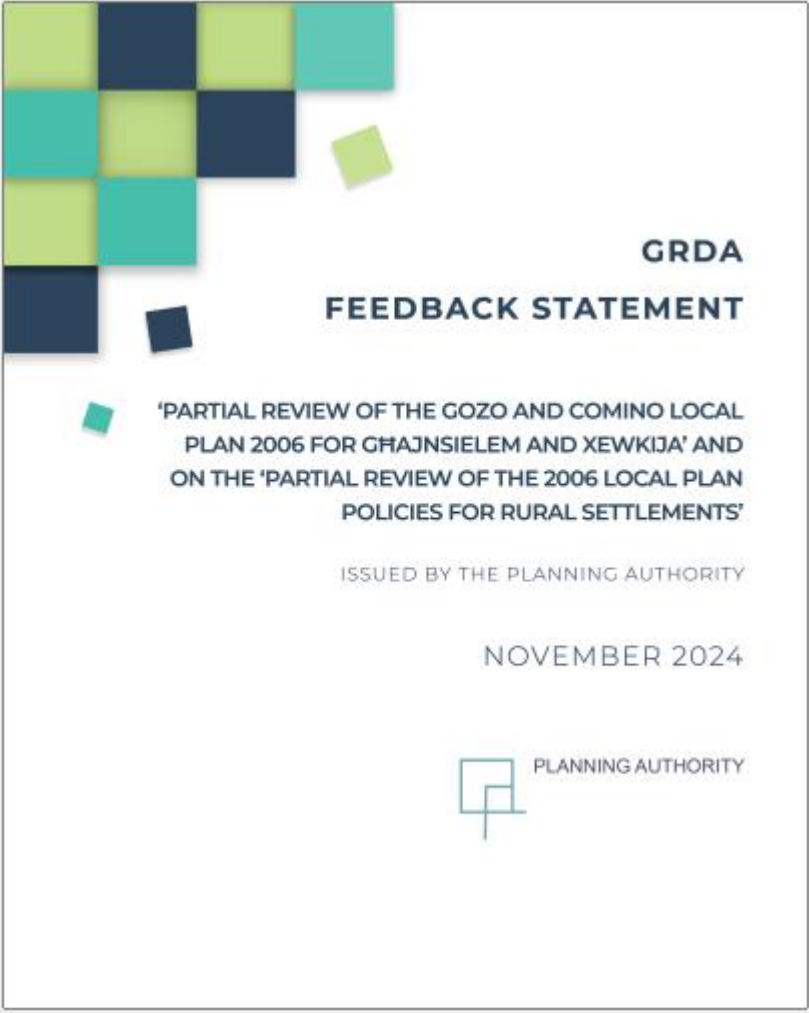
<p>PR-RS(1) - 7</p>	<p>Dr Claire Bonello</p>	<p>06/11/24</p>	<p>http://consultation.cominfuturesolutions.com.org.mt</p> <p>PARTIAL REVIEW OF THE 2006 LOCAL PLAN POLICIES FOR RURAL SETTLEMENTS.</p> <p>On its website, the Authority set out the background of the partial review of the 2006 Local Plan policies for Rural Settlements as follows:</p> <p>"The Planning Authority has initiated the process to carry out a partial review of the 2006 Local Plan policies covering rural settlements (category 2 & 3). This review seeks to bring clarity and update the policies to ensure that the management and development of those areas aligns with contemporary planning standards while respecting their rural character. Rural settlements were first designated in 2006 through the local plans. These areas, located outside development boundaries, consist of areas where several buildings for dwellings already existed. The review will affect four local plans, namely the North West, Central Malta, South Malta and Gozo and Corfu. The Planning Authority is proposing the following objectives to guide this review."</p> <p>The consultation objectives for the partial review of the 2006 Local Plan policies for Rural Settlements as published by the Authority are as follows:</p> <ol style="list-style-type: none"> 1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements. 2. The guidelines for the take-up of fresh land in Category 2 Settlements for development that is considered as ancillary to a dwelling. <p>Submission</p> <p>This representation is being submitted on behalf of Movement Graffiti</p> <p>It is being queried why this Partial Local Plan Review Exercise is needed. It is evident that this is a push to extend the take-up of fresh land outside the development, leaving to further formalization and soil-sealing – both of which will have an impact on the visual amenity and sustainability of the zones in question. Why is it necessary to have ancillary facilities beyond the development zone? This is clearly an attempt to legitimise the goal of Minister Ian Borg, making this supposed public consultation exercise a sham one.</p> <p>It is being held that the current policies, namely NWRS 3 and NWRS 4, are clear and comprehensive, leaving no room for conflicting interpretation. As such, no further clarifications, as proposed by the Authority, are required.</p> <p>The current policy framework adhering to rural settlements aims to curtail further take-up, soil sealing and development of rural land within these settlements to ensure its safeguarding. The proposed 'update' would severely compromise the core direction of these policies by allowing for the 'take-up of fresh land' in Category 3 settlements for uses deemed 'ancillary' to dwellings, when currently NO land fresh land take-up is permitted.</p>	<p>In August 2014, Government adopted the Rural Policy and Design Guidance and repealed the "Policy and Design Guidance Agriculture and Farm Diversification and Stables Policy (2008)"; the "Development Control Guidance: Development Outside Built-Up Areas (PLP20) (1995)"; and the "Development Control Guidance: Swimming Pools Outside Development Zone (2000)".</p> <p>The spirit of RPDG14 is “to allow whoever genuinely needs to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use”. The document saw buildings [ODZ] as an improvement to the economic growth of the farming sector and supported the scope for diversification of farms by small scale enterprises such as small-scale farm retail, farm-based visitor attractions and agro-tourism accommodation. It also considered that even if established rural activities may not be well sited by today's standards, their reasonable expansion on site needed to be considered.</p> <p>The RPDG14 sought to address issues of how the rural settlements policies in the local plans and the policies in the RPDG14 should be applied. The scope of Paragraph 0.24 which states, “the policies contained [in the RPDG14] supersede any conflicting</p>
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			<p>The current policy framework already lists what uses are deemed permissible in rural settlements and allows for adequate living to high contemporary standards without residents being subjected to squalid unsanitary living conditions. Contemporary planning standards as established by the sanitary law are already applicable to dwellings in rural settlements. It can therefore not be understood why any revision in this regard can be said to be required.</p> <p>No additional uses such as pools are required to improve the living standards of dwellings in rural settlements. Allowing such incongruent uses within these settlements will open the floodgates for vast tracts of unbuild land to be sealed and developed, effectively paving the way for the degradation and ruin of the very characteristics that define these settlements.</p> <p>Moreover, since the writing of the 2006 Local Plans, the need to restrict land take-up to curtail the effects of urban development within the rural areas, and protect agricultural land has, contrary to the direction adopted through this amendment, drastically intensified. Agricultural land is increasingly under threat, largely due to worsening climatic conditions and the piecemeal development of rural land. Any provisions for new land take-up within rural settlements will only aggravate an already critical situation.</p> <p>Given the above, it is being held that if any changes are to be implemented they should:</p> <ul style="list-style-type: none"> - Impose additional restrictions to prevent any new land take-up and sealing within rural settlements - Further limit and reduce the types of allowable uses as well as those deemed ancillary to dwellings, within these settlements to prevent their further urbanization 	<p>provisions concerning Categories 1, 2 and 3 rural settlements", was to address this issue.</p> <p>Since 2014, in the absence of guidance by local plans rural settlement policies in relation to ancillary facilities, the provisions of the RPDG14, have been applied to rural settlements. This resulted in ancillary facilities such as swimming pools and decking areas and the take up of fresh land in the case of Category 3 settlements, being approved in rural settlements through the application of the RPDG14.</p> <p>Following legal challenges, paragraph 0.24 in the RPDG14 was struck down by the Court of Appeal on the basis of Article 52 of the Development Planning Act which establishes the hierarchy of plans and policies. This decision established that the RPDG14, being at the bottom of the hierarchy, cannot prevail over the Local Plan. In its decisions, the Court provided an interpretation of the provisions of the Local Plans' policies for Category 2 and Category 3 Rural Settlements; with the basic implication being that unless a development type is specifically mentioned in the policy as being permitted, then it is not allowed.</p> <p>This Court ruling is not deemed to reflect the approach adopted by the</p>
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				Planning Authority for over a decade on the application of the rural settlement policies contained in the local plans and the guidelines and policies contained in the RPDG14.
PR-RS(1) - 8	Mr Stefano Miceli obo ERA	06/11/24	<p>ERA Feedback on the Partial Review of the 2006 Local Plan Policies for Rural Settlements (Phase 1)</p> <p>(i) Hamlets in Category 2 and Category 3 rural Settlements are unique and diverse in terms of their size, typology, character, function, architectural significance, cultural history, topographical context and environmental sensitivity.</p> <p>(ii) Category 2 and 3 Settlements are located in the countryside and a cautious approach to development is needed. Ancillaries should be directly related to the dwelling and preferably be accommodated on already-developed land. Sprawl of ancillaries should be avoided and should not result in disproportionate increases to the building mass. Caution is needed so that any approved ancillaries do not create pressures for the eventual intensification of existing uses.</p> <p>(iii) Furthermore, permissions for extension of individual developments tend to contribute towards cumulative impacts that are even more significant than the individual interventions. This is particularly</p>	As per Government published objectives, this partial review is only making provision to enable the development of ancillary facilities (amenity structures) to a dwelling within Rural Settlements Category 2 and 3. No other provisions contained within the current policies is being amended or discarded.

			<p>relevant for settlements having an irregularly shaped configuration and settlements that are only roughly indicated by a framed area on the Local Plan maps.</p> <p>(iv) Ideally a context-based approach should be adopted, rather than a one-size-fits-all policy revision. No additional development should be permitted on valley sides, ridges, natural habitats, geological features and other environmentally important sites. There should be a general presumption against ancillaries which would adversely affect the rural character of the settlement.</p> <p>(v) The above considerations are applicable to both Category 2 and 3, and are particularly important for Category 3 settlements in view of their smaller size. ERA considers that the distinction between the two classifications of settlements should remain intact. There should be a general presumption against the take up of undeveloped land within Category 3 Settlements.</p>	
PR-RS(1) - 9	Ing Stanley Zammit MP	06/11/24	<p>Aġġornament tal-policies u l-pjanijiet lokali joffri opportunità biex nintroduċu aktar ċarezza fil-pjanifikazzjoni u niżguraw żvilupp sostenibbli li jkun allinjat mal-ħtiġijiet tal-llum u ta' għada ta' Malta.</p>	<p>As per Government published objectives, this partial review is only making provision to enable the development of ancillary facilities (amenity structures) to a dwelling within Rural Settlements Category 2</p>

		<p>L-Awtorita' tal-Ippjanar hija mitluba tkun trasparenti u tippublika kull dokument u studju illi għanda u li wassalha għad-deċiżjoni li tinizzjala dan ir-review.</p> <p>Il-Partit Nazzjonalista jeżiġi trasparenza, kontabilita' u konsultazzjoni reali mal-pubbliku.</p> <p>Nifhmu li dawn l-aġġornamenti jistgħu jsaħħu l-karattru rurali ta' dawn l-inħawi, fejn jiġi limitat l-iżvilupp għal strutturi żgħar u verament sekondarji li jappoġġjaw il-ħajja rurali mingħajr ma jbiddu n-natura tagħha.</p> <p>Madankollu, hemm bżonn ta' kawtela f'kull bidla. Jekk id-definizzjonijiet ġodda ta' x'inhu żvilupp "sekondarju" ikunu wiesgħin jew ambigwi, tittieħed art ġdida jew, jinbidlu jew jiżdiedu l-użi, hemm ir-riskju li dawn it-tibdilit jintużaw b'mod li jippermetti li żviluppi illegali jew taħt notifika ta' infurzar jiġu b'xi mod sanzjonati jew regolarizzati retroattivament. Dan jista' jwassal għal akkużi ta' favoritizmu u applikazzjoni selettiva tal-liġi, jagħmel ħsara lill-fiduċja pubblika fis-sistema tal-ippjanar, u jinkoraġġixxi n-nuqqas ta' konformità mar-regolamenti tal-ippjanar.</p> <p>Fl-aħħar mill-aħħar, l-għan għandu jkun li kull aġġornament tal-policy itejjeb il-kwalita' tal-ħajja u s-sostenibbiltà ambjentali.</p> <p>Biex il-fiduċja pubblika tinzamm u dawn l-għanijiet jintlaħqu, huwa essenzjali li l-Awtorita' tal-ippjanar tinvolvi ruħha b'mod miftuħ mal-partijiet interessati, tiżgura definizzjonijiet stretti u ċari, tinforza il-policies kurrenti b'mod imparzjali, jiġi konservat il-wirt rurali ta' Malta, u ma jinħolqux lakuni u ambigwitajiet li jistgħu jgawdu minnhom żviluppi mhux awtorizzati.</p>	<p>and 3. No other provisions contained within the current policies is being amended or discarded.</p>
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<p>Late submission</p>	<p>(Ms Marthese Cassar obo Gozo Regional Development Authority)</p>	<p>12/11/24</p>		
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GRDA Feedback on the 'Partial Review of the Gozo and Comino Local Plan 2006 for Ġhajnsielem and Xewkija' and on the 'Partial Review of the 2006 Local Plan Policies for Rural Settlements'

1. Preamble

The consultations published on 15th October 2024 by the Planning Authority (PA) are concerned with the 'Partial Review of the Gozo and Comino Local Plan 2006 for Ġhajnsielem and Xewkija' and with the 'Partial Review of the 2006 Local Plan Policies for Rural Settlements'.

The 'Partial Review of the Gozo and Comino Local Plan 2006 for Ġhajnsielem and Xewkija' specifically addresses two areas in Ġhajnsielem and Xewkija. In Ġhajnsielem, the objective is to designate a specific site which recently accommodated the 14th edition of the live nativity event of Bethlehem as an open-air, formal recreational land use with ancillary structures. It is proposed that the site-specific policy include criteria that ensure that the site remains used solely for formal recreation with minimal commercial activity, and that any ancillary structures remain small in scale and their design and location do not create unacceptable impacts.

In Xewkija, the scope is to designate the area located between Triq it-Torri Gorgun and Triq il-Kav. Lorenzo Zammit Haber, as a Rural Settlement. The objective is to clearly delineate the development boundary and identify the acceptable land-uses and building height limitation within the overall framework of the Gozo and Comino Local Plan, provided that additional development on vacant land is strictly controlled.

Meanwhile, the other proposed review, entitled 'Partial Review of the 2006 Local Plan Policies for Rural Settlements', which is concerned with rural settlements (category 2 & 3), seeks to bring clarity, and update the policies to ensure that the management and development of these areas align with contemporary planning standards while respecting their rural character. In this regard, rural settlements were first designated in 2006 through the local plans. These areas, located outside development boundaries, consist of areas where several buildings for dwellings already existed.

Through this proposed partial review of the 2006 Local Plan Policies for Rural Settlements, which will affect four local plans, namely the North West, Central Malta, South Malta, and Gozo and Comino, the Planning Authority is proposing to amend the policies relating to Category 2 and Category 3 Rural Settlements within the four local plans to clearly define:

- I. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.
- II. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling.

2. Context

The Gozo Regional Development Authority (GRDA) has been set up to formulate, streamline, and help in the implementation of regional policies to ensure Gozo's sustainable socio-economic development. This socio-economic development needs to reflect and enhance the long-term needs of Gozo taking into consideration its social fabric, its economy structure, and its man-made and natural assets. To successfully attain such role, the GRDA plays a proactive role in an array of areas, including spatial planning and the use of land. As part of this role, the GRDA on a regular basis conducts and publishes a number of studies and Discussion Papers focusing on different subjects, including spatial planning, and the construction and real estate sectors in Gozo. These include a Discussion Paper focused on *Nurturing Gozo's Urban Character through Context-Sensitive Design*¹, and a *Note on Government Housing Estates*². These studies and Papers have provided research material which the Authority used to pilot public discussions and propose a number of policy recommendations for Gozo, including a proposed change in Local Plans to protect terraced houses that form part of the Home Ownership Schemes of the late 1970s till early 1990s.³

The GRDA considers sensible use of land and the natural environment as a key to Gozo's sustainable development. It strongly believes that the key to Gozo's future is the persistent adoption of a formula that maintains a sustainable and balanced territorial development through optimal use of land and the preservation of landscape and Gozitan traditional urban and rural features.

The GRDA's overarching objective for spatial planning and development in Gozo is to attain the following strategic goals, namely safeguarding and building an ecologically sustainable environment which contributes positively to the economic prosperity and quality of life of present and future generations; achieve a natural network of open spaces for residents and visitors alike in which the island's biodiversity can thrive; ensure that the urban landscape of Gozo represents the rich communities that live within; and build on Gozo's identity as an 'Island of Villages'.

As an 'Island of Villages', characterized by its 'smallness', peripherality, and a more rural dimension than Malta, the symbiosis of land and environment is the bedrock for all growth on the island, particularly given its size limitations. Should development not be properly planned in Gozo, the risk would be that of losing the island's identity and distinctiveness. These distinctive characteristics are

¹ <https://grda.mt/wp-content/uploads/2024/02/Nurturing-Gozos-Urban-Character-throughContext-Sensitive-Design-WEI.pdf>

² <https://grda.mt/wp-content/uploads/2024/19/Note-on-Government-Housing-Estates.pdf>

³ <https://grda.mt/wp-content/uploads/2024/09/Outlook-2024-2026-and-Budget-Proposal-2025.pdf>

a strength that Gozo should build upon to effectively become a destination of excellence. Gozo's distinctiveness from the main island enhances its attractiveness and is a source of added value. This also contributes to the quality of life of Gozo's residents.

3. Feedback by the GRDA

The Gozo Regional Development Authority (GRDA) notes the Planning Authority's public consultation on the proposed "Partial Review of the 2006 Local Plan Policies for Rural Settlements" and the "Partial Review of the Gozo and Comino Local Plan 2006 for Ghajnsielem and Xewkija" as an opportunity to enhance Gozo's sustainable development. In light of the objectives identified by the Planning Authority for the proposed reviews, which were outlined earlier in Section 1 of this Feedback Note, the GRDA provides the following observations and recommendations to ensure that any policy updates align with Gozo's distinct identity, the well-being of its residents, and its long-term sustainability.

The GRDA supports the objective of designating a site in Ghajnsielem for open-air, formal recreational land use. Considering the site's use for the live nativity event of Bethlehem, the proposed review presents a valuable opportunity to recognise the site as a community-oriented recreational space, which shall serve to enrich residents' quality of life and to foster social cohesion. However, to achieve these benefits, it is crucial that any permitted ancillary structures remain small-scale, unobtrusive, and designed with sensitivity to the surrounding environment. Also, commercial activity should be minimal, as outlined in the Planning Authority's proposal, emphasizing the importance of maintaining the site's openness and landscape. By doing so, the specific site can serve as a community recreational area without compromising its natural characteristics.

Regarding the proposal to designate the area located between Triq il-Torri Gorgun and Triq il-Kav. Lorenzo Zammit Haber, Xewkija, as a Rural Settlement, the GRDA acknowledges the need to clearly delineate development boundaries and to clearly define the acceptable land-uses within this zone. The GRDA strongly encourages the Planning Authority to set clear limitations that restrict take-up of fresh land in this zone, and to ensure that the height limitations and the land uses within the boundary align with the characteristics of a Rural Settlement and the identity of Gozo as an 'Island of Villages'.

In this regard, the GRDA emphasises the importance that building height limitations of Rural Settlements be approached with an emphasis on achieving harmony with the surrounding landscape and townscapes, and preserving the visual integrity of Gozo's skylines, in line with good-practice Guidance G2 of DC15. This approach being encouraged by the GRDA was reinforced by the Santa Luċija Court of Appeal ruling (Case Reference 75/2022)⁶. This would support development that respects the character of rural settlements in Gozo.

In reviewing the Local Plan policies specifically related to Rural Settlements, the GRDA underscores the importance of stringent policies which clearly establish the acceptable types of development

⁶ <https://courts.gov.mt/en/linear-services/Judgements/Details?JudgementId=0&CaseJudgementId=137664>

considered as ancillary to a dwelling in Category 2 and 3 Settlements. As land within these settlements is limited, allowable developments should be minimal, and must preserve the rural dimension of these settlements. Moreover, any proposed take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling should undergo rigorous scrutiny to ensure that the proposed land take-up aligns with this purpose, and to prevent excessive land take-up, thus avoiding adverse impacts on the landscape. Ancillary developments should support the function of existing dwellings rather than contribute to urban sprawl or unrelated land use encroachment.

Any spatial planning policy changes should be examined in the context of Gozo's distinct needs and character, and in the context of the Gozo Regional Development Strategy. The latter emphasises that spatial planning needs to go beyond the physical and also consider the economic, social, cultural and environment trajectory of the island since all of these elements are interlinked. In this regard, the GRDA advocates a holistic approach to policy revisions, one that carefully considers Gozo's economic, social, cultural, and environmental context. A well-rounded policy is essential for ensuring that the island's development remains sustainable, contributing positively to the quality of life for both residents and visitors.

4. Concluding Remarks

The GRDA would like to emphasise that development should be a tool to enhance the well-being of the community, rather than an end in itself. Consequently, planning policies should be regarded as a means to enhance the community's quality of life, rather than being limited to regulate construction and real estate development. The primary objective is to create liveable environments that preserve the existing semi-urban context, while also respecting the long term needs and interests of the residents.

The GRDA also emphasizes that any review of Local Plan policies affecting Gozo must reflect the Strategic Plan for the Environment and Development (SPED), which treats Gozo as a distinct spatial area. Gozo's policies should avoid a generalized "one size fits all" approach. Instead, they should recognize and respond to the island's specific characteristics, such as its small scale, peripherality, and rural appeal. This region-focused approach ensures that policies for Gozo are tailored to its unique needs and strengths, reinforcing Gozo's appeal as a destination of excellence, and supporting a high quality of life for residents, while preserving the island's unique heritage and natural landscape.



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