

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

Amended Final Draft  
following SEA Screening



May-September 2025

## Contents

1	Introduction.....	3
2	Background .....	3
3	Objectives .....	5
4	Public Consultation.....	5
5	Strategic and Local Planning Guidance.....	8
6	Policy Review .....	10
	GOZO AND COMINO LOCAL PLAN.....	10
	GZ-RLST-2:    Category 2 Rural Settlements ODZ.....	11
	GZ-RLST-3:    Small Rural Settlements (Category 3 Settlements ODZ).....	15
	NORTH WEST LOCAL PLAN .....	15
	NWRS 3    Large Rural Settlements (Category 2 Settlements ODZ).....	<a href="#">16</a> <del>15</del>
	NWRS 4    Small Rural Settlements (Category 3 Settlements ODZ) .....	20
	CENTRAL MALTA LOCAL PLAN .....	21
	CG04    Category 2 Rural Settlements.....	21
	SOUTH MALTA LOCAL PLAN.....	26
	SMSE 07    Large Rural Settlements - (Category 2 Settlements ODZ) .....	26
	SMSE 08    Small Rural Settlements – (Category 3 Settlements ODZ).....	<a href="#">31</a> <del>30</del>
7	Way Forward.....	31
	Appendix 1 – Public Submissions on Objectives with Responses.....	33
	Appendix 2A: Public submissions on the draft partial review document with responses .....	67
	Appendix 2B: Feedback from Parliament Committee for the Environment, Climate Change and Planning.....	120

# 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 Bnghisa 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 Santu r-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 10<sup>th</sup> of October 2024 and the 6<sup>th</sup> 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. The Planning Authority responses to these submissions are found in Appendix 2A.

- 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.

4.4 The draft partial review was published for public consultation between the 21<sup>st</sup> of March 2025 until the 05<sup>th</sup> of May 2025. During this period, eleven submissions were received by the Planning Authority. Eight submissions were from private individuals, another submission was from the Partit Nazzjonalista and two submissions were by the NGOs Malta Sociological Association and Birdlife Malta.

4.5 Suggested revisions to the proposed partial review were the following:

- the policy definition of an existing building and of corner sites should be amended,
- any approved development must never generate blank party walls,
- better quantification of "reasonable distance" with regards to the location of the proposed amenity structures. This distance should be no more than 2m and 1m respectively for Category 2 and Category 3 rural settlements,
- any additions to a dwelling are to be confined to already committed areas,
- clear boundaries should be drawn around all rural settlements,
- Settlement Design Statements should be reinstated,
- the carrying out of a Social Impact Assessment during planning and approval processes for developments in rural settlements,
- policy should shift towards tightening restrictions on allowable land uses,
- references to the RPDG 2014 should be refined to include clear limits to help prevent abuse of policies intended to support genuine agricultural activities.

4.6 The objections to this partial review claimed the following:

- the public consultation exercise is a sham as it is based on unsubstantiated and possibly false claims, based on reasoning that is faulty, and misleading. Additionally, court cases are being used to weaken the law rather than uphold the law,
- the distinct policy aspects including the strategy for the identification of rural settlements in the 2006 Local Plan designations of the different rural settlement categories have been ignored,
- the proposed review goes against a number of SPED objectives,

- this review is an exercise that will allow the sanctioning of present illegal structures and will allow fresh uptake of ODZ land,
- the RPDG 14 should not have been applied to rural settlements,
- the emphasis of policies for ODZ settlements should remain to contain development and urban sprawl and should not allow any take up of fresh land,
- amenity structures are objectionable in rural settlements,
- proposed amenity structures within ODZ, are incompatible within ODZ and inside rural settlements,
- The provision of animal enclosures as amenity structures is objectionable for public health reasons, and inconvenience due to noises, smells to possibly diseases, allergies, infestations, and physical dangers.

4.7 The public consultation draft was also presented and discussed with the Parliamentary Committee for the Environment, Climate Change and Development Planning on the 30<sup>th</sup> of April 2025. An Extract of this meeting is included in Appendix 2B.

## 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 uses 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:**

Insofar as dwelling units are concerned:

- i. the resultant unit does not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;
- ii. the resultant unit occupies an area which is not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;
- iii. the resultant unit 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, 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 20m<sup>2</sup> 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. the resultant unit if new, shall be served 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 m<sup>2</sup> and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and an overall height of 3.5m measured externally. ~~and together~~ tool sheds and animal enclosures shall not exceed 25 m<sup>2</sup> or 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 m<sup>2</sup> in total area and pump rooms should be located completely underground;
- 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 m<sup>2</sup>.

Provided further that:

- i. amenity structures shall be located within a ~~reasonable~~ distance which shall not exceed 50m from the dwelling unit;
- ii. all permitted interventions shall have a high quality rural design, especially in terms of materials used, 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;
- iii. development of amenity structures should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution they make to the character of the settlement and surrounding landscape.
- iv. development of amenity structures should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes and valley systems), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee.

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 50m<sup>2</sup> which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the 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 300m<sup>2</sup> 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 .**
- 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 50m<sup>2</sup>.**
- E. Farm Retail Outlets provided they comply with the criteria set out in 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.**

### **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 up fresh land in a category 3 settlement is not allowed unless it qualifies as an amenity structure allowed under Category 2 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:**

**Insofar as dwelling units are concerned:**

- i. the resultant unit does not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;**
- ii. the resultant unit occupies an area have not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;**
- iii. the resultant unit 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 and it does not have a detrimental 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 20m<sup>2</sup> 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. the resultant unit, if new, shall be served 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 m<sup>2</sup> and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and**

- an overall height of 3.5m measured externally. ~~and together~~ tool sheds and animal enclosures shall not ~~occupy more than~~ exceed 25 m<sup>2</sup> or 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 m<sup>2</sup> in total area and pump rooms should be located completely underground;
  - 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 m<sup>2</sup>.

Provided further that:

- i. amenity structures shall be located within a ~~reasonable~~ distance which shall not exceed 50m from the dwelling unit;
- ii. all permitted interventions shall have a high quality rural design, especially in terms of materials used, 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.
- iii. development of amenity structures should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution they make to the character of the settlement and surrounding landscape,
- iv. development of amenity structures should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes and valley systems), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee.

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 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 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 the Rural Policy and Design Guidance, 2014 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 50m<sup>2</sup>.**

**E. Farm Retail Outlets provided they comply with the criteria set out in 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.**

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 gap sites 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, car-parking provision and provision of amenity structures are being introduced to ensure that all new development will not create unacceptable environmental impacts.
- 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, 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 a category 3 settlement is not allowed unless it qualifies as an amenity structure allowed under Category 2 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, 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 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. 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:**

**Insofar as dwelling units are concerned:**

- i. the resultant unit does not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;**
- ii. the resultant unit occupies an area which is not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;**
- iii. the resultant unit 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 a detrimental 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 20m<sup>2</sup> 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. the resultant unit, if new, shall be served 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 m<sup>2</sup> and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and an overall height of 3.5m measured externally. and together tool sheds and animal enclosures shall not occupy more than exceed 25 m<sup>2</sup> or 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 m<sup>2</sup> in total area and pump rooms should be located completely underground;
- 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 m<sup>2</sup>.

Provided further that:

- i. amenity structures shall be located within a reasonable distance which shall not exceed 50m from the dwelling unit;
- ii. all permitted interventions shall have a high quality rural design, especially in terms of materials used, 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;
- iii. development of amenity structures should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution they make to the character of the settlement and surrounding landscape,

iv. development of amenity structures should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes and valley systems), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee.

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 PA 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.**

**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 50m<sup>2</sup>.**

**E. Farm Retail Outlets provided they comply with the criteria set out in the Rural Policy and Design Guidance, 2014 and future amendments.**

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.

- 3.3.7 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.
- 3.3.8 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.
- 3.3.9 Restrictions on site planning, footprints, building heights, car-parking provision and provision of amenity facilities are being introduced to ensure that all new development will not create unacceptable environmental impacts.
- 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 Subsidiary Legislation 549.64. This 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 III of this 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 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:**

Insofar as dwelling units are concerned:

- i. the resultant unit does not create a building with more than 150m<sup>2</sup> footprint measured externally at ground floor including any internal courtyards;
- ii. the resultant unit occupies an area which is not less than 120m<sup>2</sup> and not more than 200m<sup>2</sup> total floorspace measured externally;
- iii. the resultant unit has an independent access from any other residential unit;
- iv. the resultant unit does not a building which is higher than two floors without basement above road level at any point along the street frontage 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 20m<sup>2</sup> measured externally, do not exceed an overall height of 12 courses measured externally from the lowest roof level, and are located to minimise their visual impact;
- vi. the resultant unit, if new, shall be served 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 m<sup>2</sup> and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and an overall height of 3.5m measured externally. ~~and together~~ tool sheds and animal enclosures shall not occupy more than exceed 25 m<sup>2</sup> or 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 m<sup>2</sup> in total area and pump rooms should be completely underground;
- 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 m<sup>2</sup>.

Provided further that:

- i. amenity structures shall be located within a ~~reasonable~~ distance which shall not exceed 50m 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.
- iii. development of amenity structures should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution they make to the character of the settlement and surrounding landscape.
- iv. development of amenity structures should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes and valley systems), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee.

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 m<sup>2</sup> which is covered by a valid development permission or else has been existing prior to 1968 and can be identified in the 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 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 m<sup>2</sup> 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.

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, including gardens, 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. 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 m<sup>2</sup>.

- 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 and do not create adverse impacts on the surrounding residences.
- D. Retail outlets provided that the shops:
  - i. are located at ground floor level only of an existing building or of a

- ii. **proposed new building on uncommitted land as defined by this policy;**
- iii. **sell convenience goods only; and**
- iii. **do not have a floor area of more than 50m<sup>2</sup>.**

**E. Farm Retail Outlets provided they comply with the criteria set out in *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.**

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, car-parking provision and provision of amenity facilities are being introduced to ensure that all new development will not create unacceptable environmental impacts. 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.

## **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 a Category 3 settlement is not allowed unless it qualifies as an amenity structure allowed under Category 2 Settlements.**

2.4.19 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 or the creation of new dwelling units, which increase densities and activity in the settlement. Thus restrictions on site planning, floor spaces, 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. 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 During the Executive Council hearing of the 18<sup>th</sup> of March 2025, 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. This recommendation was agreed to and the draft partial review was issued for public consultation between 21<sup>st</sup> of March and 5<sup>th</sup> of May 2025.

7.2 Following the second stage public consultation, this partial review was presented again to the Executive Council on the 20<sup>th</sup> of May 2025 and the Council approved the document and agreed to refer it to the responsible Minister for his endorsement without any changes and for instruction to initiate the SEA

screening process in terms of Article 53(2)(c) of the Development Planning Act 2016 (Cap. 552).

7.3 On the 6<sup>th</sup> of June 2025, the Minister agreed with the Final Draft as adopted by the Executive Council on the 20<sup>th</sup> of May 2025 without changes and provided clearance to carry out SEA screening in terms of the SEA Regulations SL549.61.

7.4 The SEA Screening concluded that this Partial Review is unlikely to have significant environmental impacts at a strategic level if additional provisions are included as part of its policy provisions. These policy provisions are included in this report. The Planning Directorate recommends the Executive Council to refer the Amended Final Draft following SEA Screening to the SEA Focal Point for his final consideration.

7.5 The Executive Council on the 9<sup>th</sup> of September 2025, decided to amend the policy wording related to the location of amenity structures and include a maximum distance of 50m. The amended partial review referred to the SEA Focal Point on the 10<sup>th</sup> of September. In his reply of the 12<sup>th</sup> of September 2025, the SEA Focal Point, while taking note of the recommendation by the Planning Authority, did not determine that an SEA is required.

## **Appendix 1 – 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) <b>and tourist accommodation</b> 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"> <li>1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.</li> <li>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling.</li> </ol> <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 Government’s ’ 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) <b>and tourist accommodation</b> 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 <b>and tourist accommodation</b> 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 <b>and tourist accommodation.</b>"</i></p>	<p>The recommendation to include tourist accommodation in addition to dwellings extends beyond the Government's ' objectives for this review.</p>

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"> <li>1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.</li> <li>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling.)</li> </ol> <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"> <li>1. <i>The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.</i></li> <li>2. <i>The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling.</i></li> </ol> <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"> <li>1. It is being held that the current policies, namely NWRS 3 and NWRS 4, <b>are clear and comprehensive, leaving no room for conflicting</b></li> </ol>	<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><b>interpretation.</b> 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, <b>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.</b> 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"> <li>- Impose <b>additional restrictions</b> to prevent any new land take-up and sealing within rural settlements</li> <li>- 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</li> </ul>	<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>
<b>PR-RS(1) - 6</b>	<b>Mr Noel Ciantar</b>	<b>06/11/24</b>	<p>2. PARTIAL REVIEW OF THE 2006 LOCAL PLAN POLICIES FOR RURAL SETTLEMENTS.</p> <p>In the first place, I invoke my representations under 1. Partial Review of the 2006 North Harbour Local Plan for Paceville (Villa Rosa Site) 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</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</p>

		<p>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>“The Planning Authority has initiated the process to carry out a partial review of the 2006 Local Plans policies covering rural settlements (category 2 &amp; 3).</p> <p>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.</p> <p>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.</p> <p>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.”</p> <p>(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>“1. The acceptable types of development considered as ancillary to a dwelling 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.”</p> <p>(Emphasis added by myself.)</p>	<p>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 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>
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		<p>of the main reasons of refusal was the taking up of fresh land which was not permitted in Category 3 Settlements;</p> <ul style="list-style-type: none"> <li>• 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’;</li> <li>• 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;</li> </ul> <p>This same plot of land is not mentioned in the descriptive text of the DPAR in PA/02708/14.</p> <p>The site is invariably described as an existing building;</p> <ul style="list-style-type: none"> <li>• 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;</li> <li>• 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;</li> <li>• 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</li> <li>• 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.”</li> </ul> <p>In the other investigation, the Permanent Commission Against Corruption had accepted the conclusions of the Ombudsman and made them part of its own conclusions.</p>	
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		<p>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.</p> <p>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.</p> <p>(ii) On the subject of the Deputy Prime Minister’s swimming pool development, the Authority had initially, in application number PA/05334/18, sought to justify the pool by reference to Policy 6.4 Swimming pools ODZ of the Rural Policy and Design Guidance 2014 (RPDG 2014). In this process, the Authority sought the use of paragraph 0.24 under the Scope section of the RPDG 2014, which states that:</p> <p>“The policies contained herein supersede any conflicting provisions concerning Categories 1, 2 and 3 rural settlements.”</p> <p>But in doing so, the Authority ignored that the Glossary of the RPDG 2014 defines “Outside the development zones (ODZ)” as “Areas located outside the designated areas in the Local Plans where urban development is permitted, excluding rural settlements.”</p> <p>Thus, I am not surprised that in its public consultation about the consultation objectives, the Authority states that “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.” (Emphasis added by myself). The attempt by the Authority to justify Ian Borg’s pool with the more recently amended RPDG 2014 was obviously to “align with contemporary planning standards,” also as implied by paragraph 0.24 under the Scope section of the RPDG 2014 quoted above.</p> <p>But in the court case Emanuel sive Noel Ciantar vs L-Awtorita’ tal-Ippjanar (appeal number 11/2019, decided on 19 June 2019), the Court</p>	
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		<p>of Appeal rejected the arguments of the Authority and concluded that “Decide: Ghal dawn ir-ragunijiet il-Qorti taqta’ u tiddeciedi billi tilqa’ l-appell ta’ Emanuel Ciantar u dan billi tqis li l-applikazzjoni 5334/18 ma kellhiex tigi milqugha a bazi tal-RPDG 2014 u kellhom jigu applikati l-policies NWRS 4 u NWRS 3 tal-pjan lokali NWLP fejn l-izvilupp propost mhux permissibbli u kwindi tirrevoka d-decizjoni tat-Tribunal ta’ Revizjoni tal-Ambjent u l-Ippjanar tat-18 ta’ Marzu 2019...”</p> <p>The Authority’s permit PA/05334/18 was thus revoked.</p> <p>Subsequently, in application PA/00867/20, the Authority sought to justify that pool development with reference to policy NWRS 4 of the North West Local Plan, which states that:</p> <p>“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.</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 Rural Settlements, is not applicable to Category 3 Rural Settlements.”</p> <p>In the DPAR for application PA/00867/20, the Authority used this policy to argue that:</p> <p>“In this regard the proposed swimming pool is now being limited to the existing committed area of the reservoir structure indicated by architect, and therefore in this case the development is not deemed to take up fresh land. The proposal is therefore in line with the clear provision of policy NWRS 4 which states that “new development which takes up fresh land will not be permitted.”</p>	
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		<p>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 NWRS 4, or to treat the pool as a new development of fresh land, and apply the second paragraph of Policy NWRS 4. Both paragraphs would have led to the rejection of the application. The existing agricultural reservoir did not even qualify as an “existing building.”</p> <p>Once again, the Appeals Tribunal justified the permit of PA/00867/20 with the RPDG 2014.</p> <p>But, in the court case Emanuel sive 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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>But to date, the Authority failed to take any enforcement action about it.</p> <p>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</p>	
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		<p>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.</p> <p>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.”</p> <p>In support of my arguments, I refer to the following article appearing in the media:</p> <ul style="list-style-type: none"> <li>• 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.</li> </ul> <p>The article, which goes in detail into the matter summarised in its title, is self-explanatory.</p> <p>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</p>	
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		<p>to land use for dwellings, as opposed to the other land uses allowed in the Local Plan policies for Rural Settlements?</p> <p>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?</p> <p>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.</p> <p>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.</p> <p>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</p>	
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			public consultation, whilst I reserve all my legal rights with respect to its outcome.	
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## 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 Alera | D56

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, 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 <b>Instead of safeguarding rural land, the PA is opening the floodgates for the development of tracts of rural land</b> 95</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><b>'Completely unjustified'</b></p> <p>Architect Tara Cassat, speaking on behalf of preservation NGO Din I-Art Helwa, 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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			<p>local plans. The focus should be on restricting allowable uses in rural areas, not enabling further encroachment," Cassar said.</p> <p>The saga of the Borg family swimming pool has been ongoing for years.</p> <p>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.</p> <p>After transforming an abandoned ODZ building into a modern dwelling, Borg successfully applied to build the swimming pool in an adjacent field.</p> <p>When objector Noel Clantar's appeal before the planning tribunal was dismissed, he pursued the matter in court, which ruled that the permit should be revoked.</p> <p>Borg filed a new application for the pool in 2019 which was again approved by the PA and endorsed by the EPRT. Undeterred, Clantar again pursued the matter in court and once again managed to get the permit overturned. However, by this stage, the pool had been completed.</p> <div data-bbox="846 560 1364 671" style="border: 1px solid black; padding: 5px; margin: 10px 0;">  <p><b>Jessica Arena</b> Journalist</p> </div> <p style="text-align: center; font-size: small;">Advertisement</p>	
<p><b>PR-RS(1) - 7</b></p>	<p><b>Dr Claire Bonello</b></p>	<p><b>06/11/24</b></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 Plans policies covering rural settlements (category 2 &amp; 3). This review seeks to bring</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>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. 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 Comino. 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"> <li>1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.</li> <li>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling</li> </ol> <p>Submission</p> <p>This representation is being submitted on behalf of Moviment Graffitti</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 legalise the pool of Minister Ian Borg, making this supposed public consultation exercise a sham one.</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 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</p>
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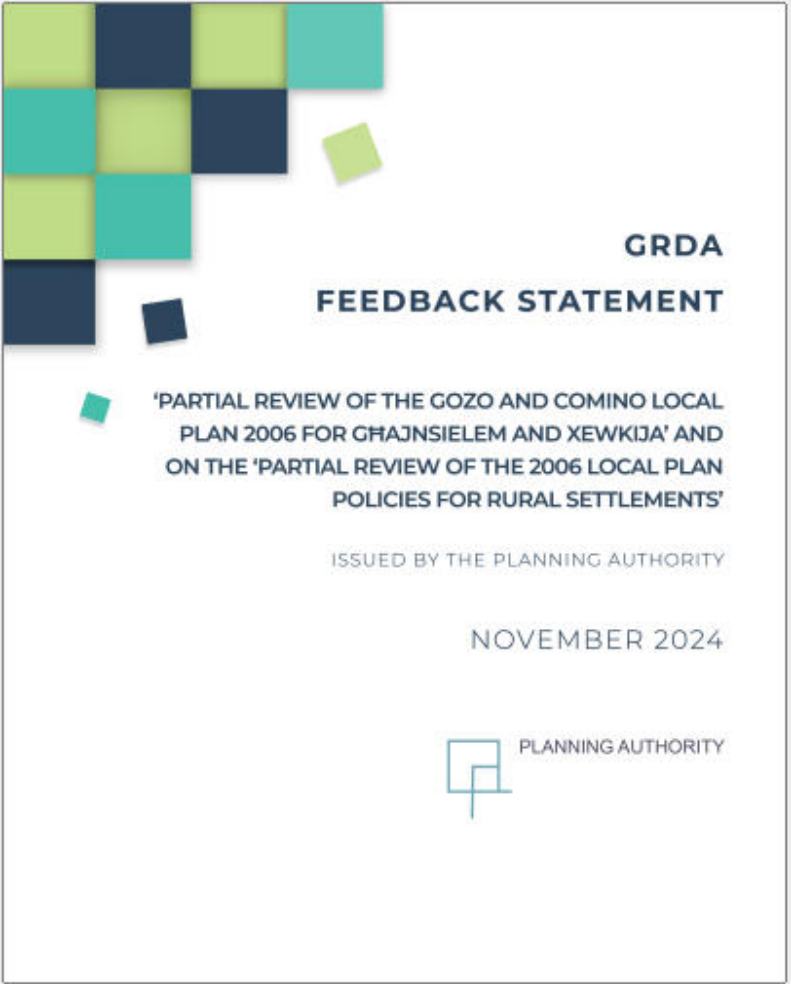
		<p>It is being held that the current policies, namely NWRS 3 and NWRS 4, are clear and comprehensive, leaving no room for conflicting interpretation. As such, no further clarifications, as proposed by the Authority, are required.</p> <p>The current policy framework adhering to rural settlements aims 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>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 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>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 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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			<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 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>Given the above, it is being held that if any changes are to be implemented they should;</p> <ul style="list-style-type: none"> <li>- Impose additional restrictions to prevent any new land take-up and sealing within rural settlements</li> <li>- 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.</li> </ul>	
<b>PR-RS(1) - 8</b>	<b>Mr Stefano Miceli obo ERA</b>	<b>06/11/24</b>	<p><b>ERA Feedback on the Partial Review of the 2006 Local Plan Policies for Rural Settlements (Phase 1)</b></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>	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>(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 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>	
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			<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-illum u ta' għada ta' Malta.</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 żgħir 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-tibdiliet 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,</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>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-kwalità tal-ħajja u s-sostenibbiltà ambjentali.</p> <p>Biex il-fiduċja pubblika tinżamm u dawn l-għanijiet jintlaħqu, huwa essenzjali li l-Awtorità 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 jinholqux lakuni u ambigwitatijiet li jistgħu jgawdu minnhom żviluppi mhux awtorizzati.</p>	
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<p><b>Late submission</b></p>	<p><b>(Ms Marthese Cassar obo Gozo Regional Development Authority)</b></p>	<p><b>12/11/24</b></p>		
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## GRDA Feedback on the 'Partial Review of the Gozo and Comino Local Plan 2006 for Għajnsielem 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 Għajnsielem 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 Għajnsielem and Xewkija' specifically addresses two areas in Għajnsielem and Xewkija. In Għajnsielem, the objective is to designate a specific site which recently accommodated the 14<sup>th</sup> 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 il-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*<sup>1</sup>, and a *Note on Government Housing Estates*<sup>2</sup>. 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.<sup>3</sup>

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

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

<sup>2</sup> <https://grda.mt/wp-content/uploads/2024/09/Note-on-Government-Housing-Estates.pdf>

<sup>3</sup> <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 it-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 DCIS. This approach being encouraged by the GRDA was reinforced by the Santa Luċija Court of Appeal ruling (Case Reference 75/2022)<sup>4</sup>. 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

<sup>4</sup> <http://courts.gov.mt/en/news/decisions/details?judgementId=68&caseJudgementId=127864>

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.

			  <p><b>GOZO REGIONAL</b> DEVELOPMENT AUTHORITY</p> <p>Tel: +356 22156338 Email: <a href="mailto:info@grda.mt">info@grda.mt</a> <a href="http://www.grda.mt">www.grda.mt</a></p>	
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## **Appendix 2A: Public submissions on the draft partial review document with responses**

### **Public Submissions on Draft Partial Review Document with responses Phase 2**

Ref	Name/Company	Date	Comments Received	Remarks
PR-RS-(2) - 1	Mr Simon Camilleri	21/03/25	<p>I object to the changes in these plans, they will allow the sanctioning of present illegal structures and will allow fresh uptake of ODZ land.</p> <p>These changes will further destroy the little that remains of our rural landscape.</p>	<p>This partial review has been drafted in line with Government's published objectives for the same partial review. It is an obligation of the Planning Authority to take forward the direction given through Government's published objectives.</p> <p>The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA since 2006 based on adopted policies controlling development in the ODZ.</p>
PR-RS-(2) - 2	Mr Louis Buhagiar	22/03/25	<p>This is clearly a policy change to appease the few. Stop this charade once and for all. ODZ means ODZ full stop.</p>	<p>This partial review has been drafted in line with Government's published objectives for the same partial review. It is an obligation of the Planning Authority to take forward the direction given</p>

				<p>through Government's published objectives.</p> <p>The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA in rural settlements since 2006 based on adopted policies controlling development in the ODZ. It shall apply to all properties located in the 119 rural settlements designated in 2006 which cannot be considered as "few".</p> <p>Outside Development Zone does not mean No Development Zone as witnessed by the wide range of development types permitted by policies adopted since 1992.</p>
<b>PR-RS-(2) - 3</b>	<b>Mr Dione Farrugia</b>	<b>22/03/25</b>	I wish to comment and suggest reviewing the criteria which defines a building within a Category 2 Settlement.	Reviewing any footprints that were already established by the existing policies in the approved local plans extends

			<p>Since Policy 2.5a of the RPDG allows up to 60sqm in agricultural stores, the minimum external footprint needs to be amended to read "not less than <b>60</b>sqm".</p> <p>The criteria "abandoned and dilapidated structures which are isolated from the main settlement" should be removed as it undermines the main scope of their redevelopment or rehabilitation.</p> <p>In my opinion, these criteria should be extended to Category 3 Settlement.</p>	<p>beyond the scope of Government's published objectives for this partial review.</p> <p>The size of permitted new agricultural stores by the RPDG is unrelated to the definition of an existing building in a rural settlement.</p> <p>Abandoned and dilapidated structures isolated from the main settlement should be removed and the land restored in line with the strategic policy direction that rural settlements need to be consolidated rather than dispersed.</p>
<b>PR-RS-(2) - 4</b>	<b>Perit Victor Cristina</b>	<b>03/05/25</b>	<p>Re. Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements.</p> <p>Extract from PA's contributions:</p> <p>a) As per Government published objectives this partial review is only making provision to enable the development of amenity facilities (amenity structures) to dwellings within Rural Settlement category 2 and 3</p> <p>b) RPDG14 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>This partial review has been drafted in line with Government's published objectives for the same partial review. It is an obligation of the Planning Authority to carry forward the direction given through Government's published objectives.</p>

		<p>My comments:</p> <p>1 The claimed absence in (2.6 of the Public Consultation Draft - March 2025) of guidance by Local Plan rural settlement policies in relation to ancillary facilities should not have resulted in the gratuitous application of RPDG14 to be applied to rural settlements since there is no justification in considering swimming pools and decking areas, and more so, toilet/shower/changing rooms as falling within the criterion stated in (b) above as requirements for improvement to the economic growth of the farming sector.</p> <p>2 There should be no further take up of fresh land other than that which is permitted in the Local Plans. The addition of pools and related ancillary structures should not be permitted in ODZ Settlements as these additions are not considered necessary nor justified and detract from the rural ODZ settings, while contributed to soil sealing and a reduction in arable land. In and of themselves pools require large volumes of water that cumulatively place an unacceptable burden on the islands' limited water resources.</p> <p>3 The emphasis of policies for ODZ settlements should remain to contain development and urban sprawl to those areas that were already impacted when the 2006 Local Plan was drafted. At the time of drafting the planners were cognisant of the existing context and drafted the Local Provisions accordingly with the explicit intention of limiting and containing development within these sensitive rural settings and enhancing the area.</p> <p>4 Any approved development must never generate blank party walls but should seek to screen existing blank party walls provided that the maximum development parameters permitted by the Local Plan policy are not exceeded. Existing blank party walls should in no circumstance be seen as opportunities to increase building massing and volume beyond the parameters established in the Local Plans.</p> <p>5 The consideration of amenity structures is being introduced in this amendment to the Local Plan since RPDG2014 policies were being adopted in contravention of Article 52 of the Development Planning Act. As a consequence, through this amendment, the Local Plan is legitimising previous permit decisions (deemed illegal by the courts on appeal - res judicata) and creating opportunities for the take up of uncommitted and undeveloped agricultural land in a manner which cannot be legally challenged.</p>	<p>1. The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA in rural settlements since 2006 based on adopted policies controlling development in the ODZ.</p> <p>2. As per (1) above.</p> <p>3. As per (1) above.</p> <p>4. Agreed. Policies emphasis design of buildings to respect settlement character.</p> <p>5. As per (1) above.</p> <p>6. Policy refers to reasonable distance and these needs to be determined on a case by case basis. Amenity structures with dwellings serve to enhance the amenity of the dwelling and when limited in scale will not seriously impact the take up of land overall.</p>
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<b>PR-RS-(2) - 5</b>	<b>Alexander Cutajar</b>	<b>04/05/25</b>	<p>This Partial Public Consultation Draft should be complementing broader land use/development planning and environmental stewardship goals.</p> <p>It contains positive aspects but is also proposing changes to the core vision, which requires a deeper introspection to avoid any unintended precedents and legal and planning-related consequences that would regrettably translate into negative spatial implications.</p>	<p>This partial review has been drafted in line with Government's published objectives for the same partial review. It is an obligation of the Planning Authority to carry forward the direction given</p>

		<p><b><u>Positives</u></b></p> <p>1. The current classification of ODZ settlements has not been altered by this public consultation partial review. This strategic 'no change' essentially respects these areas in the context of the wider hierarchy of localities for the Maltese Islands established by the current respective local plan and SPED frameworks.</p> <p>2. No significant changes were proposed to the most stringent criteria of the existing policy framework to safeguard the small (in most cases) farming communities living in these rural areas.</p> <p>Both (untampered) elements of the rural strategy resulted from extensive pre-2005 studies that complemented pioneering research carried out earlier (at the academic level) on this subject matter. These two crucial elements are expected to retain protection of the surrounding open countryside from insensitive and unchecked urbanisation, except for the inclusion of urban development categories and other "incongruent" regulatory guidance or exclusion of useful tools to further detail the definition of these small ODZ communities, which are explained further below.</p> <p><b><u>Negative proposals and related observations</u></b></p> <p>Indeed, this is the crucial question that the legislator should be asking: is this consultation truly intended for the conservation of rural settlements, or was such a tool intended to legally introduce urbanisation of said areas, even through incremental steps?</p> <p>Significant concern is nonetheless expressed on the following proposed changes:</p> <p><i>1. Amenity structures</i></p> <p>Swimming pools and deck areas as amenity structures within ODZ, are incompatible within ODZ and inside rural settlements, as this development type could easily be accommodated within urban areas/development zones (mainly within fully and/or partially detached villas and/or residential-priority areas).</p> <p>Their presence compromises the design and visually sensitive aspects of rural settlements. These forms of urban structures destroy the prevalent planning principle</p>	<p>through Government's published objectives.</p> <p>1. The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA in rural settlements since 2006 based on adopted policies controlling development in the ODZ. There shall be no changes to the core vision for rural settlements.</p> <p>2. Other than for Maghtab which was subjected to a partial local plan review in 2018 (rather than a settlement design statement), Settlement Design Statements have been pending for nearly 20 years and their suitability to address development issues in rural settlements is no longer acknowledged.</p>
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		<p>behind the recognition of hamlets/rural settlements in the open countryside: areas that are primarily intended for farming and agriculture activity and therefore not an urban lifestyle, which is more suitable inside cities, townscapes, and/or the rapid urbanisation of traditional Maltese 'villages'.</p> <p>Moreover, a 'one-size-fits-all' approach - legally introducing incongruent amenity structures in all rural settlement categories - cannot be condoned and is not desirable if the planning legislator wants to retain a proper hierarchy of settlements. In practice this means that development-related restrictions shall increase in terms of the quality of geo-environmental and landscape qualities of parts of the open countryside where these ODZ settlements are located.</p> <p>2. <i>Settlement Design Statements</i> - SDSs should be reinstated in the revised policy. As this type of systemic assessment was intended by the legislator as the next step for undertaking a closer inspection of all development at streetscape level with a view to ameliorating the visual quality ('rural feel') of these ODZ settlements and guiding planners when processing the legitimacy of any development application.</p> <p>SDSs were intended as an essential planning tool for better fine-tuning of each rural settlement's fragile historic, community (anthropological) identity and amenity re-evaluation within the wider rural realm. It is indeed quite a disappointment that such systemic and deeper holistic evaluations have not been carried out since 2006.</p> <p>3. The term "<i>reasonable distance</i>" allowed for the siting of amenity structures should be better qualified.</p> <p>That is, it should be determined in terms of the hierarchical importance of each ODZ settlement with the national planning strategy.</p> <p>In practice, a maximum of 5 metres away should be allowed from the external walls of a structure/room with a valid planning permit in the case of Category 1 ODZ settlements, not more than 2 metres for Category 2 RSs while not more than 1 metre should be allowed for tool sheds only in Category 3 RSs. The main scope for containing rural settlement sprawl should be that of avoiding fresh take-up of sensitive rural land, which also obliterates the visual legibility, environmental quality, and proportional building footprint massing of these small settlements.</p>	<p>3. Policy refers to reasonable distances and these needs to be determined on a case-by-case basis.</p> <p>At this stage, other suggested revisions not included by the published Government's objectives for this partial review, extend beyond the scope of this review.</p>
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		<p>4. <i>ODZ Regularisation and Rural Settlements policy</i> - No reference to the ODZ regularisation guidelines was made in this public consultation draft.</p> <p>Besides being considered a glaring mistake, any reference intended to give more importance to the applicability of this low-order instrument at the expense of the rural settlements policy framework (even in the context of a review of this framework) should be repealed.</p> <p>5. <i>ODZ guideline penalties/enforcement measures</i> - Disincentivising potentially irregular/illegal development (subsumed in an amended RPDG) should take into account the fragile identity of the rural settlements/hamlets. Unless such measures are integrated within the existing rural settlements policy framework: the subject-matter of this partial local plan review.</p> <p>6. <i>Cross-referencing with the RPDG 14</i> - It was a mistake to include RPDG14 provisions that could have been accommodated within this (Partial Local Review) process.</p> <p>Besides being more permissible in terms of allowable urban development typologies, the RPDG14 somewhat weakened the importance of the overarching 'regional' planning strategy and vision, which any local plan transmits to better detail the SPED's vision, strategy, and various thematic objectives.</p> <p>7. <i>RPDG review</i></p> <p>It is indeed out-of-place and undesirable to attempt to bring back this subject matter (rural settlements strategic and 'regional' policy) when preparing an amended version of the RPDG14 for various other thematic matters.</p> <p>The RPDG was recently considered by a Court of Law to be an inappropriate planning tool for higher-order local planning. Not doing so would do justice to the juridical reasons - as elaborated by the Court's Decree - which are amply clear in this respect.</p>	
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Mr Noel Ciantar

05/05/25

Emanuel (Noel) Ciantar  
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5 May 2025

The Planning Authority  
[consultation-ruralsettlements@pa.org.mt](mailto:consultation-ruralsettlements@pa.org.mt)

Dear Sir/Madam

**PUBLIC CONSULTATION:**

**PARTIAL REVIEW OF THE 2006 LOCAL PLAN POLICIES FOR RURAL SETTLEMENTS – PHASE 2.**

I am writing to submit representations to the Planning Authority (**the Authority**) in the public consultation referred-to above (**the public consultation**).

Based on the name of the public consultation as published on the Authority's website, and as captioned above, I understand that the public consultation which started in October-November 2024 about **the objectives** (which I shall refer to as **the consultation objectives**) has now moved to the draft of the proposed partial review of the local plans (which I shall refer to as **the draft local plans**).

I had provided my input in the phase of the public consultation about the consultation objectives in a letter to the above address with date of 6 November 2024, which I consider integral with this letter.

I am writing as a member of the public, representing my own views based on **my own experiences** and publicly available information.

With respect to the proposed partial review of the 2006 local plan policies for Rural Settlements, I **write from direct experience** as I shall explain in this letter.

My representations are set out on the following pages.

In this letter, **the Authority includes also the government.**

In this letter, references are made to the judgements of the following two appeals decided by the Court of Appeal: (1) Appeal Number 11/2019/MC, *Emanuel sive Noel Ciantar vs L-Awtorita tal-Ippjanar u l-kjamat in kawza Dr Ian Borg u Mrs Rachelle Borg Dingli*, decided on 19 June 2019, by Chief Justice Mark Chetcuti; and (2) Appeal Number Appeal Number 34/2022/MC *Emanuel sive Noel Ciantar vs L-Awtorita tal-Ippjanar u l-kjamat in kawza Dr Ian Borg u Mrs Rachelle Borg Dingli*, decided on 15 March 2023, by Chief Justice Mark Chetcuti. **A copy of both judgements is attached with this letter.**

Part 1.

The partial review is being carried out in line with article 41(2) and article 53 of the Development Planning Act (Cap 552).

This partial review has been drafted in line with Government's published objectives for the same partial review. It is an obligation of the Planning Authority to carry forward the direction given through Government's published objectives.

Part 2.

The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA in rural settlements since 2006 based on a range of adopted policies controlling development in the ODZ, not solely the RPDG14. There shall

		<p><b>PART 1: THE PUBLIC CONSULTATION IS A SHAM AND THE STATE OF MALTA SHOULD BE ASHAMED TO TREAT THE PUBLIC WITH THIS LEVEL OF DISRESPECT IN THE EXERCISE OF A DEMOCRATIC RIGHT.</b></p> <p>1.1 Malta is not owned by a sovereign royal family and its lords.</p> <p>1.2 Malta is a Republic, and its people are sovereign. The Maltese demand a democratic society.</p> <p>1.3 In a democratic society, public consultation is a right that belongs to the people, and serves them to participate in their governance. Public consultation must be done transparently and fairly, giving everyone an opportunity to shape policy.</p> <p>1.4 I confirm what I said in my letter of 6 November 2024, this time more convincingly, that the public consultation is a sham.</p> <p>1.5 With the publication of the draft local plans, it is now abundantly clear that the public consultation is a fake exercise in democracy in which the Authority pretends to go through the motions, but in fact it had pre-designed the draft local plans already and independently of the public consultation.</p> <p>1.6 If one were to examine closely the proposed changes in the draft local plans, the substance of the proposed changes is to permit the development of swimming pools and related deck/toilet/shower/changing room facilities in Rural Settlements and that fresh land can be used for this end.</p> <p>1.7 This means that instead of protecting and preserving Malta's Rural Settlements as part of the historic rural landscape and national cultural heritage going forward, the Authority will instead allow them to be changed into clusters of villas/bungalows with swimming pools and related deck/toilet/shower/changing room facilities.</p> <p>1.8 Whereas the existing local plans seek to protect Rural Settlements, particularly the Small Rural Settlements, because of their traditional, rural, and agricultural setting and to protect their fresh land which is usually in the form of agricultural land and soil, the Authority plans to introduce totally unrelated development that would change the character and purpose of Rural Settlements and would serve as an excuse for the consumption of more rural and fresh land.</p>	<p>be no changes to the core vision for rural settlements.</p> <p>Part 3.</p> <p>Objectives are intended to provide the principles of the eventual review which, in most cases, are set out by the Minister for planning. Consultation is limited to such principles.</p> <p>The proper review provides the details of the proposal which are also subject to public consultation.</p> <p>Any additional changes would also be subject to further consultations.</p> <p>Consultations also include public hearings of the Parliamentary Standing Committee on development planning.</p> <p>This procedure is set in law and is followed for each partial review.</p> <p>Part 4 and Part 5.</p>
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			<p>1.9 The proposed changes in the draft local plans relating to <b>dwelling units</b> in Rural Settlements are only <b>cosmetic</b>, because they do not change anything from the existing version of the local plans with respect to dwelling units. It is the proposed changes consisting of the new and totally unnecessary <b>"amenity structures"</b> associated with dwellings which mark a <b>change from the existing local plans</b>.</p> <p>1.10 The October-November 2024 phase of the public consultation was about the consultation objectives, which the Authority set out in two paragraphs with a <b>grand total of four lines of text</b>, literally, and which I copy below:</p> <p><b><i>"1. The acceptable types of <u>development considered as ancillary to a dwelling</u> in Category 2 and 3 Settlements.</i></b></p> <p><b><i>2. The guidelines for the take-up of fresh land in Category 3 Settlements for <u>development that is considered as ancillary to a dwelling.</u>"</i></b> (Emphasis added by myself)</p> <p>1.11 With the draft local plans, the Authority has now published a detailed statement, in which it has attributed the consultation objectives to the Minister, i.e. the Planning Minister. Thus, the political link has been clarified, but this should have been stated at the outset with the consultation objectives.</p> <p>1.12 From the consultation objectives, it was clear that the Authority was concerned with <b>"development considered ancillary to a dwelling,"</b> and nothing else. That term was used <b>two times</b> in as many sentences.</p> <p>1.13 Still, there was nothing in the consultation objectives mentioning swimming pools and related deck/toilet/shower/changing room facilities. The <b>"development considered ancillary to a dwelling"</b> could have been anything, from drive-ways to car ports, from front gardens to back yards, from outdoor gyms to tennis courts, and from garages to innovative work-from-home spaces. And yet, <b>swimming pools and related deck/toilet/shower/changing room facilities</b> constitute the main item by land-use area in the short list of <b>"development considered as ancillary to a dwelling"</b> that is being proposed in the draft local plans. It is inconceivable that the Authority did not have these in mind already at the time of the publication of the consultation objectives, and yet it did not mention them with the consultation objectives. After all, it turns out that the Authority has not come up with an exhaustive list of <b>"development considered ancillary to a dwelling,"</b> and therefore it is reasonable to say that swimming pools and related deck/toilet/shower/changing room facilities were what the Authority intended all along.</p> <p>1.14 In my letter of 6 November 2024 about the consultation objectives, I did predict that the public consultation was intended to address the issues which arose in the case of the illegal developments on the property of the then newly appointed Deputy Prime Minister Dr. Ian Borg in the Rural Settlement of Santa Katerina, Rabat, Malta, and particularly to make his illegal swimming pool development with decking on fresh land permissible. It turns out that I was not wrong.</p>	<p>See reply to part 2.</p> <p>Part 6.</p> <p>The report published for consultation already provided justification for the review in relation to past Court of Appeal decisions.</p> <p>Personal litigations of the submitter bear little relevance to the partial review process.</p>
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1.15 If I was right in my judgement that the consultation objectives were intended to allow the permissibility of the illegal developments of the Deputy Prime Minister, then what is the chance that I am right that the public consultation is a sham?

1.16 In fact, I was not the only one who predicted that the *“development that is considered ancillary to a dwelling”* was going to include swimming pools, because the public consultation feedback from other parties, including the NGOs, as published by the Authority, also includes objections to swimming pools and related facilities in the Rural Settlements.

1.17 And that other feedback also describes the public consultation as a sham.

1.18 The people of Malta are not stupid.

1.19 The public consultation referred to above is not the only fake exercise currently going on. As I said in my letter of 6 November 2024, the Villa Rosa public consultation is another sham, as abundantly demonstrated by the NGOs and the media.

1.20 From the draft local plans published in the public consultation, there is no sign that the Authority has taken on board the public’s feedback in the public consultation, because based on the feedback material published by the Authority about the public consultation so far, the public, as individuals and/or as associations, has objected to additional developments in Rural Settlements.

1.21 Based on the feedback published by the Authority, which is summarised by the Authority itself in the public consultation document with the draft plans, there were reasoned objections, with relevant arguments, which clearly oppose new permissible developments and the take-up of fresh land in Rural Settlements, but the draft local plans clearly show that the Authority has completely ignored the public’s feedback, further proving that the public consultation is a sham.

1.22 In the detailed explanation published with the draft local plans, the Authority says that the Minister asked for the partial review of the local plans with the objective *“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,”* (Emphasis added by myself) which corresponds with the consultation objectives quoted above.

1.23 In the Court of Appeal decisions in Appeal Numbers 11/2019 and 34/2022 regarding the illegal swimming pool of Deputy Prime Minister Dr. Ian Borg, which he built with the second of two permits issued by the Authority which were both deemed null and void by the Court of Appeal, it is very evident that the Court of Appeal has deemed the policies about the Rural Settlements in the existing local plans as clear and unequivocal, and has applied them repeatedly and consistently to protect the Rural Settlements.

1.24 In its decision about Appeal Number 11/2019, the Court of Appeal stated, *inter-alia*, that:

*"It-Tribunal iqs li s-sit jinsab f'Category 3 Settlement (ODZ) skont policy NWRS 4 fil-pjan lokali NWLP. Din il-policy tispjefika li "only rehabilitation and redevelopment of existing buildings as defined in policy NWRS 3 for the land uses identified in policy NWRS 3(A) to (E) will be permitted provided the criteria stipulated in policy NWRS 3 for each land use are complied with." Izzid li new development, "which takes up fresh land will not be permitted." Il-paragrafu 5.4.12 tal-istess, jispjefika li l-iskop sinifikanti tal-policy hu li tippotegi "by seriously curtailing the take up of fresh land for buildings for the creation of new dwelling units. Thus restriction on site planning, floor spaces, building heights and car parking provision are being introduced to ensure that all new development for residential purpose will not create unacceptable environment impacts."*

*Il-policy NWRS 3 ma issemmix swimming pool bhala permitted land use, anzi paragrafu 5.4.11 tal-istess policy jghid li hemm kriterji ristretti qhal identifikazzjoni ta' "uncommitted land" biex jigi assikurat li l-icken ammont possibbli ta' "fresh land" jintuza qhal zvilupp.*

...

*Il-Qorti izzid li ma tara ebda konflitt ta' policies izda l-intendiment tal-legislatur kif riflessa fil-policies fuqi msemmija. ..."* (Emphasis added by myself.)

1.25 In its decision about Appeal Number 34/2022, the Court of Appeal stated that:

*"Ma hux korrett it-Tribunal meta jghid li l-pjan lokali la jeskludi u lanqas jinkludi l-uzu ta' swimming pool bhala zvilupp accettabbli. Il-policy jghidlek car x'nhu permess. Dak li ma jirrizultax li hu permess ma jistax jigi inferit b'argumenti u konsiderazzjonijiet legali li mhux sorretti mill-kelma tal-ligi, interessanti u innovattivi kemm ikunu dawn l-argumenti u konsiderazzjonijiet. Ma tistax tinghata interpretazzjoni li ma hiex sorretta mill-applikazzjoni cara li trid il-ligi. Hu minnu illi l applikant ghandu permess vigenti 2708/14 marbut mal-binja u ghalkemm jista' jinghad li swimming pool f'cirkostanzi idoneji tista' titqies bhala struttura ancillari ghal binja, ghalkemm il-Qorti ma taqbilx li jinghad li hi 'integrali jew essenzjali' ghal binja, pero dan ma jiggustifikax l-izvilupp meta l-mertu hu Category 3 Rural Settlement.*

...

*Din il-Qorti ma taqbilx mat-Tribunal li l-pjan lokali ma hasibx ghal kull sitwazzjoni u eventwalita f'dan il-kaz specifiku. Il-pjan lokali hu car u specifiku f'dak li jirriqwarda 'land use' f'rural settlement category 3 u ghalhekk il-konsiderazzjoni tat-Tribunal li japplika l-policy NWUS2 hi barra minn postha fl-cirkostanzi."* (Emphasis added by myself.)

1.26 In its decisions in Appeal Numbers 11/2019 and 34/2022, the Court of Appeal gave detailed and clear explanations of its reasoning. If anything, what it found out of place is the **paragraph 0.24 of the RPDG 2014**, which the Authority uses to justify the public consultation, and which I deal with later in this letter.

1.27 The material published by the Authority about the public feedback related to the consultation objectives shows that there is agreement also among the NGOs that the existing local plans are ***“clear and comprehensive, leaving no room for conflicting interpretation.”***

2. **THE AUTHORITY HAS IGNORED THE DISTINCT POLICY ASPECTS OF THE DIFFERENT RURAL SETTLEMENT CATEGORIES TO THE POINT OF PROPOSING PANNING ABSURDITIES WHICH TURN PRIORITIES UPSIDE DOWN.**

2.1 Before I explain in detail why the proposed changes in the draft local plans are based on motivations based on reasoning which is mistaken and logically faulty at best and misleading at worst, I wish to highlight the biggest fault in the public consultation.

2.2 The Authority has ignored the distinct policy aspects of the different Rural Settlement categories to the point of proposing planning absurdities which turn priorities upside down.

2.3 I insist that it is clear that the Authority was so focused on making the Deputy Prime Minister's illegal developments permissible, that it has ignored all other planning logic.

2.4 I shall be using the North West Local Plan (NWLP) as a basis for my observations below, although I have observed that similar observations apply to the other local plans.

2.5 The local plans refer to ODZ Settlements, which are classified into three categories and referred to by category name as follows:

- Category 1 Settlements ODZ.
- Category 2 Settlements ODZ: Large Rural Settlements.
- Category 3 Settlements ODZ: Small Rural Settlements.

2.6 As can be seen, the specific name of the Category 1 Settlements ODZ does not include the word "Rural" (unlike the Category 2 and 3), and in fact the local plan policies deal with the land uses in Category 1 Settlements ODZ on a basis similar to urban settlements.

2.7 The public consultation is about the partial review of the 2006 local plan policies for Rural Settlements, and therefore it deals only with Category 2 and Category 3 Settlements ODZ. Category 1 Settlements ODZ are not within the scope of the public consultation and may be ignored. In fact, the draft local plans do not propose any changes to the Category 1 Settlements ODZ local plan policies.

2.8 As can be seen, the Category 2 Settlements ODZ are deemed to be Large Rural Settlements, whereas the Category 3 Settlements ODZ refer to Small Rural Settlements.

2.9 The distinction between Large Settlements ODZ and Small Rural Settlements ODZ in the local plans was done on purpose, because the categorisation has implications for planning and development.

2.10 Under section 4.0 Strategy, the NWLP states as follows on “Rural Settlements:”

**“Rural Settlements**

4.1.3 The strategy for settlements located outside the development zone (ODZ) seeks to:

i. establish a hierarchy of settlements on the basis of

- the proximity of each settlement to a main urban area;
- the scale of the built up area within the settlement;
- the density and number of dwellings;
- the character and design of the buildings;
- the land-use and settlement patterns of each settlement;

ii. encourage the consolidation of urban extensions, in close proximity to a main urban area dominated by buildings with relatively recent design characteristics;

iii. encourage the consolidation, conservation, and rehabilitation, of relatively large settlements located within the wider rural areas through rural sustainable development without permitting development within them which will lead to the loss of their rural character;

iv. encourage the conservation and rehabilitation of small settlements located within the wider rural areas through rural sustainable development which enhances their rural character.” (Emphasis added by myself.)

2.11 I have to observe that the above heading “Rural Settlements” follows immediately after “Urban Settlements” under section 4.0 Strategy, but a close analysis of the above bullets shows that the considerations include also the Category 1 Settlements ODZ. Therefore, in this case, the term “Rural Settlements” in the title was used to include Category 1 Settlements ODZ, but only because the title had to draw a distinction from “Urban Settlements” before it. Technically, the title should have been “ODZ Settlements.”

2.12 The strategy for the ODZ Settlements is self-explanatory.

2.13 It is clear that the strategy for Large Rural Settlements is that of “consolidation, conservation, and rehabilitation” through “rural sustainable development without permitting development within them which will lead to the loss of their rural character.”

2.14 It is clear that the strategy for Small Rural Settlements is that of “conservation and rehabilitation” through “rural sustainable development which enhances their rural character.”

2.15 Under section 5.4 Policies, the NWLP deals with the ODZ Settlements.

2.16 In the case of Category 2 Settlements ODZ - Large Rural Settlements, section 5.4 Policies states as follows: *"The following are designated as Category 2 large rural settlements within a wider rural area which should be conserved, consolidated and rehabilitated while protecting their rural character and to which Policy NWRS 3 will apply..."* (Emphasis added by myself.) This agrees with the strategy mentioned before.

2.17 In the case of Category 3 Settlements ODZ - Small Rural Settlements, section 5.4 Policies states as follows: *"The following are designated as Category 3 small rural settlements within a wider rural area which should be conserved and rehabilitated and their rural character protected and to which Policy NWRS 4 will apply..."* (Emphasis added by myself.) Even this agrees with the strategy mentioned before.

2.18 After which, the following policy guidance is given in the NWLP which is a must-read in the context of policies relating to Rural Settlements (in this guidance, the term *"rural settlements"* once again includes the Category 1 Settlements ODZ):

*"5.4.1 Rural settlements can be very different from one another. The pattern of the development can vary from traditional farmhouses, to rows of terraced houses to large detached villas. Spaces/gaps between buildings vary greatly, thus affecting the density and the perceived visual compactness of the settlement. Some rural settlements have substantial visual impact on the surrounding countryside because of the location, size and nature of development - others are visually well integrated with the surrounding countryside, for instance, by tree cover along their edges.*

*5.4.2 These different characteristics need to be acknowledged in any policy intended to guide their conservation, rehabilitation and consolidation. These clusters of buildings have emerged for various reasons ranging from their exclusion from the TPS when these were drawn up in 1988 even though they were located close to a main urban area, to a number of planning decisions which permitted their establishment and growth, to their existence as an inhabited area for a long period of time.*

*5.4.3 A set of seven criteria was developed to determine the character of each settlement:*

- i. the number of inhabited residential units;*
- ii. the land area of the settlement, including all land between the buildings on the extreme built edges of the cluster but excluding gap sites wider than 14.0m;*
- iii. the density expressed in dwellings per hectare (obtained by dividing the number of inhabited residential units by the settlement area);*
- iv. the distance in metres between the extreme built edges of the cluster;*
- v. the design of the buildings – predominantly modern or predominantly traditional;*
- vi. the land-use patterns;*
- vii. the scale of abandoned buildings expressed as a percentage of the settlement area.*

5.4.4 Criteria (i) and (ii) gave an indication of the scale of the settlement and the figure obtained for the density could then be compared with other density figures for small villages in Malta and Gozo, indicated as 19 dwellings per hectare in MEPA surveys on housing densities. Criterion (iv) was indicative of the settlement pattern i.e. whether the settlement was compact or dispersed or linear. Criterion (v) indicated whether the built cluster was of recent origins or had been an established built up area for a considerable time and its conservation was more important. The land-uses and activities in a settlement are a major contributor to its character and are also indicative of the type of new uses, which could be permitted. The scale of abandoned buildings indicated whether the settlement was in decline and hence in need of new investment.

5.4.5 The application of these criteria resulted in the emergence of three groups –

*i. large, high density (more than 19 dwellings per hectare), modern and compact residential clusters with few abandoned buildings in close proximity to the main urban area (within 100m);*

*ii. large, high density (more than 19 dwellings per hectare), predominantly modern, linear/dispersed residential clusters with few abandoned buildings but distant from the main urban areas;*

*iii. small, low density (less than 19 dwellings per hectare), predominantly traditional, with a mix of compact and dispersed residential clusters with substantial amounts of abandoned buildings and distant from the main urban areas.*

5.4.6 Group (i) was classified as Category 1 Settlements, group (ii) was classified as Category 2 Settlements and termed “Large rural settlements”, while group (iii) was classified as Category 3 Settlements and termed “Small rural settlements”. (Emphasis added by myself.)

2.19 It is clear that the Small Rural Settlements are deemed traditional, low-density clusters far from the urban areas.

2.20 What follow in the NWLP are the policies for the different categories of the ODZ Settlements.

2.21 I am quoting the policies and guidance relevant to Small Rural Settlements:

***“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, 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 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. (Emphasis added by myself.)

2.22 This must be contrasted with Policy NWRS 3 for Large Rural Settlements which allows that "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: ..." (Emphasis added by myself.)

2.23 Whereas development, meaning new development, is allowed in Large Rural Settlements for the land uses specified in Policy NWRS 3, in the case of Small Rural Settlements "only rehabilitation, and re-development of existing buildings" is allowed, and this is strengthened by the additional stipulation that "New development, which takes up fresh land, notwithstanding the location of the site in relation to existing buildings, will not be permitted." (Emphasis added by myself.)

2.24 But the Authority is proposing to change the prohibition of new development on fresh land in the Small Rural Settlements by changing the fresh land prohibition in the draft local plans as follows:

"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." (Emphasis added by myself.)

2.25 Now this is going to create a planning absurdity with the result that priorities are turned upside down, as follows:

- In the Small Rural Settlements, where the existing local plan policies do not even allow the development of new dwellings (or of any other new development for any of the other permissible land uses) in order not to use fresh land, the draft local plans would now permit the use of fresh land for the unnecessary and extravagant developments of swimming pools and related deck/toilet/shower/changing room facilities, animal enclosures and tool sheds.
- In the Large Rural Settlements, where the existing local plan policies allow new development of new dwellings only on strictly defined uncommitted land, the draft local plans would now permit the use of fresh land for the unnecessary and extravagant developments of swimming pools and related deck/toilet/shower/changing room facilities, animal enclosures and tool sheds.

- In the Small Rural Settlements, where only rehabilitation and redevelopment of existing buildings for the permissible land uses can take place, and the existing building must have a footprint of at least 50 squared-meters, the draft local plans would now allow the use of fresh land in excess of 100 squared-meters for the unnecessary and extravagant developments of swimming pools and related deck/toilet/shower/changing room facilities, animal enclosures and tool sheds.
- Whilst in the Small Rural Settlements and in the Large Rural Settlements a permissible dwelling cannot have more than 150 squared-meters of footprint, the draft local plans would now permit “amenity structures” which can take up to 106 squared-meters of fresh land by themselves. Which means that whilst the local plans seek to minimize land use for dwellings and the other legitimate – some of them economic – uses which have been permissible to-date, the draft local plans would now permit the waste of precious fresh land on “amenity structures” with additional footprint of up to two thirds of that of a permissible dwelling.

This whilst it is clear that the strategy of the local plan policies for the Rural Settlements is that of “conservation, rehabilitation and consolidation” for the Large Rural Settlements and “conservation and rehabilitation” for the Small Rural Settlements, and whilst Policy NWRS 4 seeks to restrict the developments permissible to only existing buildings in the case of Small Rural Settlements.

2.26 And if this was not bad enough, the new “amenity structures” will now become existing buildings, which are defined in Policy NWRS 3 as follows:

*“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 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.”*

And because the “amenity structures” can exceed the 50 squared-meters, they could be re-developed into new dwellings or any of the other existing permissible land uses, even in the Small Rural Settlements!

2.27 And bizarrely, in the case of the Category 1 Settlements ODZ, which are the largest of the three categories of Settlements ODZ and which are more urban in nature, Policy NWRS 2 defines the permissible land uses as specified in Policy NWUS 2, which is applicable to the Residential Areas of Urban Settlements, and which do not include swimming pools and related deck/toilet/shower/changing room facilities, animal enclosures and tool sheds. Therefore, whilst the Authority proposes to contaminate the Large Rural Settlements and the Small Rural Settlements, which are the least urbanised, with “amenity structures,” the same land use developments are not even permissible in the largest of Settlements ODZ.

2.28 I think that it is quite clear that the partial review of the 2006 local plan policies for Rural Settlements is the antithesis of planning, and I also believe that it is a perfect reflection of the state of tragedy which Malta’s planning is in generally.

2.29 In this letter I refer mainly to Rural Settlements, not by their size. But my observations must be applied and interpreted within the constraints of each Rural Settlement category.

2.30 In this letter I refer to the SPED and its objectives. However, this letter is not an analysis of the draft local plans versus the SPED. Many of the SPED objectives would bring to light additional problems with the draft local plans as published by the Authority.

**PART 3: IN THE PUBLIC CONSULTATION, THE AUTHORITY HAS EXPOSED ITS MOTIVATIONS BEHIND THE PROPOSED PARTIAL REVIEW OF THE LOCAL PLANS, AND WHICH: (1) IT SHOULD HAVE PUBLISHED WITH THE CONSULTATION OBJECTIVES; (2) ARE PRESENTED WITH UNSUBSTANTIATED AND POSSIBLY FALSE CLAIMS; AND (3) ARE BASED ON REASONING WHICH IS MISTAKEN AND LOGICALLY FAULTY AT BEST AND MISLEADING AT WORST, BUT WHICH DO NOT CHANGE THE FACT THAT THE PUBLIC CONSULTATION IS A SHAM.**

With the draft local plans for the partial review of the local plans for Rural Settlements, the Authority has also published the background to the public consultation, which the Authority has also used repeatedly as its standard reply to the public feedback about the consultation objectives which it also published. The background, and the Authority's replies, capture the essence of the Authority's motivations behind the proposed partial review of the local plans for Rural Settlements, as follows:

*"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)".*

*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 agra-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.*

*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.*

*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.*

*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.*

*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."*

3.1 The Authority should have published the above-quoted background as an explanation with the consultation objectives.

3.1.1 The Authority should have published the above-quoted background as an explanation with the consultation objectives, in order to inform the public about its reasoning for the partial review of the local plans for Rural Settlements.

3.1.2 Had it done so, the Authority would have exposed that its partial review of the local plans for Rural Settlements is motivated by its intention to introduce the permissibility of swimming pools and related deck/toilet/shower/changing room facilities on fresh land into Rural Settlements, and that its reasoning is based entirely on the failure of paragraph 0.24 of the RPDG 2014 when it was challenged in the Court of Appeal.

3.1.3 The Authority did refer to a Court of Appeal decision about this, but it did not specify which one. In my view, it could only be referring to the Appeal Number 34/2022/MC concerning the illegal swimming pool and decking facilities of Deputy Prime Minister Dr. Ian Borg.

3.1.4 But of course, had the Authority published the details of the Court of Appeal's ruling, it would have made it too obvious what was motivating the partial review of the local plans for Rural Settlements.

3.2 The Authority has presented its motivations with unsubstantiated and possibly false claims.

3.2.1 In the above-quoted background, the Authority sought to justify its motivations and actions by stating, *inter-alia*, as follows:

*"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."*

3.2.2 The Authority did not support this statement with specific examples of development application and permit numbers where it made such approvals. Perhaps this omission may be excused in terms of form and detail in a public consultation document.

3.2.3 But I believe that this statement is not true in the case of “amenity structures” consisting of swimming pools and decking areas, which is the essence of the above-quoted paragraph, except in the case of the illegal developments of the Deputy Prime Minister Dr. Ian Borg, which case was immediately challenged in the EPRT and in the Court of Appeal, first in the case of permit PA/05334/18 and later in the case of permit PA/00867/20, and in both cases the Court of Appeal delivered clear decisions which immediately rejected the use of paragraph 0.24 of the RPDG 2014 as an argument to over-rule the local plan policies for Rural Settlements, and consequently revoked both permits.

3.2.4 I remember clearly that, in the course of my objections and appeals to the permit PA/00867/20, I had already challenged the Authority about a list of development permits for swimming pools in Rural Settlements which it tried to claim as a precedent, but which were issued before the RPDG 2014 had come into force. Whilst I stand to be corrected about my facts, there is no place for untruths in the public consultation.

3.2.5 Even if the Authority were to list swimming pool permits granted in Rural Settlements in recent years, in Appeal Number 11/2019, the Court of Appeal has already stated that: *“B’referenza ghas-sottomissjoni tal-Awtorita’ li permessi simili gew approvati, din il-Qorti kemm-il darba kellha okkazzjoni li tqis bhala principju li fejn il-ligi hi cara ebda permess li fil-fehma tal-Qorti imur kontra dak li tgħid il-ligi jista jikkostitwixxi xi forma ta’ deroga għal ligi u l-principji hemm applikabbli.”*

3.3 The Authority has presented its motivations which are based on reasoning which is mistaken and logically faulty at best and misleading at worst.

3.3.1 In the above-quoted background, the Authority sought to justify its motivations and actions by stating, *inter-alia*, as follows:

*“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.*

...

*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.*

*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.”*

3.3.2 This statement by the Authority of its motivations to justify the published amendments in the draft local plans is a **mistaken and logically faulty at best and misleading at worst** for the following reasons:

**(i)** Paragraph 0.24 of the RPDG 2014 has nothing to do with the public consultation and with the draft local plans as published, and therefore paragraph 0.24 of the RPDG 2014 remains intact unless it is changed separately as part of amendments to the RPDG 2014. Paragraph 0.24 of the RPDG 2014 remains unchanged by the public consultation.

**(ii)** In Appeal Number 34/2022, the Court of Appeal struck down paragraph 0.24 in the RPDG 2014 not expressly because of Article 52 of Chapter 552 (although this was mentioned in the relevant *Aggravju* in the said appeal), but because the applicable local plan (for the North West) contained its own provision in paragraph 5.4 stating that *“If conflicts arise between policies NWR52, 3 u 4 and any other policy guidance notes in relation to development outside urban areas prepared outside the local plan process, the policies in the local plan should take precedence.”* (NWLP, page 36). I have verified that there is a similar provision in the South Malta Local Plan (page 12). There is no such provision in (i) the North Harbours Local Plan (NHLP), but there is only one Rural Settlement identified in the NHLP and it appears to lie within the urban setting with very specific policies attached to it; (ii) in the Central Malta Local Plan (CMLP), but then the Rural Settlements identified in the CMLP are more like small villages; and (iii) in the Gozo and Comino Local Plan.

**(iii)** In Appeal Number 34/2022, the Court of Appeal rejected paragraph 0.24 of the RPDG 2014 also because the Glossary of the RPDG 2014 contains a definition of Outside Development Zones, to which the RPDG 2014 applies, which states that: *“Areas located outside the designated areas in the Local Plans where urban development is permitted, excluding rural settlements.”* Therefore, the RPDG 2014 itself excludes Rural Settlements from within its scope. Since the public consultation is about the partial review of the local plans for Rural Settlements, it will not change the RPDG 2014 and consequently the RPDG 2014 will continue to not apply to Rural Settlements.

**(iv)** In Appeal Number 34/2022, the Court of Appeal refused the logic of paragraph 0.24 of the RPDG 2014 also on the basis of paragraph 2.3.1 of the NWLP which the Court of Appeal quoted and which states that: *“Since the approval of the Structure Plan several Planning Policies and Guidance Notes and Circulars have been prepared/issued by MEPA. They play an important part in establishing planning policies against which decision can be made, but they are subsidiary documents to the local plan.”*

**(v)** In any case, paragraph 0.24 of the RPDG 2014 deals with *“conflicting provisions,”* and so does paragraph 5.4 of the NWLP quoted by the Court of Appeal in Appeal Number 34/2022. Both paragraphs do not in any way seek to abolish the distinct existence and roles of local plans on the one hand, and detailed policy guidance, such as the RPDG 2014, on the other, or to in any way over-rule one by the other, except in the case of conflicts between them.

(vi) In Appeal Number 11/2019/MC concerning Dr. Ian Borg's first permit for a swimming pool and related facilities, the Court of Appeal agreed with the EPRT that **local plans and detailed guidance policies co-exist in parallel with each other**, because **local plans define the land uses** (Article 48 of Chapter 552), whereas the **guidance policies provide the details** (Article 50 of Chapter 552). **This means that the local plans and the RPDG 2014 exist at different levels of the planning hierarchy and fulfil different planning purposes.** Therefore, one should not expect the local plans to somehow mirror what is contained in the RPDG 2014, because their planning functions are distinct. Local plans may choose to restrict land uses differently within the territory to which they apply, and in fact this is part of the main function of local plans. It follows that local plans and the RPDG 2014 are not automatically in conflict.

(vii) The designation of Rural Settlements in the local plans as areas requiring distinct protection from the rest of Outside Development Zones is a matter entirely within the scope of local plans, and not a subject matter for the RPDG 2014 to deal with. It is within the purpose of the local plans to set out, and to limit as necessary, the range of land uses in any territory, including in Rural Settlements. Therefore, the limitations on land use in any territory as set out in the local plans should never have been disputed with the argument of the existence of paragraph 0.24 of the RPDG 2014 – even if that is what the Authority sought to do in PA/05334/18.

(viii) **In the worst-case scenario**, paragraph 0.24 in the RPDG 2014 is, and has always been, a useless illegal paragraph because the order in which conflicts between plans and policies are resolved is as set out in the Article 52 of Chapter 552 (as admitted by the Authority in its standard reply), or in the local plan provisions (such as paragraph 5.4 of the NWLP quoted by the Court of Appeal in Appeal Number 34/2022), and not as stated in the RPDG 2014. In the case of Rural Settlements (Category 2 and 3) in the NWLP and SMLP, it is the local plans which determine their planning policies, with priority over whatever the RPDG 2014 may say, including its paragraph 0.24.

(ix) However, the existing local plan policies for Rural Settlements have always indicated two instances of land uses where the criteria of the **"draft Agriculture, Farm Diversification and Stables (2005)"** had to be applied, namely:

C. Agricultural buildings for livestock farming and for arable farming

E. Farm Retail Outlets

The **"draft Agriculture, Farm Diversification and Stables (2005)"** refers to the Agriculture, Farm Diversification and Stables (2005) policies which were still in draft phase in 2006, when the local plans were enacted, but which later were approved and eventually amended into the RPDG 2014. Therefore, it would be fair to argue that the reference to **"draft Agriculture, Farm Diversification and Stables (2005)"** now means the RPDG 2014, but only for the above-named two land uses. Likewise, it is fair to state that where the local plans policies on Rural Settlements intended to rely on the RPDG 2014 policies, this was stated in the local plan policies themselves. *Ubi lex voluit.*

(x) Therefore, in the best-case scenario, paragraph 0.24 of the RPDG 2014 could be valid when applied to the above-named two land uses C and E, in so far as any related criteria set out in the local plan policies are in conflict with the related criteria in the RPDG 2014. Except that, as a matter of fact, there are no related criteria in the local plan policies for the above-named two land uses C and E, and therefore there would probably be no conflicts, and therefore paragraph 0.24 of the RPDG 2014 would not need to be applied with the relative RPDG 2014 policies for the above-named two land uses. However, should any criteria anywhere else in the Rural Settlements policies set out in the local plans conflict with the RPDG 2014 when dealing with the above-named two land uses C and E in Rural Settlements, paragraph 0.24 of the RPDG 2014 may be valid.

(xi) But in the case of dwellings, and some other important land uses permissible in Rural Settlements under the local plans, the existing and the draft local plans as published set out policies which are different from those in the RPDG 2014, and it is here that the draft local plans as published by the Authority do not in any way fit within its argument about paragraph 0.24 of the RPDG 2014.

For the above-named two land uses C and E, the Authority has changed the references to the policy criteria of the *"draft Agriculture, Farm Diversification and Stables (2005)"* in the existing local plans to the policy criteria of the *"the Rural Policy and Design Guidance 2014"* in the draft local plans, and this is perfectly reasonable and that is how *"draft Agriculture, Farm Diversification and Stables (2005)"* should have been applied and interpreted all along. It has already been said above that the above-named two land uses C and E are the only two types of land use for which the existing local plans already, logically, allow the RPDG 2014 to be applied (even if its name is still that of 2006).

But in the draft local plans as published, the Authority did not introduce a similar reference to the policy criteria of the RPDG 2014 for the other permissible land uses in the existing local plans, including dwellings. I am listing all other permissible land uses where the Authority failed to do so below:

- A. Dwelling units
- B. Farmhouses for livestock farmers, arable farmers and other growers
- D. Retail outlets

(And possibly rural tourist accommodation.)

And even in the case of the swimming pools and related facilities, now introduced as *"amenity structures"* in the draft local plans, the Authority did not subject these to the requirements of *Policy 6.4 Swimming pools ODZ* in the RPDG 2014.

Therefore, whereas the draft local plans subject the above-mentioned land uses C and E to the RPDG 2014 as has always logically been the case, the relevant RPDG 2014 criteria are not going to apply to the other permissible land uses A, B, D (and possibly rural tourist accommodation), with or without paragraph 0.24 in the RPDG 2014 (which has no legal effect), and with or without the public consultation.

This means that the reference to paragraph 0.24 of the RPDG 2014 by the Authority to justify its reasoning for the changes to the existing local plans is mistaken and logically faulty, because the draft local plans do not in any way achieve what paragraph 0.24 may have intended.

If the Authority's intention was to subject the land uses permissible in Rural Settlements under the existing local plans to the policy criteria of the RPDG 2014 as may have been the intention of paragraph 0.24 of the RPDG 2014 according to the Authority's reasoning, then, with the exception of the above-named two land uses C and E (for which this has always been the case logically, anyway), nothing in the draft local plans as published does so for the land uses A, B, D (and possibly rural tourist accommodation), and paragraph 0.24 in the RPDG 2014 cannot do the trick because Article 52 of Chapter 552 and the Court of Appeal decisions preclude it.

(xii) At the time of publishing the consultation objectives, the Authority had stated that: *"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."* (Emphasis added by myself.) One is left to wonder: (i) how the draft local plans achieve that, when the only thing they do is to introduce the permissibility of "amenity structures" consisting mainly of swimming pools and related deck/toilet/shower/changing room facilities, without even any reference to the Policy 6.4 Swimming pools ODZ in the RPDG 2014 to boot, into Rural Settlements, and (ii) how this was in line with "respecting their rural character."

(xiii) For the Authority to "update" and "align" (the words of the Authority in the quote above) the local plan policies on Rural Settlements to the RPDG 2014, the Authority would have to do one of the following two unacceptable things:

Either state in the local plan policies on Rural Settlements that, for each of the permissible land uses allowed in Rural Settlements according to the local plans, the applicable policies are those in the RPDG 2014, as the Authority is effectively doing for the land uses C and E;

or else remove the status of Rural Settlements altogether from within the local plans and consider them as Outside Development Zones and therefore subject to the RPDG 2014 generally.

I want to be clear that both options, which substantially mean that the local plan policies on Rural Settlements would be over-ridden by the RPDG 2014 policy criteria, are unacceptable, because, inter-alia, this would:

- Increase the range of new buildings that would be permissible in Rural Settlements.
- Remove the protection of the character of Rural Settlements.

3.3.3 I want to be clear also that it should be obvious to anyone that the government had given designation to Rural Settlements in the local plans as separate and distinct planning areas from the Outside Development Zones in order to afford special protection to Rural Settlements, and for that reason the local plans limit the range of land uses within the Rural Settlements.

3.3.4 But I want to be clear also that paragraph 0.24 of the RPDG 2014 was used to override the local plan policies on Rural Settlements, including the land uses, because that is how the Authority used it to issue the permit to application number PA/05338/18 to Dr. Ian Borg.

3.3.5 Thus, the outcome of the public consultation is that the draft local plans as published do not import (read: **“update” and “align”**) the changes in policy criteria which occurred in the RPDG 2014 when it was approved in 2014 into the existing local plans which date from 2006, not even for the new land use for **“amenity structures”** which is in substance the only change that has been made to the existing local plans based on the draft local plans. But that is not what the standard reply given by the Authority suggests, at least until it mentions the swimming pools, when the real intention becomes obvious.

3.3.6 Therefore, the intention of the Authority when it invokes the paragraph 0.24 of the RPDG 2014 cannot be taken seriously, and it is mistaken and logically faulty. The effect of paragraph 0.24 as set out in the RPDG 2014, were it not for Article 52 of Chapter 552 and the local plan provision quoted by the Court of Appeal in Appeal Number 34/2022, would have been to allow the RPDG 2014 policy criteria to override those in the local plans with respect to Rural Settlements, but this could only happen for those land-uses permissible in Rural Settlements per the local plans. The only real effect of the Authority’s proposed changes is to make **“amenity structures”** permissible land uses (with dwellings) in Rural Settlements.

3.3.7 Moreover, although in the background to the public consultation quoted above, the Authority attempts to justify the changes to the local plans as an alignment with **“the spirit”** of the RPDG 2014 to improve the **“economic growth of the farming sector,”** the substance of the changes introduced in the draft local plans is only to make **“amenity structures,”** using up fresh land, permissible with dwellings, with everything else remaining in essence the same. **Not only do the changes allow fresh land take up in agricultural settings, but they add nothing else to agriculture and farmers.** The relevant quote is as follows:

*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 agra-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.*

Therefore, it should be clear that the Authority is using the wrong reasoning to justify the partial review of the local plans for Rural Settlements.

3.3.8 In the draft local plans, the Authority did not even propose to change the applicable local plan paragraphs (such as paragraph 5.4 of the NWLP) to which reference was made in the Appeal Number 34/2022 by the Court of Appeal, and therefore in the case of conflicts in policy criteria, the applicable local plans continue to over-ride the RPDG 2014, despite the exaltation of paragraph 0.24 of the RPDG 2014 by the Authority. The invocation of paragraph 0.24 of the RPDG 2014 by the Authority as some useful mechanism originally intended to achieve some desirable aim of aligning the local plans with the RPDG 2014 on the policies applicable to the permissible developments in Rural Settlements is just a mistake or an excuse, because paragraph 0.24 continues to be not applicable to the land uses in the local plans, and the Authority has not intervened on the local plans in that sense, and hence the local plan policy criteria continue to apply to all land uses, other than the above-named two land uses C and E, as before.

3.3.9 The RPDG 2014 does not permit “*tool sheds*” as a separate land use, neither as stand-alone nor with dwellings. Therefore, the use of paragraph 0.24 of the RPDG 2014 as a justification for the proposed new land use of “*tool sheds*” in the draft local plans is just a false argument.

3.3.10 The RPDG 2014 does not allow “*animal enclosures*” as a separate land use, neither as stand-alone nor with dwellings. Therefore, the use of paragraph 0.24 of the RPDG 2014 as a justification for the proposed new land use of “*animal enclosures*” in the draft local plans is just a false argument.

3.3.11 The RPDG 2014 does not allow “*amenity structures*,” and in its *Policy 6.4 Swimming pools ODZ*, which permits swimming pools and related facilities with ODZ dwellings, those developments are not referred-to as “*amenity structures*.” There is nothing in the RPDG 2014 which permits “*amenity structures*” with dwellings. Therefore, the use of paragraph 0.24 of the RPDG 2014 as a justification for the proposed new land use of “*amenity structures*” in the draft local plans is just a false argument.

3.3.12 In the RPDG 2014, the word “*amenity*” is a defined term, meaning: “*The term ‘amenity’ refers to the ‘pleasantness of the surroundings’ (source: Peter Collin Publishing, 1995, Dictionary of ecology and environment, 3rd ed.). Normally, the amenity of an area is determined by various interrelated natural/man-made features and factors (e.g. the quality of the scenery, traditional rural features, quietness, pleasant facades, presence of trees, etc.) within a particular place, thereby making the surroundings and the environment pleasant for the people.*” It does look like the meaning of the term “*amenity*” in the RPDG 2014 is contrary to the “*amenity structures*” proposed in the draft local plans for Rural Settlements.

3.3.13 The Authority has added “*amenity structures*” to the land use A of “*Dwellings*” but it did not in the case of land use B of “*Farmhouses for livestock farmers, arable farmers and other growers*,” even if the latter is subject to the condition that “*provided the criteria stated under ‘(A)’ above are complied with.*” However, this opens the matter to interpretation.

3.3.14 The use of the paragraph 0.24 of the RPDG 2014 in the motivations of the Authority is also misleading because the RPDG 2014 does not permit new dwellings to arable farmers, whereas the local plans continue to allow this.

**PART 4: FURTHER ARGUMENTS WHY "AMENITY STRUCTURES" ARE OBJECTIONABLE IN RURAL SETTLEMENTS.**

**4.1 Permitting swimming pools and related deck/toilet/shower/changing room facilities as "amenity structures" with dwellings in Rural Settlements creates discrimination with dwellings in Residential Areas.**

4.1.1 By defining swimming pools and related deck/toilet/shower/changing room facilities as "amenity structures" and making them permissible with dwellings in Rural Settlements, the Authority has opened the doors for anyone to request such developments with any dwelling, anywhere.

4.1.2 If a swimming pool and related deck/toilet/shower/changing room facilities are "amenity structures" with a dwelling in a Rural Settlement, they cannot be less so with a dwelling in a Residential Area, or even in ODZ as mentioned before.

4.1.3 But the local plan policies for Residential Areas do not mention "amenity structures," and do not permit swimming pools and related deck/toilet/shower/changing room facilities.

4.1.4 And the Authority is not proposing any changes in the Residential Areas for "amenity structures." Nor did it change the RPDG 2014 to add "amenity structures" to dwellings. This creates discrimination between residents.

4.1.5 This is why there is no argument to defend swimming pools and related deck/toilet/shower/changing room facilities as "amenity structures" with dwellings in Rural Settlements.

**4.2 The local plans provided separately for areas intended for villa-type developments.**

4.2.1 Taking the NWLP as an example, the local plan identifies areas for villa type developments, including Tal-Virtu' in Rabat and Santa Marija Estate and tal-Qortin in Mellieha. But these areas were specifically developed as villa clusters, and they are not Rural Settlements.

4.2.2 Swimming pools and related deck/toilet/shower/changing room facilities are, in their nature, features of villa-type developments, and could be perfectly justified at Tal-Virtu, Santa Marija Estate and tal-Qortin, but they cannot be justified in the agricultural Rural Settlements.

**4.3 The permissibility of "animal enclosures" as "amenity structures" with dwellings in Rural Settlements is highly objectionable.**

4.3.1 Not only is the Authority proposing to allow waste of fresh land on land uses for developments which are not necessary in the rural area of which Rural Settlements form part, but it is permitting further take up of fresh land for developments for which **alternative permissible land uses** are already available in the Rural Settlements where necessary.

4.3.2 It is a planning principle that **developments which are not necessary in the rural area should not be permissible there**, and in the public consultation, the Authority itself quoted from the SPED about this.

4.3.3 The inclusion of "*animal enclosures*" as "*amenity structures*" with dwellings in Rural Settlements is **objectionable**, and the local plan policies for Rural Settlements already allow alternative solutions for such land uses.

4.3.4 The point of allowing for the development, re-development, and rehabilitation of dwellings in Rural Settlements is to **keep the Rural Settlements alive, with people living in them**, so as to prevent abandonment and degradation.

4.3.5 Meanwhile, the socio-economic objective of the planning framework is to **permit to people who live in Rural Settlements to reach the same standard of housing as in the urban areas**. Consequently, if a land-use does not work with a dwelling in a Residential Area, it should not be acceptable with dwellings in the Rural Settlements.

4.3.6 The idea of "*animal enclosures*" as "*amenity structures*" with dwellings should be objectionable from a **public health** point of view, anywhere. A dwelling is a dwelling. It is clear that the issue here is not about pets like cats, dogs and birds, which can live with their owners in their house, as they do in urban areas. Quite clearly, the "*animal enclosures*" referred-to here are intended for other animals which could be anything from goats, to sheep, to tigers, to chicken etc. Bringing animals in close proximity of residences, within neighbourhoods, exposes third parties to unacceptable inconveniences, which may range from noises and smells to possibly diseases, allergies, infestations, and physical dangers which people should not be made to suffer in their residences and neighbourhood against their will.

4.3.7 The local plans already provide alternative land uses to cater for the needs of animals in Rural Settlements. Land use C allows *"Agricultural buildings for livestock farming,"* and this should be adequate, subject to public health considerations, for animals to be kept in Rural Settlements.

4.3.8 At best, *"animal enclosures"* could be allowed to be permissible with land use B which permits *"Farmhouses for livestock farmers and for arable farmers and other growers,"* which are likely to be located on farm estates away from other residences.

**PART 5: THE PUBLIC PRICE INFLICTED ON RURAL SETTLEMENTS BY THE PROPOSED PARTIAL REVIEW OF THE LOCAL PLANS.**

I am morally convinced that the reason for the proposed, surgically precise, tailor-made partial review of the 2006 local plan policies for Rural Settlements, the substance of which is that of making swimming pools and related deck/toilet/shower/changing room facilities on fresh land permissible, is to make the illegal developments of the Deputy Prime Minister Dr. Ian Borg in the Small Rural Settlement of Santa Katerina permissible. But this does not come without a public price.

5.1 The substance of the public consultation on the proposed partial review of the local plans is that the Authority is changing the existing local plans to introduce “amenity structures” as new permissible land uses on fresh land in Rural Settlements.

5.2 The main item of “amenity structures” being introduced consists of swimming pools and related deck/toilet/shower/changing room facilities of up to 81 meters squared.

5.3 The Authority is proposing that the so-called “amenity structures” can use up fresh land even in the case of Category 3 Small Rural Settlements (i.e. the smallest and most sensitive of the Rural Settlements), where until now, according to the existing local plans, no fresh land could be taken up for any land use in order to protect rural land. In this regard, the draft local plans go: against Thematic Objective 7 of the SPED which seeks to minimize the impacts on cultural heritage and landscape, and to protect the soil, and agricultural land and gardens from soil sealing; against the Rural Objective 1 of the SPED which seeks to facilitate sustainable rural development and diversification of activities in the rural area to sustain agriculture and safeguard its distinctiveness; against the Rural Objective 3 of the SPED which seeks to guide development in rural areas away from protected areas and areas of high landscape sensitivity and preferably to previously developed land or existing buildings while improving the rural environment; and against the Rural Objective 4 of the SPED which seeks to protect and enhance the positive qualities of the landscape and the traditional components of the rural landscape.

5.4 The Authority is proposing to permit the use of fresh land in the Rural Settlements not for the priority purposes of agriculture and farming, or dwellings, which are allowed in Rural Settlements, but for the unnecessary luxuries of swimming pools and related deck/toilet/shower/changing room facilities which are totally unrelated to the rural character of Rural Settlements.

5.5 As if the dwellings to which the swimming pools and related deck/toilet/shower/changing room facilities would be linked would not already have a toilet, a shower and changing room, and as if fresh land in Rural Settlements was not already at a premium, the Authority proposes to permit such extravagance as a permissible land use, and from fresh land to boot, giving rise to unnecessary duplicated development.

5.6 The Authority is proposing to permit the **waste of fresh land on unessential and duplicated development** in Rural Settlements which have **hitherto been protected** in their typical and traditional agricultural use, which forms part of the landscape and the heritage of Malta and Gozo.

5.7 The Authority is proposing to permit the **conversion** of Rural Settlements from their traditional rural agricultural and farming character to **clusters of villa/bungalows with swimming pools and related deck/toilet/shower/changing room facilities**. In this regard, the draft local plans go **against Thematic Objective 8 of the SPED** which seeks to safeguard and enhance cultural heritage, with specific objectives aimed at protecting specific areas and their character.

5.8 The Authority is proposing to permit the **ruination of the essential rural agricultural character** of the Rural Settlements, which was so far protected with the existing local plans, thus throwing to the wind the **sacrifices made by generations of rural people** for the purpose of preserving what remains of the traditional rural character of Malta, and turning Rural Settlements into **luxury property development and speculation** instead.

5.9 The Authority is bringing **pollution** from development, use, lighting, and noise, associated with swimming pools and related deck/toilet/shower/changing room facilities to what were otherwise **tranquil Rural Settlements**. In this respect, the draft local plans go **against Thematic Objective 6 of the SPED** which seeks to protect vulnerable areas from sources of pollution.

5.10 The Authority is ignoring the fact that, **contrary to rural villas**, which are mostly detached buildings, isolated and far in between, and for which swimming pools are permissible, the Rural Settlements often consist of **clusters of close and contiguous buildings**, where the introduction of **"amenity structures"** consisting of swimming pools and related deck/toilet/shower/changing room facilities will result in **disproportionate disturbance and pollution to the entire neighbourhood in any Rural Settlement**. This will not have a good impact on the quality of life of people living in the Rural Settlements.

5.11 The Authority seems oblivious to the fact that many of the Rural Settlements were in fact **settlements of multiple members of extended closely-knit farming families on their agricultural property**, and the draft local plans will now promote the conversion of those agricultural settlements into clusters villa/bungalows with swimming pools and related deck/toilet/shower/changing room facilities that would **change the economics of the properties in the Rural Settlements and drive a change to the social fabric of the Rural Settlements** that would not improve the quality of life of the communities already living there.

5.12 The Authority's draft local plans will change the economy of the property in Rural Settlements that will lead to the destruction of the homogeneous agricultural and farming neighbourhoods and will introduce external cultures into Rural Settlements, which will not only cause stress and anxiety to the existing residents and usher in cultural and social clashes, but will also lead to the abandonment of the agricultural function of the Rural Settlements.

5.13 The draft local plans of the Authority serve only to present property speculators and buyers with a fresh market opportunity for the conversion and new development of villas/bungalows/farmhouses with pools in the secluded Rural Settlements.

5.14 Meanwhile, the Authority has taken all the trouble and costs of the public consultation for "*the proposed partial review of the local plans*," as opposed to a thorough review and updating of the local plans, and it has done so solely for the purpose of introducing "*amenity structures*" consisting mainly of swimming pools and related deck/toilet/shower/changing room facilities in the Rural Settlements. **What a waste of time, effort, energy, resources and tax-payer money.**

**PART 6: THE GOVERNMENT AND THE AUHTORITY ARE USING COURT CASES IN THE OPPOSITE SENSE TO THEIR PURPOSE, AND RATHER THAN UPHOLD THE LAW, THEY PLAN TO WEAKEN THE LAW, AND THUS TO APPEAR TO WIN THE ARGUMENT WHICH THEY LOST MORE THAN ONCE.**

6.1 I have already repeated that I consider the public consultation to be a sham, but I want to add also that I consider it also to be in bad taste. I reiterate that I see this public consultation as motivated by the intention to make the Deputy Prime Minister's illegal development of a swimming pool and decking on fresh land in a Rural Settlement (and a Small Rural Settlement to boot) permissible. I have explained in detail about this in my letter of 6 November 2024, and I am now more convinced given how the public consultation has evolved.

6.2 Rather than humbly accepting the Court of Appeal decisions in Appeal Number 11/2019 and Appeal Number 34/2022 and upholding the law, the government and the Authority are now weakening the law so that what was not permissible will now be.

6.3 In my opinion, this is the sure sign of bad losers turning into despots, where instead of the rule of law, the rulers become the law because they change the law as they please, while pretending to make a public consultation in which everyone's objections get ignored.

6.4 I am going to document below the sequence of events which show how the public consultation is the umpteenth attempt by the government and the Authority to make Deputy Prime Minister Dr. Borg's swimming pool on fresh land permissible, and to avoid taking action against the Deputy Prime Minister's illegal developments after the Court of Appeal decisions, and this time, the government and the Authority are trying to run roughshod over the democratic rights of the public, and the Court of Appeal decisions, in sheer bad taste and in a sad spectacle.

6.5 When in 2018 I first objected to the (now annulled) permit PA/05334/18 issued by the Authority to the now Deputy Prime Minister Dr. Ian Borg, and which eventually led to the Court of Appeal decision in Appeal Number 11/2019, I told the Authority, *inter-alia*, that:

*"The overriding reason for my objections to the Application can be seen from the pictures of the location of the development proposed in the Application and which hardly require any further comment or representations. The Application proposes to develop a private swimming pool and ancillary facilities directly in a valley field within ODZ at Wied Liemu, just outside of the farming settlement of Santa Katerina, limits of Rabat – an old secluded terraced and highly scenic agricultural landscape which has survived from the Middle Ages."*

6.6 And although I explained my objections in terms of policies in detail, I produced the following pictures of the then site of the proposed swimming of the now Deputy Prime Minister Dr. Ian Borg.



6.7 These pictures were taken from the then only remaining scenic view point of the Santa Katerina valley from a public road in the Santa Katerina Rural Settlement. This view point has now been obstructed with the developments on the Deputy Prime Minister's land.

6.8 Anyone with a sense of decency would have agreed that this was no place to develop and permit a swimming pool.

6.9 Anyone with a sense of shame would never have applied for a swimming pool there, not least because the site was exposed to the adjacent public road, and was within the public's point of view of the scenic valley.

6.10 I support my comments above with the words of the EPRT in the EPRT appeal number 474/18/MS, which, accepting my request for the suspension of the development pending the outcome of my appeal against PA/05334/18 before it, stated, *inter-alia*, that:

*"Illi minn ezami tal-inkartament tal-applikazzjoni u l-permess odjern juru illi l-izvilupp approvat huwa tali li x-xoghol ta' kostruzzjoni ser jiddisturba art f'zona strettament rurali li mhux facilment jigi riprestinat lura fl-istat originali f'kaz dejjem li l-appell jigi milqugh.*

*Illi fil-kaz odjern, hemm certament kaz ta' pregudizzjoni sproporzjonat tenut l-aggravji tal-appell li l-bazi taghhom hija l-preservazzjoni tal-kuntest rurali u xenografiku taz-zona fejn jinsab is-sit inezami.*

*Ghalhekk it-talba ghal sospensjoni qed tigi milqugha..."*

6.11 Eventually, the substance of the EPRT's decision in that appeal was that the development was acceptable, provided that Dr. Ian Borg reduced the development by 1 squared meter.

6.12 Following my appeal to the Court of Appeal in Appeal Number 11/2019, on 19 June 2019 the Court of Appeal decided, in no uncertain terms, stating, *inter-alia*, that:

*"Ghal dawn ir-ragunijiet il-Qorti taqta' u tiddeciedi billi tilqa' l-appell ta' Emanuel Ciantar u dan billi taqis li l-applikazzjoni 5334/18 ma kellhiex tigi milqugha a bazi tal-RPDG 2014 u kellihom jigu applikati l-policies NWRS 4 u NWRS 3 tal-pjan lokali NWLP fejn l-izvilupp propost mhux permissibbil u kwindi tirrevoka d-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-ippjanar tat-18 ta' Marzu 2019..."*

6.13 Dr. Ian Borg's first reaction was to publish a post on Facebook stating that the Court of Appeal had repealed the EPRT's decision, but not the Authority's permit.

6.14 The Authority said that it was "*studying*" the decision.

6.15 So I had to initiate fresh legal action to call Dr. Ian Borg's and the Authority's bluff.

6.16 In Appeal Number 33/2019, decided on 20 November 2019, the Court of Appeal declared, *inter alia*, that with its judgement of 19 June 2019, it had revoked the permit PA/05334/18, and that this should have been understood by those responsible, and on that basis rejected my request that the EPRT should hear again my appeal about the said permit.

6.17 But before one month had passed from the Court of Appeal decision in Appeal Number 33/2019, on 17 December 2019 Dr. Ian Borg defiantly filed a fresh application, PA/00867/20, to substantially carry out the same development, on the same property, on the same site, in the same Rural Settlement, under the same local plan policies, where the Court of Appeal had just made more than clear that a swimming pool and related facilities could not be developed neither under the RPDG 2014 nor under the local plan policies, as quoted above.

6.18 Notwithstanding my fresh objections, this time supported by the Court of Appeal judgement in Appeal Number 11/2019, the Authority issued a new permit, and I was once again compelled to appeal it in front of the EPRT.

6.19 Despite the previous decision of the EPRT itself (although differently constituted) in my appeal against PA/05334/18, the EPRT rejected my request for a suspension of the execution of the permit for the duration of the appeal, thus paving the way for Dr. Borg to complete the works - which had already started before the EPRT had decided about my request for suspension - before the appeal had been decided.

6.20 Eventually, on 15 March 2023, in Appeal Number 34/2022 against PA/00867/20, the Court of Appeal re-confirmed its reasoning from Appeal Number 11/2019 and revoked permit PA/00867/20.

6.21 Yet, the Deputy Prime Minister Dr. Ian Borg has had his nice diamond-shaped, illegal, swimming pool since 2021. Here it is, immersed in the field-scape of the rural Santa Katerina valley.



(Picture from timeosmalta.com.)

6.22 And here we are, two years after the last Court of Appeal judgement in Appeal Number 34/2022, and five years after Appeal Number 11/2019, and the Authority has not yet issued an Enforcement Notice and asked the Deputy Prime Minister Dr. Ian Borg to please comply with the law, and with the Court of Appeal decisions, and clear his swimming pool and decking. But in 2015, soon after the Deputy Prime Minister was issued with the permit to develop his residence, the Authority had issued Enforcement Notice EC 00010/15 on the property of a third party next to the Deputy Prime Minister's swimming pool development.

6.23 To me, it is clear that the Authority has procrastinated until a way was found to accommodate the Deputy Prime Minister's illegal developments.

6.24 I believe that this is what **bad taste** and **bad governance** is like. The government and the Authority are acting in defiance of the law and the Court of Appeal, the right of the public to enforce the law, and with complete disregard to democracy and decency.

6.25 The Authority is not only proposing making swimming pools and related deck/toilet/shower/changing room facilities permissible in Rural Settlements, but it is also proposing to allow this on fresh land. It could not be more tailor-made than this for the Deputy Prime Minister's illegal developments.

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, as already set out in the existing local plans and their policies.

I consider the public consultation and the draft local plans as a sham, and that they are vitiated, and therefore null and void, and so is anything that flows from them, whilst I reserve all my legal rights with respect to their outcome.

In conclusion, I believe that the public consultation referred to in this letter is 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

**Attached:**

Copy of Appeal Number 11/2019/MC (Court of Appeal).

Copy of Appeal Number 34/2022/MC (Court of Appeal).

<p><b>PR-RS- (2) - 7</b></p>	<p><b>Onor Ing. Stanley Zammit MP obo Partit Nazzjonalista</b></p>	<p><b>05/05/25</b></p>	<p>F'isem il-Partit Nazzjonalista nixtieq indaħħal din is-sottomissjoni:</p> <p><b>Ogġezzjoni għall-bidliet proposti għar-Rural Settlements</b></p> <p>Il-Partit Nazzjonalista jopponi l-bidliet proposti fil-policies li jirrigwardaw ir-Rural Settlements ta' Kategorija 2 u 3.</p> <p>Il-Partit Nazzjonalista ilu jemfasizza li policies bħar-Rural Policy and Design Guidance tal-2014 ħolqu ambigwità u interpretazzjonijiet konflinġenti mal-Pjanijiet Lokali u dan ġie ikkonfermat mill-Qrati f'numru ta' okkażzjonijiet.</p> <p>Minflok ma qed jiġu riveduti dawn il-policies diffiċli qed jiġi proponut li jinbidlu l-Pjanijiet Lokali mingħajr eżerċizzju sħiħ, olistiku u approprijju u mingħajr l-istudji neċessarji bħall-aġġornament tal-iSPED, studji tal-Carrying Capacity, jew Environmental u Social Impact Assessments. Qed isiru wkoll mingħajr analiżi speċifika għall-inħawi milquta.</p> <p>Dawn it-tibdiliet jippermettu faċilitajiet anċillari f'Kategorija 2 u sa ċertu punt anke f'Kategorija 3 – inklużi pixxini, deckings u toilets – fuq art barra ż-żona tal-iżvilupp.</p> <p>Jeżisti t-tħassib serju li dawn it-tibdiliet jistgħu jifitħu l-bieb għal abbużi u għal regolarizzazzjoni retroattiva ta' żviluppi illegali, konsegwentament titnaqqas il-fiduċja pubblika fis-sistema tal-ippjanar, u jinkoraġġixxi aktar nuqqas ta' konformità.</p> <p>L-Awtorità tal-ippjanar għandha tkun trasparenti u tippubblika kull dokument, studju u raġunament li wassal għal din ir-reviżjoni. Il-fiduċja pubblika trid tiġi mħarsa u l-pjanifikazzjoni trid tkun ġusta, prevedibbli u sostenibbli. Mingħajr dan, inkunu qegħdin nipperikolaw il-wirt rurali ta' Malta għall-ġenerazzjonijiet futuri.</p> <p>Il-Partit Nazzjonalista jhegġegħ lill-Awtorità sabiex tirritorna għal proċess ta' revizjoni komprensiva u sħiħa tal-pjanijiet lokali kollha – ibbażat fuq Pjan Strateġiku għall-Ambjent u l-iżvilupp aġġornat imsejjes fuq l-istudji kollha neċessarji u evidenza konkreta, konsultazzjoni ta' vera u miftuħa u kriterji ġusti.</p>	<p>The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA in rural settlements since 2006, based on a range of adopted policies controlling development in the ODZ, not solely the RPDG2014.</p> <p>The partial review shall be subject to the SEA Screening process as required by law. The decision to carry out a Social Impact Assessment as part of the spatial planning policy formulation process needs to be taken at a national level and applied consistently.</p> <p>Only development which complies with the revised policy may be considered. Sanctioning of development has been enshrined in law since 1992.</p>
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<b>PR-RS-(2) - 8</b>	<p><b>Mr Dylan Cassar obo Malta Sociological Association (MSA)</b></p> <p><b>(submission through Government portal)</b></p>	<b>01/05/25</b>	<p>The Malta Sociological Association welcomes the Planning Authority’s efforts to update and clarify the policies governing rural settlements. The MSA emphasises the importance of systematically incorporating Social Impact Assessments (SIAs) into the planning and approval processes for developments in rural settlements. While environmental protection is rightly foregrounded, the social dimensions of rural development — including impacts on community life, social cohesion, heritage, accessibility, and demographic sustainability — deserve equal attention.</p> <p>The International Association for Impact Assessment defines SIA as being “the processes of analysing, monitoring and managing the intended and unintended social consequences, both positive and negative, of planned interventions (policies, programs, plans, projects) and any social change processes invoked by those interventions”. An SIA is an interdisciplinary process, and follows established social-scientific methods, both quantitative and qualitative. Social impact assessments should not be one-off exercises, but ongoing processes which engage with various stakeholders and which report back so as to ensure effective policy processes.</p>	<p>The proposed introduction of Social Impact Assessment in the planning and approval process of rural settlements extends beyond Government’s published objectives for this partial review.</p> <p>The decision to carry out a Social Impact Assessment as part of the spatial planning policy formulation process needs to be taken at a national level and applied consistently.</p>

<p><b>PR-RS-(2) - 9</b></p>	<p><b>Ms Emma Azzopardi</b></p> <p><b>(submission through Government portal)</b></p>	<p><b>02/05/25</b></p>	<p>Objection to PA partial review of 2006 Local Plan Policies for Rural Settlements</p> <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"> <li>1. The acceptable types of development considered as ancillary to a dwelling in Category 2 and 3 Settlements.</li> <li>2. The guidelines for the take-up of fresh land in Category 3 Settlements for development that is considered as ancillary to a dwelling</li> </ol> <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>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</p>	<p>Submission is identical to submission PR-RS-(1)-4.</p>
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			enforcing the removal of illegal structures that have flouted their own policies not shamefully tweaking its policies to allow individuals to sanction their illegalities!!	
<b>PR-RS-(2) - 10</b>	<b>Ms Josephine Portelli</b> <b>(submission through Government portal)</b>	<b>02/05/25</b>	As per page 12/63 article nr2 quoted from the section on public consultation "Corner sites defined by two public roads with a site area of not more than 300m <sup>2</sup> , which abut blank party walls one storey high, or more, on both. We respectfully request that, as per PA 4060/19 such sites should be considered as isolated corner sites. These can be consolidated into a single site with one dwelling, in line with the permitted development guidelines outlined in the same policy framework.	The proposed revision extends beyond the objectives of this partial review.  The quoted planning application is located on vacant land in a Category 3 rural settlement and no permission was granted. Permitting new dwellings on vacant land in Category 3 rural settlements runs counter to the strategic objective for such settlements.





<p>PR-RS- (2) - 11</p>	<p>Ms Justine Borg obo Birdlife Malta</p> <p>(submission through Government portal)</p>	<p>05/05/25</p>	<div style="text-align: center;">  <p><b>BirdLife Malta's Comments on the Partial Local Plan Review for Rural Settlements (2006)</b></p> <p>5<sup>th</sup> May 2025</p> <hr/> </div> <p>BirdLife Malta wishes to submit its comments on the proposed Partial Review of the 2006 Local Plan Policies concerning Rural Settlements.</p> <p>The Planning Authority asserts that the proposed amendments are intended to provide greater clarity and align existing policies with contemporary planning standards. However, the current policies leave little room for conflicting interpretations and instead this review is allowing the expansion of land take-up within rural settlements through additional ancillary facilities.</p> <p>Rather than permitting further encroachment into rural areas, the policy focus should shift towards tightening restrictions on allowable land uses. Specifically, the inclusion of swimming pools and changing rooms as ancillary facilities is inappropriate and should be removed from this review. Such additions are not necessary to improve living standards within rural dwellings. This would likely lead to the sealing and development of extensive areas of unbuilt land, ultimately undermining the very rural character and environmental integrity these policies are meant to protect.</p> <p>Given these concerns, we strongly contend that any changes introduced through this review should serve to impose stricter limitations and not loosen them. New measures should aim to prevent further land take-up and hard landscaping within rural settlements.</p> <p>Another notable example of policy misuse is the recurring approval of developments under the guise of agricultural use, such as so-called sheep farms which are later revealed to be excessive in scale and inappropriate in context - such as the recent case in Bidnija, involving a three-storey sheep farm in a previously unspoilt valley.</p> <p>To address this issue, the Local Plan should include more robust and specific provisions on this issue. The clause stating "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" should be refined to include clear limits. This would help prevent abuse of policy intended to support genuine agricultural activity.</p>	<p>This partial review has been drafted in line with Government's published objectives for the same partial review. It is an obligation of the Planning Authority to carry forward the direction given through Government's published objectives.</p> <p>The review shall primarily amend the drafting of the policies regulating amenity structures only (all other provisions remain mostly unchanged) in Category 2 and 3 rural settlements to consolidate the policy so that it better reflects the numerous permissions granted by the PA in rural settlements since 2006, based on adopted policies controlling development in the ODZ.</p> <p>At this stage, the suggested inclusion of specific provisions as an addition to the Rural Policy and Design Guidance, 2014 extend beyond the scope of published Government's published objectives for this</p>
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				partial review or run directly counter to them.
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**Extract from transcript of  
meeting 12 of the Parliament  
Committee for the Environment,  
Climate Change and Planning  
held on the  
30<sup>th</sup> April 2025**

**ONOR. REBEKAH BORG:**

Biex immorru mill-bidu nett, s'issa kien hemm il-local plans li fl-2006 għamlu definition ta' x'inhru rural settlement u għamlu l-kriterji ta' rural settlement u fl-2014 daħlet dik li ngħidulha l-ODZ Policy. Minn dak iż-żmien, jiġifieri mill-2014 sal-lum, il-Planning Authority kienet tiegħu deċiżjoni favur li jsiru dawn l-amenities? Jiġifieri qed nitkellmu fuq art ODZ fejn digà hemm binja li għet riabilitata, skont il-local plan, biex isiru extension, qed ngħidulhom amenities ta' jew tool sheds, swimming pools, eċċ. għal-lista li għamilna fejn mill-2014 'il hawn id-direzzjoni tal-Planning Authority kienet li taċċetta dawn l-applikazzjonijiet. Sewwa qed ngħid?

Ejja nitkellmu fuq rural settlements. Illum qegħdin nitkellmu fuq il-partial review ta' rural settlements. Qabel l-2014, jiġifieri qabel ma daħlet l-ODZ Policy il-local plan kienu l-basis tad-decision making. Il-local plan hija ċara li dawn l-amenities ma jstgħux isiru. Fil-fatt il-Qorti stess tgħid li hija ċara. Jiġifieri mill-2014 'il quddiem minn direzzjoni tal-Planning Authority, dawn il-planning applications għal dawn l-amenities bdew jiġu aċċettati. S'hemmhekk qbilna. Inti għedt li din l-istrategija, din id-direzzjoni biex nagħmlu partial review oħra għet minn każijiet tal-Qorti, semmejt każ speċifiku tal-2024 jekk fhimtek sew. Jiena naf, bħalma naħseb jafu ħafna nies, li kien hemm numru ta' każijiet mhux każ wiegħed li jirrigwardja dawn l-amenities. Qed niftehmu? Jiġifieri ma nafx inti għal liema każ qed tispeċifika. Jien pereżempju hawnhekk għandi każ quddiem fejn jgħid li l-issue mhijiex artikolu 52, il-hierarchy, anzi l-Qorti tgħid biċ-ċar li m'hemmx konflitt bejn il-local plan u r-rural policy. Forsi hemm każ speċifiku li ta d-direzzjoni għal din il-bidla. Dan il-każ li għandi quddiem hawnhekk għamilha ċara, qal li m'hemmx konflitt bejn il-local plan u r-rural policy, ir-rural policy fid-definizzjoni ta' ODZ teskludi r-rural settlement, imma mbagħad hemm dak il-paragrafu, kif għedt inti, tal-0.24. Il-local plans ukoll għandhom dak l-istess kuncett li jekk hemm xi policy, hemm xi issues ta' confliction bejniethom, il-local plan japplika. Jiġifieri jekk hemm konflitt bejn il-local plan u l-policy, il-local plan japplika għaliex il-local plan huwa xi haġa li trid tgħaddi minn dan il-kumitat, trid tgħaddi minn numru ta' fażi. Il-policy hija biss xi haġa li toħroġ l-awtorità. Qed niftehmu? Ma nistax nifhem għalfejn id-direzzjoni tal-Planning Authority kienet li nimxu fuq ir-rural policy mhux fuq il-local plan jekk l-ewwel nett, kif qalet il-Qorti, m'hemmx issue, dawn l-amenities ma kienux allowed u jekk hemm, ovvjament mhux skont l-artikolu 52 qed ngħidlek, forget

Hekk hu. Fil-fatt il-prinċipju ta' ancillary facilities mad-dwelling kien ilu stabbilit bħala parti mill-planning practice. Il-kriterji li hemm fil-policy li kienu jintużaw biex tittiegħed deċiżjoni. Kif semmejt, swimming pool li huwa ancillary amenity mad-dwelling ilu stabbilit. L-issue kienet x'għandu jkun is-size tiegħu? Kif għandu jkun iddisinjat? Kemm irid ikun qrib tal-binja? X'amenities għandu jkollu miegħu? Dawk il-kriterji, l-awtorità kienet tapplika l-ewwel il-policy tal-2000 imbagħad il-policy tal-2014. Imma l-prinċipju anke f'rural settlements.

Il-kuncett ta' ancillary facilities with a dwelling. Il-kuncett ta' ancillary facilities with a dwelling ilu jiġu applikat mis-sistema tal-ippjanar from day one. Mela inti, kif għedt, ma tridx tħares biss lejn l-allocation li nsejju primary allocation li f'dan il-każ huwa r-residential use. Hemm numru ta' żvilupp, planning practice – u s'issa dejjem hekk kienet – li huma aċċettati għaliex huma amenities with the main use. Dak il-kuncett mhux fl-2024, fl-2014 u ilu japplika from day one u fil-fatt semmejt il-policies li konna nużaw qabel l-2014, jiġifieri l-PLP 20, is-Swimming Pools ODZ u l-Farm Diversification, Agriculture and Stables 2008. Dawk it-tlett dokumenti kienu jirregolaw l-iżvilupp ODZ u kienu jinkludu numru ta' faċilitajiet, ta' amenities u ta' pools. Jiġifieri bħala kuncett dejjem kien jiġi applikat bl-istess mod, kemm qabel l-2014 bil-policies ta' qabel l-2014 kif ukoll wara l-2014 għaliex daħlet policy ġdida, imma mhux bħala kuncett. Jiġifieri l-policy tal-2014 integrat dawk it-tlett policies f'dokument wiegħed, imma bħala kuncett ta' supporting facilities amenity structures mad-dwelling dejjem hemm kien. Li nbidlu over time kienu l-kriterji, jiġifieri jekk pool huwiex 75, jekk hux 50, jekk iridx ikun bil-paving tat-timber jew bil-paving tal-gebel dawk iva, dawk huma l-kriterji li jintużaw biex jiġi assessed l-iżvilupp. Imma l-kuncett li swimming pool u tool shed hija aċċettabbli go rural settlement kienet applikata minn dejjem. Id-deċiżjonijiet tal-Qorti kienu jirrelataw ma' diversi aspetti, fosthom jekk ir-rural policy, l-RPDG 2014 tapplikax fl-ODZ settlement. Għalhekk jien għamilt dik l-enfasi fuq il-mod kif il-local plans approwċjaw il-boundaries. Ladarba għandek linja, mil-linja 'il għewwa japplika l-local plan u mil-linja 'il barra tapplika l-RPDG 2014. Mela mil-linja 'il barra mhux se jkun hemm konflitt mal-RPDG 2014 għaliex l-RPDG 2014 tapplika. Il-kwestjoni nqalgħet fuq l-areas li kienu mingħajr boundary, fejn kien hemm areas enormi li jinkludu ħafna

that, skont il-weights ta' dawn id-dokumenti li hemm proċess sħiħ, kif qed naraw illum, tal-local plans, kif id-deċiżjoni ttieħdet fuq ir-rural policy li bdiet fl-2014 u mhux fuq il-local plan? Se nagħmillek id-domandi kollha f'daqqa la qegħdin fiha. Ninkwieta meta nisma' li l-policy ħadmet b'mod effiċjenti jekk għandna dawn in-numru ta' każijiet – u dan mhux jien qed ngħidu – għaliex il-Qorti stess qalet li hemm issues serji ta' drafting fl-2014 ODZ Policy li introduċiet dawn is-swimming pools u amenities fl-ODZ.

Mistoqsija oħra li għandi hi: Jekk min bena dawn is-swimming pools diġà u l-Qorti waqqgħet l-applikazzjoni jgħifieri issa ġew illegali, x'se jagħmlu? Se jissanzjonaw u jġu legali? Jgħifieri nerggħu niġu għall-kuncett li tibni illegalment, għax issa l-Qorti ddeċidiet hekk, u se nissanzjonaw biex ingibuhom legali.

**ONOR. STANLEY ZAMMIT:** Se nipprova nimxi pass pass. Il-kategoriji mhumiex defined f'policies. Naqblu? Qegħdin 'il fuq mill-policies. Jgħifieri l-category 3, 2 u 1.

Tajjeb. Mela dawk huma fil-livell ta' local plans.

Dawk il-kategoriji, jekk inti għedt Category 1 jew Category 2 għaliex Category 1 huwa l-inqas ristrett, biex ngħid hekk, u Category 3 huwa l-iktar sagru, hemm fejn tista' għaliex, kif għedt tajjeb inti, din ta' faċilità ancillari kienet sa mill-bidu u kienet ikklassifikata permezz ta' dawn il-kategoriji. Naqblu?

artijiet u ma kienx indikat b'mod ċar liema hija l-art within the settlement li kienet tista' tiġi żviluppata u liema ma kenitx. Bħalma ma kienx ċar liema art japplikaw il-policies tal-local plan u liema art japplikaw il-policies tal-RPDG 2014.

Fil-każ ta' art li qegħda within the boundary of the rural settlement kemm jekk hu strictly defined kif ukoll jekk hu designated b'mod ġenerali, il-conflict ħareġ. Jgħifieri hemmhekk il-Qorti qalet ċar li jekk art qegħda fil-local plan u qegħda bħala rural settlement, ma tistax tapplika l-RPDG 2014. M'inx qed inkun kritiku lejn id-deċiżjonijiet tal-Qorti, imma meta jien għedt li s-sistema ħadmet b'mod effiċjenti fis-sens up to the point meta bdew jittieħdu dawn id-deċiżjonijiet u bdew jġu tested il-mod kif inkitbu u l-mod kif kienu qed jġu applikati, għandek range ta' 25 years. Jgħifieri fi 25 years dawn l-issues qatt ma waslu fil-livell ta' Qorti tal-Appell u fl-2024 waslu u nħolqu dawn l-issues li qed nipprovaw nindirizzaw illum, li bħala principju amenity to a dwelling dejjem kien aċċettat. Li qed nagħmlu, il-Qorti qalet li dak li jgħid il-local plan jgħodd. Jekk fil-local plan mhemmx miktub li amenity structure hija permitted, ma tistax by practice jew għaliex hija planning principle tapplika policy oħra għaliex il-ligi tgħid li the local plan prevails, il-boundary huwa ċar, mela m'hemmx diskussjoni. Aħna li qed nipprovaw nagħmlu hu li dak kollu li ilu jsir għal 25 sena, issa jinkiteb b'mod ċar. At this point nistgħu niddiskutu l-amenity structures għandhom ikunu daqshekk kbar? Għandhom ikunu dawk kollha? Jistgħu jkunu b'mod differenti? Imma l-principju li dawk it-tip ta' strutturi huma aċċettabbli u li minħabba d-deċiżjonijiet li ttieħdu issa jridu jinkitbu b'mod ċar fil-local plan, naħseb huwa l-iskop ta' din ir-review.

Ir-riżultat ta' dik il-kategorija huma l-local plans.

Hekk hu.

Dwar l-aħħar punt, ingibdet l-attenzjoni u ddeċidiet il-Qorti li amenity structures, il-local plan ma jagħmel l-ebda referenza għalihom.

<p>Jagħmel referenza għalihom through il-categories.</p> <p>Le le, għalhekk staqsejtek l-ewwel mistoqsija.</p> <p>Imma hemm referenza għalihom fil-kategoriji. Naqblu?</p> <p>Fil-kategoriji.</p> <p>Fil-kategoriji ta' rural settlements hemm fejn tista' u ma tistax.</p> <p><b>ONOR. REBEKAH BORG:</b>  Dik li kont se nistaqsik. Skużani interrompejtek. L-issue qegħda mhux fil-local plan, il-local plan hija ċarissima u għalhekk il-Qorti ddecidiet li la l-local plan hija xi ħaġa li tgħaddi minn process twil leġislattiv, din tapplika u mhux il-policy. Inti għedt li qabel l-2014 kien hemm xorta decizjonijiet li ttieħdu fuq ancillary structures u kienet kwestjoni ta' size or whatever. Li ili nistaqsi, anke llum, għaliex fl-2014 ma trangatx il-policy u mid-dehra kabbret il-problema? Għaliex hawnhekk hekk qisu qed jindika li l-policies kellhom digà forma ta' kriterji. Kif għedt inti – u jien ma naqbilx – kien hemm konflitt bejn il-policies ta' dak iż-żmien u l-local plan, digà kien hemm konflitt u fl-2014 ....</p> <p><b>ONOR. STANLEY ZAMMIT:</b>  Aggravata.</p> <p><b>ONOR. REBEKAH BORG:</b> Aggravata bis-serjetà għaliex anke mid-definition, għandek definition ta' ODZ li teskludi r-rural settlements fil-policy tal-2014, imbagħad fl-istess dokument jissema r-rural settlements. Jigifieri milli nista' nifhem, l-issue kienet fil-policies mhux fil-local plan. I don't understand – u naħseb din hija l-ikbar issue – għaliex mhux qed inzommu mal-local plan kif inhi llum, li neskludu dawn l-amenities u nirrangaw, if anything, il-policy. Ma rrispondejtnix fuq il-mistoqsija tiegħi dwar min bena s-swimming pools kontra l-kriterji tal-local plan u l-Qorti waqqgħet id-decizjoni? Wara din ir-review li mbagħad jekk tiġi fis-seħħ u ssir local plan, dawn jiġu legali? Jigifieri min bena pool illegali u l-Qorti sabithom li kellhom applikazzjoni mhux tajba, allura saret</p>	<p>Le. Mhux biex immerik.</p> <p>Din kienet proprju l-issue li l-local plan ma jagħmel l-ebda referenza għal amenity structures. Il-Qorti qalet fejn japplika l-local plan ma tistax tuża planning practice, ma tistax ...</p> <p>Le. L-amenity structures fil-local plan ma jissemmew imkien.</p> <p>Le, lanqas.</p> <p>Mhux amenity structures. Dik kienet l-issue, li l-local plan ma jinkludix ancillary facilities. Jgħid hawnhekk tista' issir dwelling ta' 150 square metres b'żewġ sulari u jieqaf hemm.</p> <p>Dwar it-tieni mistoqsija, hija ċara li jekk tgħaddi l-policy u l-proposta tkun in line mal-policy l-għdida jinħareġ permess.</p> <p>Dwar il-policy għaliex ma ssapportajniex il-local plan u bdilna l-policy, għaliex f'25 sena ta' decizjonijiet fuq ancillary facilities f'rural settlements dejjem intużat il-policy. Issa wara 25 sena fejn mhux se ngħid mijiet, imma numru kbir ta' pools u amenity structures ġew permitted għaliex hekk kien l-approach, fl-opinjoni tagħna din ma tistax tinjoraha. Veru li l-Qorti ddecidiet li l-local plan ma jsemmihomx, mela ma tistax tagħmilhom. Veru wkoll li f'25 sena kienu aċċettati. Kif għedna qabel, jew nagħlqu għajnejna u nħallu l-affarijiet kif</p>
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<p>b'mod illegal, dawn jistgħu jissanzjonaw u jsiru legali jekk tgħaddi din ir-revision?</p> <p><b>ONOR. STANLEY ZAMMIT:</b> Inti semmejt il-problema tal-boundaries, li l-boundaries ma kienux defined, b'din il-bidla l-boundaries se jkunu defined? Jew hemmhekk morna għal soluzzjoni li speċi nagħmlu sweeping statements at the top biex bażikament jintlaqat kolloxx? L-istess, divers għall-idea - u din kien hemm ukoll submission fuqha - li jkun hemm is-settlement design .....</p> <p>Kollha l-istess.</p> <p>Jigifieri l-problema li semmejt inti u li hija problema se tibqa' hemm, sempliċiment se tiġi taħt umbrella kbira, indipendentement jekk aħniex qed nitkellmu fuq is-South West jew North.</p> <p>Il-boundaries kienu soluzzjoni.</p>	<p>inhuma, min ħa ħa u min ma ħax issa għandna approach ġdida, jew inkella tipprova tindirizzaha. Kif diġà għedt, hawnhekk hawn proposti ta' x'inhi d-definition ta' amenity structures, kemm għandhom ikunu kbar u għoljin u dawk qed nipproponuhom issa. Jigifieri dawk huma proposti ġodda li għandhom jidhlu fil-local plan biex ikun ċert li dak li ilu jsir permissibbli għal 25 sena, issa jkun miktub b'mod ċar kif talbet il-Qorti. Jekk nista' nagħmel referenza, pereżempju dan huwa rural settlement taż-Żejtun fejn tistgħu taraw in-numru ta' pools li jeżistu fl-2024 bil-permess. Jekk taraw l-istess rural settlement meta ġie designated, m'hemm l-ebda pool. Jigifieri mill-2004 sal-2024, over a period of 20 years, ġew permitted whatever, 18 pools bil-permess u skont l-interpretazzjoni tal-policy li kienet qed issir. Dejjem hekk sar u sakemm id-deċiżjoni tal-Qorti fejn tat definition differenti ta' kif konna naħdmu qabel fejn la l-local plan ma jsemmihx, mela mhux permissibbli, dejjem kienu jiġu aċċettati. La l-Qorti qalet li x-xi ħaġa li tkun aċċettabbli trid tinkiteb fil-local plan, mela we are carrying forward that decision li se nirroraw il-local plan, id-drafting u l-wording biex dak li dejjem sar sal-2024 jibqa' isir però b'mod strutturat, b'mod miktub ċar imbagħad kulħadd ikun jaf fejn qiegħed.</p> <p>Id-direzzjoni kienet li nirroraw l-istrategija fejn imbagħad tapplika l-istess għar-rural settlements kollha.</p> <p>Jigifieri mhux se jsiru boundaries ġodda. Mhux se jkun hemm review tal-boundaries tas-settlements.</p> <p>Hekk hu, jigifieri l-policy se tapplika kullimkien l-istess fil-local plans kollha fejn issa l-kwestjoni tal-boundaries mhux se tkun daqshekk serja, għaliex issa ġie defined ċar x'inhu permissibbli within the area allocated for a local plan, for a rural settlement. Fejn hemm boundary qatt ma kienet problema għaliex outside ...</p> <p>Il-boundaries ma ħolqux il-problema li nħolqot fejn ma kienx hemm boundaries.</p> <p>That is another option. Iva.</p>
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<p>Jiġifieri kien hemm mod ieħor kif stajna nittekkiljaw din billi jsiru l-boundaries pereżempju.</p> <p>Imma dik id-deċiżjoni anke jekk imissha ttieħdet 20 sena jew kemm ilna ngħidu snin, ma ttieħdet qatt u lanqas ittieħdet issa.</p> <p>Se jitmissu wkoll il-kategorji. Naqblu?</p> <p>Kategoriji se jibqa' 1, 2 u 3, imma f'Category 3 jistgħu jsiru iżjed affarijiet, pereżempju l-issue ....</p> <p>Mela se jintmissu l-kategoriji wkoll.</p> <p>Jiġifieri għandna żewġ tibdiliet bażikament. Qed nibdlu l-local plans u qed nibdlu l-kategoriji.</p> <p>Naqblu, imma x'jista' isir fil-kategoriji ...</p> <p>Imma se jibqa' l-istess numru ... Kollox sew, biex inkunu ċari. X'jista' isir fil-kategoriji se jinbidel. Bażikament Category 3 se toqrob lejn Category 2 u Category 2 se toqrob lejn Category 1.</p> <p>Għaliex inħass il-bżonn li jinbidel x'jista' isir f'Category 3 u f'Category 2?</p> <p><b>IĊ-CHAIRPERSON:</b> Kienet policy. Issa qed tiġi ċċarata.</p>	<p>Kif diġà għedt, il-local plans tal-2006 kienu jirrikjedju li għal kull settlement isir, aħna sejjaħnilu rural settlement design statement li l-iskop tiegħu kien li jpingi l-boundary għal kollox u jistabbilixxi Site Specific Policy Framework. Mill-2006 sal-2025 ma sarx wieħed. Allura l-mistoqsija tkun: Jagħmlu sens dawn? Hemm bżonnhom iżjed? Jekk, fl-opinjoni tagħna, il-policy tħaddmet sew, x'inhu l-iskop li inti tagħmel dan l-eżercizzju kollu – għaliex 112-il settlement għandek 112-il partial review - meta bl-istrateġija kif inhi u hopefully jekk se tkun approvata, impruwvjata, tista' taħdem xorta?</p> <p>Le, il-kategoriji se jibqgħu kollha l-istess.</p> <p>L-amenity structures .....</p> <p>Se jinbidlu d-development parameters fil-kategoriji, imma jekk t'fret ir-Rizz huwa Category 3, se jibqa' Category 3, imma fejn illum skont il-local plan u skont id-deċiżjoni tal-Qorti ma jstax isir pool, b'din l-emenda t'fret ir-Rizz se jkun jista' isir pool subject li jkun 75 square metres, eċċ.</p> <p>Forsi m'aħniex niftehmu. Il-kategoriji huma ż-żoni.</p> <p>Iva, dik iva.</p> <p>Ma naħsibx għaliex aħna qed nitkellmu fuq amenity structure to a dwelling, mhux qed inżidu la n-numru ta' dwellings, la d-density, la l-building height u lanqas the range of uses li huma aċċettabbli. Kulma qed ngħidu li fejn għandek dwelling li inti tista' tagħmilha abbażi tal-local plan, dik issa se jkun miktub ċar x'ancillary facilities tista' tagħmel magħha.</p> <p>Għaliex f'dawn l-aħħar snin twal kien ġie addottat il-principju li amenity structures mad-dwelling jistgħu jiġu aċċettati.</p> <p>Konna nużaw l-RPDG 2014 u qabel l-RPDG 2014 daww it-tliet dokumenti li semmejt, imma l-Qorti qalet le, dak l-approach mhux jistgħu jkun aċċettat.</p>
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Jiġifieri l-policy se ssir liġi. Sewwa qed nifhem b'mod sempliċi?

**ONOR. STANLEY ZAMMIT:**

Li se jinbidlu fis-sens li dak li jista' isir f'Category 3 se jinbidel u dak li jista' isir f'Category 2 se jinbidel, issa jekk hux bi ftit jew b'ħafna se jinbidel

Il-mistoqsija tiegħi kienet: Fhimna l-kunċett li qed nibdlu l-local plans to make up for the policies f'dak is-sens, imma għaliex inħass il-bżonn li jinbidel x'jista' isir f'kull waħda mill-kategoriji? Jiġifieri kieku l-kategoriji ma ntmessewx, dik il-problema tal-Qorti, biex ngħidulha hekk, kienet se tissolva. Naqblu? Imma nħass il-bżonn li jkun hemm pass *oltre* u dak li jista' isir f'kull waħda mill-kategoriji jiġi rivedut. Il-mistoqsija tiegħi hi: Għaliex inħass dak il-bżonn addizzjonali?

**ONOR. REBEKAH BORG:**

Ovvjament stajtu wkoll tiegħu direzzjoni differenti. Stajtu tgħidu li minflok nirvedu l-local plans, nirvedu l-policy; kif fil-fatt kien gie propost fl-2020, li tinbidel din l-istess policy, u tiġi in line mal-local plans; jiġifieri ma jsirux pixxini, sheds, eċċ. Fl-2020 ħarġet għall-konsultazzjoni pubblika. Onestament ma nafx x'gara minnha. Imma fl-2020 kien hemm change in policy, mhux change in local plan. Il-mistoqsija tiegħi diġà għamiltilek imma forsi ma ftehmnix. Għalfejn qed immorru għal din l-istrateġija? Għandek two ways of going about it: li tħalli l-local plan kif inhi, li amenity structures ma jstgħux ikunu parti minn dawn ir-rural settlements, u tirrangà r-rural policy; jew inkella tirrangà l-local plans biex tippermetti dawn l-amenity structures. Id-deċiżjoni kienet li tirrangaw il-local

liġi tgħid il-local plan jipprevali u l-local plan japplika f'żoni speċifiċi. Meta jekk Ħofret ir-Rizz huwa Category 3 ma tistax tuża l-RPDG 2014.

Se nibdlu l-local plan biex nottemporaw ruħna mad-direzzjoni li tat il-Qorti, li l-local plan jipprevali fuq l-ODZ Policy. Dik hija deċiżjoni u ma naħsibx li tista' tikkontestaha. Il-Qorti qalet li l-local plan jipprevali u dak li hemm miktub fil-local plan biss huwa aċċettabbli. Se nagħmlu emendi fil-local plan, jiġifieri l-ODZ Policy mhux se tintmiss u se niċċaraw l-iżvilupp li issa se jkun aċċettabbli mad-dwelling u b'hekk niġu in line mad-direzzjoni li tat il-Qorti.

Se nżidu l-amenity structures.

Għaliex dak l-iżvilupp li dejjem kien aċċettabbli fl-opinjoni tagħna ma tistax one fine day tgħid: issa mil-lum 'l quddiem, dan in planning terms u l-planning principle, jekk inti sal-2024 pixxina f'rural settlement kien aċċettabbli, għax konna napplikaw l-ODZ policy, il-prinċipju li pixxina f'rural settlement jista' jsir, ma nbidilx. Inħolqot l-issue minħabba deċiżjoni tal-qorti dwar liema policy tapplika, jiġifieri l-local plan mhux l-ODZ policy; u kif huma miktubin il-local plans. Il-local plans ma jagħmlu l-ebda referenza lejn l-amenity structure. B'dak li qed nagħmlu qed nindirizzaw l-issues ta' hierarchy u ta' drafting, li semmiet il-qorti; u niċċaraw li dak li kien aċċettabbli sal-2024 se jibqa' aċċettabbli anke wara li tgħaddi din l-emenda.

Il-kontenut tar-revised policy tal-RDPG ma kienx se jagħmel impatt fuq din il-kwestjoni li qed insemmu llum. Il-prinċipju kien li aħna naqblu mal-qorti, li jekk din hija rural settlement, il-rural policy ma tapplikax. Ir-rural policy tista' tippermetti pixxini, imma għadarba fil-local plan tal-lum jgħid li m'humix permissibbli, mela dak jgħodd. Il-comparison kien li inti għandek zona fl-ODZ mhumiex rural settlement, li hemmhekk bl-ODZ policy tal-2014 u anke tal-2020 ... Fl-emenda, fid-draft li ppublikajna m'għandix amment li l-pixxini kienu esklużi fir-revised draft. I will check it. Imma d-deċiżjoni tal-lum kienet li peress li ...

plans. Fl-2020 mid-dehra kien hem deċiżjoni li titranġa l-policy u mhux il-local plans. X'inbidel minn dak iż-żmien 'l hawn?

Id-defenition kienet imbidlet; bħala oġġettiv to take away the uptake of more land. Bħala general defenition. Jien għandi quddiem i-objectives, ma naħsibx li ħarġet draft.

Li għandi quddiem i-hija li no fresh take up of land is taken taken.

Imma jekk se nagħmlu ancillary structures se jkollha fresh take up.

**ONOR. STANLEY ZAMMIT:**

Nimmaġina li naqblu li f'tit jew wisq dan kollu se jkollu effett. Sar xi tip ta' studju biex jiġi proġettat dan l-effett? Qed nitkellmu li category 3 se jżiedu numru ta' 75 square meter pools. Jista' jkun f'tit, jista' ikun ħafna. Jekk sar dan l-istudju għaliex ma giex preżentat mad-dokumenti għall-konsultazzjoni? X'kien l-effett proġettat?

Imbagħad x'jiġri mil-local plans?

Imma f'dan l-istadju l-Awtorità ... Okay, giet direzzjoni strateġika; ma titlobx li jsiru tip ta' rough cuts, studju li ma jkunx dettaljat imma li jagħtina indikazzjoni dawn it-tibdiliet kollha fejn se jitfgħuna? Dik it-tip ta' studju ma sarx?

Il-lista kienet ħarġet għall-public consultation. Aħna qed nitkellmu fuq pixxini u amenity structures.

Dak huwa principju. Mhux qed nikkontestaw dak il-principju.

Għal category 3 iva, f'dawn it-tip ta' amenity structures se jkun hemm it-take up. Id-direzzjoni strateġika kienet li amenity structures u pixxini, li dejjem kienu permissibbli m'għandhomx jiġu projbiti mil-lum 'l quddiem. Dik hija strategic direction. Ma nistax ngħidlek tajba jew ħażin; jew naqbel jew ma naqbilx. It's a strategic direction which we are proposing on how to impliment it; b'dawk il-kriterji, eċċ.

Bħal kull policy ġdida li ssir hemm il-proċess ta' strategic environmental assessment. Ġaladarba jkollna qbil li din hija l-policy li se tiġi adottata, jiskatta l-proċess ta' environmental assessment. Imbagħad, ir-riżultat ta' dak l-environmental assessment jiġi pubblikat, u jekk jinħass li l-impatt fuq l-ambjent se jkun sinjifikanti, irid isir a full strategic environmental assessment; li imbagħad se nwieġbu għal dawn id-domandi ...

Ma tkunx għada daħlet in force. Għalhekk għidtlek. Se jkun hemm qbil li wara l-konsultazzjoni, is-sottomissjonijiet li nircievu, forsi nagħmlu emendi oħra b'riżultat tal-konsultazzjoni.

L-approċċ tal-Awtorità hija li minflok nagħmlu studju fuq policy li fl-aħħar mill-aħħar tista' ma tidholx fis-seħħ, tal-inqas naslu sal-punt – ma tkunx għada adottata, in force – imma jkollna policy li dan huwa l-mod kif fl-aħħar mill-aħħar il-ministru, għax hu jrid japprovaha fl-aħħar; li l-ministru jgħid li wara li kkonsidra kollox, din hija l-policy li lest japprova. F'dak il-punt jiskattaw l-istudji. L-istudji jistgħu jqajmu issues, iqajmu fatti li jkolluk b'żonn terġa' tikkonsidra. Jekk imbagħad se jirriżulta li se jkollha a significant environmental effect, we will have to come back u ngħidu li mill-istudju li għamilna ħarġu dawn l-issues; li l-policy kif miktuba se toħloq impatt.

Minħabba li qed naraw li hemm numru ta' possibilitajiet biex nindirizzaw l-istess issues; sar xi tip ta' paragun bejn dawn il-possibilitajiet, mhux biss min-naħa ta' workload, jiġifieri kemm se jkollha iktar xogħol l-Awtorità, imma iktar min-naħa ta' effettività? Jekk immorru b'dan il-metodu, se jkollna effectivity x; jekk se mmorru b'metodu ieħor ... pereżempju tal-boundaries, għalkemm jinvolti ħafna iżjed xogħol, u ħafna iżjed ippjanar, l-effettività se tkun iżjed jew inqas.

... iżjed minn metodu wieħed. Le?

**ONOR. REBEKAH BORG:**

Kif għidt inti jrid isir environmental assessment. Jerga' tinfetaħ il-konsultazzjoni pubblika abbażi tal-environmental assessment?

**ONOR. STANLEY ZAMMIT:**

Sadanittant dak kollu li huwa ddikjarat mill-Awtorità tal-Ippjanar jew mill-qorti bħala illegali, jibqa' illegali. L-infurzar għandu jsir kif suppost.

**ONOR. ALEX MUSCAT:**

Grazzi tal-preżentazzjoni tagħkom u tax-xogħol s'intendi li għamiltu intom. Aħna għandna dokument li naħseb li qassamtu intom, dawn il-partial local plan review f'dak li għandu x'jaqsam ma' rural settlements. F'pagna 21, policy CG04 category 2 rural settlements ... Qiegħda hawnhekk black and white. Halli nkun ċert. Dawk huma items godda li jistgħu jiġu kunsidrati? Numru Ruman 5, qed nitkellmu dwar strutturi fuq il-bjut. Huma items godda li qed jiġu kunsidrati li qabel ma kienux jiġu kunsidrati?

L-objettivi ġew stabbiliti mill-Gvern. L-obbligu tagħna huwa li nimplimentaw id-direzzjoni tal-Gvern. Il-Gvern ma qaliniex ikkunsidrawha ...

Il-Gvern tana metodu wieħed. L-obbligu tagħna f'dak il-punt huwa li nimplimentaw id-direzzjoni ta-Gvern. Il-Gvern ma qalliniex consider options, imma qalilna x'nagħmlu.

Il-proċess huwa li l-ewwel tagħmel strategic environmental screening, tidentifika l-environmental issues, hemm numru ta' kriterji; bħal biodiversity, lanscape, water, energy, human health. Trid tevalwa l-impatt fuq dawk l-elementi. Jekk wieħed minnhom jirriżulta li l-impatt huwa sinjifikanti, f'dak il-punt trid tagħmel a full strategic environmental assessment. Nista' ngħid li f'dak il-punt iridu jiġu ingaġġati konsultanti, jiskatta l-proċess tal-liġi tal-ERA, għax strategic environmental assessment huwa regolat taħt il-liġi tal-ambjent. Imbagħad hemm a full blown process bil-konsultazzjonijiet, laqgħat pubbliċi, eċċ.

Struttura tiġi sanzjonata għadarba jinħargilha permess. Kif spjega d-direttur, qabel struttura tkun koperta b'permess, anke jekk għandek il-policy approvata, xorta xi jrid japplika, l-applikazzjoni tiġi evalwata, u jinħareġ permess. Sa dak il-punt tibqa' mingħajr permess.

Le, dawk il-kriterji huma kollha qegħdin fil-local plan tal-2006; sar minor revisions fid-drafting bl-Ingliż, biex niseperaw jinftehemu aħjar. Imma d-dwelling hija aċċettabbli li l-footprint hija 150 u floor space huwa 120 u 200; u l-istrutturi, dawk kollha huma kriterji li jeżistu llum.

Jiġifieri n-numru Ruman 5 qed tgħidli li kienet eżistenti.

Interessanti. Qed ngħidu li struttura fuq washroom ... Bħala kostitwenza wkoll, il-Bidnija, fejn kont infurmat, mela jista' jkun għaliex kienu jaqbzu l-20 metru kwadru, li qisha bħala policy tal-Awtorità tal-Ippjanar, washrooms ma kienux aċċettati fil-Bidnija. Kont ilqtajt ma' numru ta' familji. Jiġifieri jista' jkun minħabba l-fatt li kienu qed jaqbzu l-20 metru kwadru ...

Allura qed nifhem li mhux il-Bidnija kollha hija rural settlement.

**ONOR. CARMELO ABELA:**

Nirringrazzjak ta' din il-preżentazzjoni, u tat-twegibiet tiegħek. Biex inkun ċar f'moħħi dan kollu li qed nagħmlu. Dan il-proċess ma kienx jiskatta kieku ma kienx hemm sentenza tal-Qorti. Jiġifieri l-Qorti skattat dan il-proċess minħabba sentenza li tat. Inti infurmak jekk kienx hemm sentenzi oħra mill-qorti? Jew din hija l-unika sentenza li ngħatat?

Jista' jkun li minħabba li l-qrati tagħna m'għandnix sentencing policy, jista' ikollok sentenzi differenti li huma konfligġenti anke bejniethom. Jekk inti tidher quddiem ġudikant A jista' jiddeciedi mod, ġudikant B jista' jiddeciedi mod ieħor. Ġaladarba l-uffiċċju legali rrefera lilkom bħala esperti mill-aspett tal-ippjanar, l-aspett legali kien biex b'xi mod jew ieħor jiġġudika dak li jipprevali. Liema huwa l-ogħla dokument li l-Awtorità għandha tiddeciedi? Il-Qorti qalet li huwa l-local plan. Ma jfissirx li policies jew inkella prassi – inti semmejt 25 sena jew kemm – daww wiehed jarmihom mit-tieqa. Daww ukoll għandhom valur; kemm policy, li safejn jien policy hija permissibbli għax toħroġ minn xi liġi; jiġifieri l-Awtorità tal-Ippjanar ma tistax tqum filgħodu, tgħid li se tagħmel policy; imma fuq liema bażi? Safejn naf jien, il-liġi tal-ippjanar tippermetti li l-Awtorità jkollha policies. Mela l-policies mhumiex qegħdin in aria, imma huma wkoll joħorġu bis-saħħa ta' liġi. Tgħidli li l-qorti ddecidiet li dak li jipprevali huwa l-local plan, imbagħad jiġu affarijiet oħrajn. Imma ma jfissirx li l-affarijiet l-oħrajn m'għandhomx is-saħħa ta' liġi għax joħorġu minnha. Jiġifieri tista' ssir min-naħa tal-liġi. Intom ġustament, l-uffiċċju legali rrefera din is-sentenza partikolari li inizjalat dan il-proċess kollu, u intom kellkom tiddeciedu b'liema l-aħjar mod li wiehed jipproċedi biex issue jew problema li hemm b'xi mod jew ieħor tiġi sanctioned min-naħa tagħkom mill-aspett ta' kif wiehed se jimxi. Allura l-RPDG14 ma kienetx hi li ħolqot il-problema, għaliex l-RPDG14 kellha tliet

lva.

Jew mhux rural settlement. Rural settlement hemm mappa. Jekk is-sit jaqa' f'dik il-mappa tapplika din il-policy; jekk is-sit ma jaqax f'dik il-mappa, tapplika l-ODZ policy. Kull rural settlement għandu mappa.

Le

Is-sentenzi nnifishom ma ġewx riferuti lili personalment, imma l-issue li ħarget minn analiżi ta' decizjonijiet li għamel l-uffiċċju legali.

Fuq il-policy process, eżatt kif għidt inti. Il-proċess ta' policy formulation xorta huwa regolat bil-liġi; xorta jridu jsiru objectives, public consultation, kumitat, strategic environmental assessment screening u approval mill-ministru. Il-weight tagħhom xorta huwa, fejn japplikaw, għax dik hija l-qofol, xorta għandhom saħħa daqs il-policies l-oħra. Preċiżament dak kien l-issue kollu; fejn tapplika l-RPDG u fejn japplika l-local plan. Hemmhekk kienet il-kwestjoni tal-boundary. Jekk jien għamilt boundary li huwa clearly delineated, mela minn dak il-boundary 'l barra tapplika l-ODZ policy; l-ODZ policy tippermetti pixxina, mela minkejja l-għalqa tiegħi hija parti mid-dar imma d-dar qiegħda within the boundary u l-għalqa qiegħda barra, hemmhekk jien stajt nagħmel pixxina, għax tapplika l-RPDG14, u għaliex l-RPDG14 hija l-iktar waħda reċenti, tippermetti s-site ssir. Fiż-żoni l-oħra, fejn ma sarux boundaries, id-designated area tant kienet wiesa, li qabdet żona sostanzjali 'l barra miż-żona fejn kellek il-mibni. Imma l-qorti ma ħadetx dik fil-konsiderazzjoni, li għandek approċċ differenti fil-boundaries. Jekk inti għamilt ċertu designation il-permess se jirriżulta mod; jekk inti għamilt ċertu designation, il-permess se jirriżulta mod ieħor. Huwa l-planning principle li jgħodd. Għaliex hemm id-diskrepanza, jien naħseb, għax nerġġhu mmorru għall-2006 meta ġew approvati, ġew formulati fl-2001, għax damu ħames snin biex jidhru in force. Bħalma issa semmejna, dejjem kien hemm differenti approaches ta' kif tista' ssolvi problema, dak iż-żmien ukoll kien hemm approċċi differenti dwar kif għandhom jiġu indirizzati rural

dokumenti, li kienu l-policies ta' dak iż-żmien, ġabritom f'dokument wieħed, u allura għandi nifhem li l-magġoranza ta' dawk id-dokumenti were taken over mill-RPDG14; u jista' jkun li kien hemm xi bidliet jew żidiet magħhom. Imma dak id-dokument ma ħoloqx il-problema; għax jekk xejn, anke t-tliet dokumenti ta' qabel kienu joħolqu l-problema. Allura dan il-proċess kollu skatta minn deċiżjoni tal-qorti, li l-uffiċċju legali ġibed l-attenzjoni tagħkom biex b'xi mod jew ieħor is-sentenza tal-qorti trid tiġi riflessa fil-local plan, ġaladarba l-qorti stabilixxit li dak li jipprevali huwa l-local plan. Allura, dak li kontu tiddeċiedu qabel permezz ta' policy, permezz ta' prassi, permezz ta' dak kollu l-Awtorità kellha minn żmien għall-ieħor, issa qed jiġi ċċarat li allura se jiddaħħal fil-local plan. Inti semmejt l-issue fejn m'hemmx boundaries. Jiġifieri kien hemm deċiżjoni li forsi tan-North ikun hemm boundary fejn jidhlu category 3, 1, whatever ... id-dettalji mhumiex korretti li qed ngħid jien; xi tkun ir-raġuni għalfejn f'naħa niddeċiedu li nagħmlu boundaries stabbiliti f'ċertu kategoriji; naħa oħra nagħmlu boundaries f'kategorija oħra; u f'żona oħra niddeċiedu li saħansitra ma nagħmlu xejn boundaries. Xi tkun ir-raġuni wara dan kollu?

**IĊ-CHAIRPERSON:**

Nirringrazzjakom. Dawn il-kummenti se jintbagħatu kollha lill-Awtorità tal-Ippjanar u se nkun qed nipprezentahom fil-Kamra nhar it-Tnejn jekk Alla jrid.

settlements. L-unika ħaġa, li kien hemm qbil, huwa li għandhom isiru boundaries. Dik kienet konsistenti. Local plan minnhom mar b'mod dirett u għamilhom; local plans oħra qalu: se nagħmel strategija, imbagħad id-detailed work tal-boundaries u l-policy jiġi wara. Sfortunatament dak ix-xogħol ma sarx. Imma l-approċċ tas-site speċifiċi plans with a boundary kien konsistenti; it-timing, li kien hemm local plans li għamluha mill-ewwel, oħrajn ipposponuha u imbagħad sfortunatament ma sarux.

Responsible Authority	Date	Submission	Comments
Hadriana Bonello – Environmental Health	18/06/2025	<p>Public Health Considerations:</p> <p>If a SEA is conducted, both the positive and negative public health impacts should be assessed in relation to the rehabilitation, development, and redevelopment of land within the three identified categories in rural settlements. Particular attention should be given to potential nuisances arising from specific developments, taking into consideration their area of influence.</p> <p>Tourism Accommodation and Sanitary Facilities:</p> <p>Should tourism accommodation be permitted, the proposed 6m<sup>2</sup> area for the construction of toilet, shower, and/or changing room facilities may be insufficient. According to Legal Notice 129 of 2005, as amended by LN 135 of 2008 (Swimming Pool Regulations), the number of sanitary fixtures (toilets, wash-hand basins, and showers) must cater to the maximum bathing load. While the regulation does not specify exact fixture-to-user ratios, it is recommended to follow a guideline of:</p> <ul style="list-style-type: none"> <li>• 1 shower/wash-hand basin per 40 users</li> <li>• 1 toilet per 60 users</li> </ul>	<p>The risk to human health is one of the issues that is assessed during the SEA Screening process. The screening process for this PP did not identify significant impacts on human health.</p> <p>The partial review is only proposing ancillary uses (amenity structures) with residential units.</p>
Abigail Debono – ERA	09/07/2025	<p>ERA has reviewed the information provided with this SEA screening consultation. The review was also carried out within the context of the approved Rural Policy and Design Guidance (RPDG) of 2014 which applies to the wider rural area. Strategically, no significant incremental impacts are envisaged. However, the proposed revisions should seek to limit development in rural settlements and to contain it as close as possible to the existing built-up clusters, in order to:</p> <p>(i) avoid risks of major impacts (e.g. excessive land take);</p>	<p>The RPDG 2014 does not form part of this PP and hence the SEA Screening did not take it into account.</p> <p>The Amended Final Draft following SEA Screening is deemed avoid major environmental impacts.</p>

		<p>and (ii) scattering of built-up structures and facilities in the rural landscape. ERA's recommendations for improvements are being included in Appendix 1 for your perusal.</p> <p>1) Policy SMSE 07 of the SMLP should be revised. Only amenity structures in back gardens located within the boundaries of rural settlements should be considered.</p> <p>2) Proposals for animal enclosures should comply with criterion (b) of Policy 5.2(1) of the RPDG. These are to be constructed in natural timber or a small part in stone and the rest in natural timber.</p> <p>3) Swimming pools and deck areas (75m<sup>2</sup>) should be required to adhere to criteria (1) to (5) of Policy 6.4 of the RPDG as much as possible.</p>	<p>This amendment already incorporated in the policy.</p> <p>Criterion related to the design of the amenity structures has been amended to require that all interventions are of a high quality rural design in terms of materials used. Repetition of criteria on other policy documents which are applicable to other areas ODZ was not deemed suitable.</p> <p>The following paragraphs assess the relevance of the five criteria in the RPDG 14 policy 6.4.</p> <p>Policy 6.4 (1) – the local plan policy provides that swimming pools and deck areas are only permissible when they are an ancillary use to a permissible dwelling units as outlined by the policy. The provision in policy 6.4(1) that the proposed pool and ancillary facilities are located within the curtilage of a legally established accommodation would change the scope of the partial review beyond its intended objectives.</p>
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			<p>New criterion to address design requirements addressed by Policy 6.4 (2) has been included –</p> <p>“Development of amenity structures in category settlements should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes, etc.), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee”.</p> <p>Policy allows for a swimming pool and deck area of 75 sqm similar to what is allowed by Policy 6.4 (3). However, the increase up to a maximum of 5sqm per additional accommodation is not being included by this policy review as it was deemed to increase the potential size of pools in rural settlements.</p> <p>Requirements of Policy 6.4 (4) are normally addressed during the assessment of a development planning application.</p> <p>The maximum site area and height of toilets, showers and/or changing rooms as indicated by Policy 6.4 (5) are the same as those proposed by this partial review. The requirement that pump rooms should be located completely</p>
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		<p>The separate criterion (iii) regarding the floorspace of 6m<sup>2</sup> for toilets/showers/changing rooms should be part of the criterion on swimming pools, similar to Policy 6.4 of RPDG.</p> <p>5) With regards to the distance of the proposed amenities from dwelling units, a clear and conservative maximum distance should be established to minimise impacts.</p> <p>6) The minimum footprint of existing buildings that qualify for extension should be reconsidered, i.e. from the current 50m<sup>2</sup> to a minimum of 100m<sup>2</sup> as per Policy 6.2A of RPDG.</p> <p>7) Applicants should only be entitled to a structure, either a 10m<sup>2</sup> tool shed or a 25m<sup>2</sup> animal enclosure, provided that the resulting structure shall not occupy more than 10% of the area of the curtilage of the dwelling whichever is the lower.</p> <p>8) It is also recommended that interventions that would have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes, etc.), as well as scheduled, listed, designated or protected areas, should not be permitted.</p>	<p>underground, has been incorporated in the partial review.</p> <p>This is an approach to drafting of the policy and was deemed of minor importance.</p> <p>This amendment would significantly amend the scope of the partial review.</p> <p>This extends beyond the scope of the published objectives for the review.</p> <p>Amended criterion –  “tool sheds which are not to exceed 10 m<sup>2</sup> and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and an overall height of 3.5m measured externally. Together tool sheds and animal enclosures shall not exceed 25 m<sup>2</sup> or 10% of the area of the curtilage of the dwelling whichever is the lower”;</p> <p>New criterion–  “Development of amenity structures in category settlements should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs,</p>
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<p>Further Submission by ERA – Kevin Mercieca 27/09/2025</p>		<p>Further to yesterday's meeting I have looked into the feedback of the PA on ERAs recommended suggestions and can broadly support the way these comments have been addressed, with the exception of point 5 where it is still considered suitable to limit the distance from the dwelling at least in the case of swimming pool amenities and related decking. In this context we suggest a maximum distance from dwelling in the region of 30-50 m maximum.</p> <p>Should this recommendation be considered favourably, I have no further issues with this screening outcome proceeding for consideration by the SEA focal point.</p>	<p>slopes, etc.), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee".</p> <p>The Executive Council decided to amend the policy wording to include a maximum distance of 50m on the 9th of September 2025</p>
<p>Kriss Debono – Ministry for Agriculture, fisheries &amp; Animal Rights</p>	<p>17/07/2025</p>	<p>In a small and highly urbanised country such as Malta, agricultural land is an increasingly scarce and non-renewable resource. The sustainability of the agricultural sector is already under considerable pressure due to competing demands for land. In our opinion, permitting non-essential amenity structures, such as swimming pools and decking areas, risks further taking up rural space and inadvertently contributing to land speculation.</p>	<p>The classification of swimming pools and decking areas as "non-essential amenity structures" is contested as they are intrinsically linked to the quality of the residential unit and its amenity value.</p> <p>Safeguards in the policy have been added to address issues related to take up of agricultural land:</p> <p>"Development of amenity structures in category settlements should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs,</p>

		<p>We also note that these proposed changes were not brought forward to the Agricultural Consultative Council (ACC) for review. Given the potential implications for agricultural land and activity, we believe that structured consultation with agricultural stakeholders is necessary.</p> <p>Furthermore, while agricultural buildings are tightly regulated under the RPDG14, which includes conditions such as minimum holding sizes and clear links to productive activity, the proposed amendments appear to offer relatively more lenient provisions for residential amenity structures. This may risk creating a perception of imbalance between the standards applied to essential agricultural development versus those for residential convenience.</p> <p>We understand from the Authority's remarks and the Parliamentary transcript that this review is intended to address legal ambiguities and policy implementation inconsistencies stemming from past interpretations of the RPDG14. While this may provide needed legal clarity, it is important that such clarifications do not inadvertently open the door to further non-agricultural land uptake in rural areas.</p>	<p>slopes, etc.), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee”.</p> <p>Partial Review was the subject of two rounds of public consultation during which no submissions were received from the mentioned entity. Structured consultation is a separate governance issue which needs to be addressed holistically.</p> <p>The policy includes strict criteria on size and design and also regulates their location as deemed relevant and necessary for this development type. Agriculture is a separate and distinct sector with its own development needs and environmental impacts. The adoption of the RPDG 14 has not hinder the growth of agricultural development in the countryside as witnessed by the permits issued for this sector.</p> <p>The partial review is not deemed to result in significant lane take-up in the rural area and additional safeguards to protect agricultural land will further reduce such take-up.</p>
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		<p>In light of the above, we respectfully recommend that any policy amendments continue to uphold the principle of minimising fresh land take-up, especially for non-essential structures. We propose that the decision be a one-time measure to sanction past developments rather than establishing a policy that permits similar developments in the future. This approach would address existing issues without setting a precedent for further non-agricultural land uptake. Additionally, consideration should be given to the impact of such policies on the affordability and accessibility of agricultural land. Lastly, further consultation with the ACC and relevant agricultural entities should be undertaken to ensure that the interests of the sector are appropriately balanced.</p>	<p>This goes beyond the scope of the partial review.</p>
<p>Debra Jane Camilleri -SCH</p>	<p>17/07/2025</p>	<p>Suggested amendments:</p> <p>“In addition, when the new dwelling unit is being proposed as complete redevelopment of an existing building:</p> <p>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;”</p> <p>amend as follows:</p> <p>“In addition, when the new dwelling unit is being proposed as complete redevelopment of an existing building:</p> <p>a) the existing building is not worthy of retention due to its historical and/or architectural merit <b>and/or other cultural heritage values</b> and/or the contribution it makes to the character of the settlement;”</p> <p>And</p>	<p>Suggested amendments extend beyond the scope of the published objectives for the review.</p>

		<p>“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.”</p> <p>amend to:</p> <p>“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 <b>other cultural heritage values</b> or (ii) a traditional group of buildings whose form and design represent a feature worthy of conservation.”</p> <p>In addition – the following proviso:</p> <p>“Development in category settlements effecting buildings worthy of retention due to their historical and/or architectural merit and/or other cultural heritage values and/or the contribution it makes to the character of the settlement and surrounding landscape, including as may be identified by the Superintendence of Cultural Heritage, should follow the following criteria:</p> <ul style="list-style-type: none"><li>a) the building is of permanent and substantial construction;</li><li>b) the condition of the building, its nature and location, makes it suitable for re-use or adaptation;</li><li>c) the proposed use or adaptation can be accommodated without extensive</li></ul>	<p>Criterion to address this has been added to the revised policy.</p> <p>Development of amenity structures in category settlements should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution it makes to the character of the settlement and surrounding landscape,</p>
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		<p>rebuilding or alteration to the external appearance of the building;</p> <p>d) the proposal retains and respects the special qualities, internal spaces and features of traditional rural buildings,</p> <p>e) the proposal enhances the building's heritage value by improving the accessibility wherever feasible; and</p> <p>f) the appearance and setting of the building following conversion protects, and where possible enhances, the character and appearance of the contextual landscape."</p> <p>It is important to include a Heritage Impact Assessment with a context-based approach, and to note that both intangible and tangible heritage may be impacted in rural areas and must be considered when sustainable diversification of the rural economy is encouraged.</p>	
Margaret Cassar – Climate Action Authority	21/07/2025	<p>From a climate action perspective, Climate Action Authority looks at emissions generation at national level. Having said this, land use and land use change are part of the emissions generated reporting under UNFCCC rules. From a national perspective, as a rule therefore such local plans do affect climate action. Having said this, it is also noteworthy the Land Use and Luse Change and Forestry sector is very minimal in Malta within the context of total emissions generations.</p> <p>At this point, it is understood that this is a SEA screening, and these comments are of a general nature and without prejudice to the outcome of the screening if there is an eventual assessment.</p>	Comments have been noted particularly the statement that Land Use and Luse Change sector is very minimal in Malta within the context of total emissions generations.



## Joseph Scalpello

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**From:** Hili Pierre 1 at SEA <pierre.hili.1@gov.mt>  
**Sent:** 12 September 2025 14:15  
**To:** Patrick Mifsud  
**Cc:** Perit Christopher Borg; Joseph Scalpello; Ivan Fava; Michelle Borg; SEA Focal Point at SEA; Caruana Andre 1 at SEA; Grech Paola at SEA  
**Subject:** SEA Screening - Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements  
**Attachments:** Partial Review Rural Settlements 2 3 - Final post SEA Screening \_EC.pdf; Comments to Designated Authorities submissions.pdf; ScreeningTemplate & Maps - PR Rural Settlements 2 & 3.pdf

**CAUTION: This email originated from OUTSIDE of the Planning Authority. DO NOT CLICK LINKS, OPEN ATTACHMENTS or REPLY unless you recognize the sender and know the content is safe.**

Dear Mr Mifsud,

Further to your e-mail dated 10 September 2025 on the matter in caption, please note that the SEA Focal Point is taking note that, following consultation with the Designated Authorities as part of the screening process, the Planning Authority came to the conclusion that no SEA is required. The SEA Focal Point has also taken note that the text of the draft policies has been revised with new and amended criteria to address the concerns raised by the Designated Authorities including concerns by ERA, SCH and MAFA.

The SEA Focal Point is thus taking note of the assurance by the Planning Authority that the revised development assessment guidelines for amenity structures of this Partial Review is unlikely to have significant environmental impacts at a strategic level and that therefore an SEA is not required.

At this juncture, the SEA Focal wishes to refer to Article 4(7) of the SEA legislation, wherein, following the above-mentioned conclusion, the Planning Authority should issue a notification in the Government Gazette informing the public and designated authorities of its conclusions including the reasons for not requiring an SEA.

It would be appreciated if the SEA Focal Point is eventually provided with a copy of the said notification.

Best regards,

Dr Pierre Hili  
Chairperson  
SEA Focal Point

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**From:** Patrick Mifsud <Patrick.Mifsud@pa.org.mt>  
**Sent:** 10 September 2025 13:45  
**To:** sea\_focal\_point@gov.mt  
**Cc:** Dr. Pierre Hili <DrPierre.Hili@pa.org.mt>; Perit Christopher Borg <Christopher.Borg@pa.org.mt>; Joseph Scalpello <Joseph.Scalpello@pa.org.mt>; Ivan Fava <Ivan.Fava@pa.org.mt>; Michelle Borg <Michelle.Borg@pa.org.mt>  
**Subject:** SEA Screening - Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements

Dear Dr Hili,

Apologies for the mix up but I am resending all the documentation, kindly ignore the emails and attachments sent earlier.

Following from email of the 17<sup>th</sup> June 2025 below, the Planning Authority as proponent of the “Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements” and pursuant to the provisions of the SEA Regulations (S.L.549.61) has undergone a consultation process with the identified Designated Authorities; the Environment and Resources Authority (ERA); Energy and Water Agency (EWA); Ministry for Agriculture, Fisheries and Animal Rights in Malta (MAFA); Environmental Health Directorate (EHD); Superintendent of Cultural Heritage (SCH); and the Climate Action Authority as part of the SEA Screening process.

Following feedback received from the Environmental Health Directorate (EHD), the Superintendence for Cultural Heritage (SCH), Ministry for Agriculture, Fisheries and Animal Rights (MAFA), the Environment and Resources Authority (ERA), the Climate Action Authority and the Energy and Water Agency (EWA), did not respond - the SEA screening was completed.

The text of the draft policies has been revised to address the concerns raised by the Designated Authorities. Development assessment guidelines for amenity structures have been amended, and two new guidelines have been introduced, leading the Planning Authority to conclude that this Partial Review is unlikely to have significant environmental impacts at a strategic level and hence an SEA is not required.

A copy of the “Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements” as amended by the SEA Screening process, including feedback from the public consultation, the screening template and a document with the responses from the Designated Authorities together with Planning Authority comments the responses received, are attached for your perusal.

Regards,  
Patrick Mifsud

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**From:** Patrick Mifsud

**Sent:** 17 June 2025 08:51

**To:** 'Hili Pierre 1 at MECP-OPS' <[pierre.hili.1@gov.mt](mailto:pierre.hili.1@gov.mt)>; 'SEA Focal Point at MECP-OPS' <[sea\\_focal\\_point@gov.mt](mailto:sea_focal_point@gov.mt)>

**Cc:** Joseph Scalpello <[Joseph.Scalpello@pa.org.mt](mailto:Joseph.Scalpello@pa.org.mt)>; Ivan Fava <[Ivan.Fava@pa.org.mt](mailto:Ivan.Fava@pa.org.mt)>; Michelle Borg <[Michelle.Borg@pa.org.mt](mailto:Michelle.Borg@pa.org.mt)>

**Subject:** SEA Screening - Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements

Dear Dr Hili,

Please be informed that the Planning Authority as proponent of the “**Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements**” commenced the SEA Screening process pursuant to the provisions of the SEA Regulations (S.L.549.61).

Consultations have been sent to the following identified Designated Authorities as part of the SEA Screening process:

- Environment and Resources Authority
- Superintendence of Cultural Heritage
- Ministry for Agriculture, Fisheries, and Animal Rights
- Environmental Health Directorate
- Energy and Water Agency
- Climate Action Authority

Please find attached a copy of the final draft of this partial local plan review for your perusal.

Regards,

Patrick Mifsud



***EXTRACT FROM EC 003-25/28 HELD ON 9<sup>TH</sup> SEPTEMBER 2025***

***OTHER MATTERS – Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements – Final amended draft following SEA Screening***

Other Matters –  
Partial LP Review  
of the 2006 Local  
Plan Policies for  
Rural Settlements –  
Final amended draft  
following SEA  
screening

14695. Further to the discussion held during the Executive Council meeting of 26 August 2025, where members agreed to postpone the vote on this matter to a later sitting pending ERA’s review of its position, and as no further issues arose, a proxy vote was conducted, as agreed, via email on 1 September 2025, following an email received from Mr Kevin Mercieca on 27 August 2025.

14696. The Executive Chairman recommended including an additional condition, as outlined in Mr Mercieca’s email, namely, to limit the distance from the dwelling, at least in the case of swimming pool amenities and related decking, to 50 metres.

14697. Following the proxy vote, the Planning Directorate was informed that all Executive Council members agreed to refer the Amended Final Draft, following SEA Screening, to the SEA Focal Point for consideration, subject to the inclusion of the additional condition outlined in Mr Mercieca’s email regarding the 50-metre distance.

**EXTRACT FROM EC 002-25/28 HELD ON 26<sup>TH</sup> AUGUST 2025**

***PARTIAL LOCAL PLAN REVIEW OF THE 2006 LOCAL PLAN POLICIES FOR RURAL SETTLEMENTS – Final amended draft following SEA Screening***

Partial Local Plan  
Review of the 2006  
Local Plan Policies  
for Rural  
Settlements – Final  
amended draft  
following SEA  
Screening

14577. Mr. Patrick Mifsud assisted by Mr Ivan Fava and Perit Joseph Scalpello presented members with the details of the previously circulated amended Final Draft of the Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements, following the SEA Screening.

14578. Members were referred to discussions held at the Executive Council meeting held on 20<sup>th</sup> May 2025. At that meeting all the members present approved the Public Consultation Draft, as circulated, to be referred to the responsible Minister for endorsement and instructions to initiate the SEA screening process. On 9<sup>th</sup> June 2025, the Minister endorsed the Public Consultation Draft as recommended and referred back to the Planning Authority to initiate the SEA screening process.

14579. Mr Mifsud explained that as part of the SEA screening, between the 17<sup>th</sup> of June 2025 and the 17<sup>th</sup> of July 2025, consultations were carried out with the Environment and Resources Authority, the Superintendence of Cultural Heritage, the Ministry for Agriculture, Fisheries, and Animal Rights, the Environmental Health Directorate, the Climate Action Authority and the Energy and Water Agency. All consultees submitted their reply except for the Energy and Water Agency.

14580. In its submission, the Environment and Resources Authority noted that:

- No significant incremental impacts are envisaged;
- However, should seek to limit development in rural settlements and to contain it as close as possible to the existing built-up clusters;
- Animal enclosures are to be constructed in natural timber or a small part in stone and the rest in natural timber;
- Swimming pools and deck areas are to comply with criteria for such in RPDG 2014;
- A clear and conservative maximum distance of the proposed amenities from dwelling units should be established;
- Applicants should only be entitled to a structure, either a 10m.sq. tool shed or a 25m.sq. animal enclosure;
- Interventions that would have an unacceptable adverse impact on natural habitats and features, as well as scheduled, listed, designated or protected areas, should not be permitted.

14581. The Directorate considered ERA's submissions and was of the opinion that suggestions put forward would alter the scope of the Partial Review, namely the setting of a conservative maximum distance between the dwelling and amenity facility; the increase by 5 sq.m. for additional accommodation; and the revision of minimum footprint existing buildings to qualify for an extension.

14582. However, the Policy is being amended to include guidelines related to the design and materials used for the development of the permitted ancillary facilities, and that

pump rooms are to be located completely underground. Additional safeguards to policy include safeguards to natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes, etc.), as well as scheduled, listed, designated or protected areas and land of agricultural value are also being included. Furthermore, criterion related to the size of tool sheds and animal enclosures was amended so that comprehensively these are not to exceed 25sq.m. or 10% of the curtilage, whichever is the lowest.

14583. The Ministry for Agriculture, Fisheries and Animal Rights submitted the following comments:

- Permitting non-essential amenity structures, such as swimming pools and decking areas, risks further taking up rural space and inadvertently contributing to land speculation.
- Proposed changes were not brought forward to the Agricultural Consultative Council (ACC) for review.
- The proposed amendments appear to offer relatively more lenient provisions for residential amenity structures than the RPDG 2014.
- Policy amendments should continue to uphold the principle of minimising fresh land take-up, especially for non-essential structures.

14584. The Directorate noted that the permitted amenity facilities indicated by the Review are intrinsically linked to the quality of the residential unit and its amenity value. Furthermore, the Partial Review is not deemed to result in significant land take-up in the rural area and additional safeguards to protect agricultural land will further reduce such take up.

14585. The policy includes strict criteria on size and design and also regulates their location as deemed relevant and necessary for this development type.

14586. In addition, Mr Patrick Mifsud explained that a number of suggestions submitted by the Superintendence of Cultural Heritage relate to changes to parts of the Policy that are not subject to this Review; and thus, extends beyond the scope of this Review. However, Policy is being amended to include safeguards to buildings worthy of retention due to their historical and/or architectural merit and/or the contribution it makes to the character of the Settlement and surround landscape.

14587. The Environmental Health proposed that both the positive and negative public health impacts should be assessed by the SEA. Other comments were related to tourism accommodation and their sanitary facilities. With regard to tourism accommodation, Mr Mifsud clarified that this Partial Review does not introduce any changes.

14588. The Climate Action Authority pointed out that both the Land Use and the Land Use Change and Forestry Sector are very minimal in Malta within the context of total emissions generations; and this statement has been taken in consideration during the SEA Screening.

14589. Mr Patrick Mifsud explained that following consultation with the Designated Authorities and their submissions, as explained above, further safeguards were included to the respective policies as indicated below:

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

- i. Tool sheds which are not to exceed 10 m<sup>2</sup> and an overall height of 2.75 m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and an overall height of 3.5 m measured externally. ~~and Together~~ **tool sheds and animal enclosures** shall not ~~occupy more than~~ **exceed 25 m<sup>2</sup> or 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 m<sup>2</sup> in total area **and pump rooms should be located completely underground**;
- 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 m<sup>2</sup>.

14590. 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 **rural design, especially in terms of materials used**, 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;
- iii. **development of amenity structures should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution they make to the character of the settlement and surrounding landscape**;
- iv. **development of amenity structures should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes and valley systems), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee.**

14591. Mr Patrick Mifsud explained that the SEA Screening concluded that considering that:

- a smaller proportion of total settlements are located within sensitive areas for biodiversity and water;
- the location of the Settlements within the wider countryside of high landscape protection makes it of high value for landscape;
- there are no envisaged risks to human health as the policy will not adversely affect the air, water quality and ambient noise of the rural settlements;
- Category 2 and 3 Rural Settlements are small in nature, and the human population of these areas is small as well;
- the additional safeguards introduced to the policy relate to biodiversity, valley systems, rural environment, landscape, buildings which are scheduled, listed and/or worthy of retention due to their historical and/or architectural merit;

14592. All this is considered to provide the assurance required so that the Partial Review shall not generate significant negative environmental impacts.

14593. Mr Mifsud noted that the SEA Screening concluded that this Partial Review is unlikely to have significant environmental impacts at a strategic level, if additional provisions are included as part of its policy provisions. These policy provisions are included in report and as indicated above. The Planning Directorate recommends the Executive Council to refer the Amended Final Draft following SEA Screening to the SEA Focal Point for his final consideration.

14594. Members discussed this item. Mr. Kevin Mercieca queried which submissions made by the Environment and Resources Authority (ERA), that go beyond the RPDG (2014), were not taken on board in this Partial Review. It was noted that one must also keep in mind that ERA's decision, where no incremental impact has been identified, is nonetheless linked to certain conditionalities.

14595. Perit Scalpello noted that, with regard to ERA's issues, two provisions were raised:

1. a clear and conservative maximum distance of the proposed amenities from dwelling units should be established; the Directorate considered this to constitute a significant amendment to the policy and therefore to go beyond its scope; and
2. the requirement that structures remain within the curtilage, which was also suggested by ERA and, if adopted, would significantly alter the objective of the policy.

14596. Perit Scalpello noted that Policy 6.4 of the RPDG does not impose specific distances. However, the policy states that where more than one dwelling exists, an additional 5 sq.m may be added to the swimming pool size. The Directorate considered that this provision of the RPDG should not apply to rural settlements, and therefore the maximum should remain at 75 sq.m.

14597. He further referred to the design of animal enclosures, where the RPDG requires the use of a number of stone pens together with timber structures. The Directorate agreed with ERA's submissions that it would be more appropriate to introduce broader design criteria. In fact, the policy was amended to include additional design requirements. However, it was not considered necessary to adopt the RPDG provisions word-for-word; it was felt that the current criteria adequately achieve the same objective.

14598. Mr. Kevin Mercieca noted that ERA's main concern is to have a clear and conservative maximum distance of the proposed amenities from dwelling units. He emphasized that this extends the scope beyond what is already permitted by the RPDG, thereby increasing pressure in areas where commitments already exist. In such cases, it would be necessary to re-evaluate whether the assumption that there is no significant incremental impact remains valid.

14599. Perit Joseph Scalpello reiterated that Policy 6.4 of the RPDG does not specify any distances. Mr. Kevin Mercieca clarified that the reasoning behind ERA's submission was to limit applications so as to avoid a significant incremental environmental impact, by establishing a defined distance.

14600. The Executive Chairman argued that in an area designated for development (Rural Settlements), even if it lies within an ODZ area, the impact should be considered less significant, and therefore it should not be a major concern for ERA. He remarked that a policy which was intended to be less restrictive than the RPDG is effectively being made more restrictive than the RPDG itself.

14601. Mr. Kevin Mercieca noted that ERA had carried out an assessment to determine whether any risks exist, emphasizing that greater distance does not necessarily result in a significant impact. However, in order to reduce uncertainty, a set of parameters was established to minimise the potential for additional environmental impacts.

14602. The Executive Chairman pointed out that had a site been located within an ODZ area but not within a designated Category Settlement area, no distance limitation would apply. He therefore questioned why such a limitation should be introduced in an area that carries a specific designation of a rural settlement.

14603. Mr. Martin Camilleri highlighted that even in ODZ areas, when animal enclosures are proposed, efforts are always made to locate them close to the entrance so as to minimise site formalisation as much as possible.

14604. Mr. Martin Camilleri expressed concern regarding animal enclosures, noting that the RPDG stipulates that such enclosures are to be located 200 metres away from the development boundary. He further observed that although the site lies within an ODZ, Category 2 and Category 3 Settlements are residential in character. In his view, the animal enclosures permitted in these categories could give rise to “bad neighbour” situations and nuisance issues.

14605. Perit Joseph Scalpello clarified that since farms are permissible in Category 2 and Category 3 Settlements, there is no justification to prohibit animal enclosures.

14606. The Executive Chairman clarified that most of these animal enclosures measuring 25sq.mtrs. are specifically constructed for families’ pets.

14607. Perit Scalpello clarified that this Policy has already been approved by the Minister and, at this stage, only its environmental impact is being considered.

14608. Mr Kevin Mercieca requested more time to review the submissions of ERA and what was actually taken on board, before he could proceed to a vote.

14609. Members agreed to postpone the vote to a later sitting until ERA reviews its position. Should further issues arise, the matter will be discussed at the next meeting of the Executive Council. If no further issues are raised by ERA, the decision will be taken by proxy vote.

This screening template has been drafted by the SEA Focal Point based on the SEA Regulations and is being distributed in document format for ease of use. Submitted versions shall only be considered if they align with this original version also available on the SEA website.

<b>Part A – Plan/Programme (PP) &amp; Responsible Authority (RA)</b>	
Title of PP: Partial Local Plan Review of the 2006 Local Plan Policies for Rural Settlements	
Responsible Authority: Planning Authority	
Contact Person: Perit Joseph Scalpello	Position: Deputy Director
Contact Address: 3, Fra Diegu, Marsa MRS 1230	
Email: joseph.scalpello@pa.org.mt	Telephone: 2290 0000
Date: 10 <sup>th</sup> September 2025	
As per S.L., when more than one entity is responsible for the PP (or parts thereof), a single responsible authority should be nominated by agreement between the authorities responsible for the PP.	

<b>Part B – General Information about the Plan/Programme (PP)</b>
<p>Purpose of PP:</p> <p>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, have now been revised.</p> <p>The changes affected by this partial review are the identification and setting of development parameters for ancillary uses (amenity structures) related to dwelling units located within Category 2 and 3 rural settlements, which uses were not listed amongst those permitted in the 2006 Local Plans. Additionally, in the case of Category 3 rural settlements this partial review allows the take up of fresh land for the development considered as ancillary to dwellings.</p> <p>This partial review is intended to address the anomalies created by the Local Plans of 2006 in terms of the designation of the boundaries of the individual settlements.</p> <p>In total the Local Plans designate 39 category 2 and 54 category 3, in total 93, rural settlements of which 43 are delineated by a well-defined boundary while the remaining 50 are represented by a box which indicates a more generic area. With regard to the 43 settlements having a well-defined</p>

boundary, this boundary represents the area within which the local plans rural settlements policies apply but also defines the area outside the rural settlements for which the RPDG 2014 is applicable. Thus, it is clear for which land areas the respective policies apply. This is not the case for the other 50 rural settlements, which are identified by a more generic designation, that is a box. This review is intended to address these cases where which policy regime should be applied in determining development planning applications is not well-defined.

In view of this, the SEA Screening assesses the potential impacts of the policy revisions on the 50 rural settlements represented by a box, for which the policy changes apply.

Period Covered by PP: Not applicable

Envisaged updates/modifications: The PP may be reviewed in part or in full as frequently as may be necessary as per Article 53(4) of the Development Planning Act 2016.

Area covered by PP (also attach map): Refer to maps in Appendix

Summary of PP content:

This partial review identifies uses ancillary to dwellings within the designated rural settlements categories 2 and 3 and sets the development parameters for the amenity structures as follows.

- i. tool sheds which are not to exceed 10 m<sup>2</sup> and an overall height of 2.75m measured externally and/or animal enclosures not to exceed 25 m<sup>2</sup> and an overall height of 3.5m measured externally. Together tool sheds and animal enclosures shall not exceed 25 m<sup>2</sup> or 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 m<sup>2</sup> in total area and pump rooms should be located completely underground;
- 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 m<sup>2</sup>.

Provided further that:

- i. amenity structures shall be located within a distance which shall not exceed 50m from the dwelling unit;
- ii. all permitted interventions shall have a high quality rural design, especially in terms of materials used, 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;
- iii. development of amenity structures in category settlements should not have an adverse impact on buildings worthy of retention due to their historical and/or architectural merit and/or the contribution it makes to the character of the settlement and surrounding landscape,
- iv. development of amenity structures in category settlements should not have an unacceptable adverse impact on natural habitats and features (including garrigue, maquis, rocky outcrops, cliffs, slopes and valley systems), as well as scheduled, listed, designated or protected areas and land of agricultural value as determined by the Agriculture Advisory Committee.

Additionally, this partial review allows the take up of fresh land within Category 3 rural settlements, subject that it is for a use that is considered as an ancillary amenity structure by the same policies.

<b>Part C – Applicability of the SEA Regulations</b>		
<b>Criterion</b>	<b>Yes/No</b>	<b>Explanation</b>
<b>Exemptions – Regulation 4(9)</b>		
Is the PP's sole purpose to serve national defence or civil emergency? <b>OR</b>	No	Not applicable
Is this a financial or budget PP?	No	Not applicable
<b>Qualification of PP - Regulation 3</b>		
Is the PP subject to preparation and/or adoption by a national, regional, or local authority? <b>OR</b>	No	The PP requires approval by the Government through the Minister responsible for development planning in terms of the Development Planning Act of 2016, Cap 552.
Is the PP prepared by an authority for adoption through legislative procedure by Parliament or Government? <b>AND</b>	Yes	The PP is prepared by the Planning Authority to be approved by the Government through the Minister responsible for development planning in terms of the Development Planning Act of 2016, Cap 552.
Is the PP required by legislative, regulatory, or administrative provisions?	Yes	The PP is required by the Development Planning Act of 2016, Cap 552.
<b>Regulations 4(1) to 4(4)</b>		
<p>The SEA Regulations require that a strategic environmental assessment, in accordance with regulations 5 to 10, shall be carried out by the responsible authority for PPs referred to in sub-regulations 4(2) to 4(4) which are likely to have significant environmental effects, as follows:</p> <p>(i) Regulation 4(2) identifies PPs that are already considered to have a significant environmental effect. Moreover, Regulation 4(2)(b) requires liaison with the Environment and Resources Authority (ERA) as the authority responsible for the Habitats Directive and protection of Special Areas of Conservation (SACs) and Special Protection Areas (SPAs).</p> <p>(ii) Responsible authorities should determine, in line with the provisions of the SEA Regulations,</p>		

<p>whether PPs identified in Regulations 4(3) to 4(4) are likely to have significant environmental effects [also see Regulation 4(5) below].</p>		
<p><b>Regulation 4(2) – SEA required automatically</b></p>		
<p>Is the PP prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use? <b>AND</b></p>	<p>Yes</p>	<p>For proper town and country planning/land use. However, this PP is a minor modification of existing PPs (Local Plans of 2006) prepared for town and country planning or land use and hence falls outside the scope of Regulation 4(2)(a).</p>
<p>Does the PP set the framework for future development consent of projects listed in Annexes I and II to the EIA Directive (85/337/EEC – as updated by Directive 2014/52/EU). [These Annexes are transposed as Schedule 1 in the national EIA Regulations] <b>OR</b></p>	<p>No</p>	<p>The existing policy framework already sets out the development framework under which dwelling units are permitted when developed in category 2 and 3 rural settlements. This partial review identifies those facilities that are considered as ancillary to such dwellings and sets out the development criteria for these uses. The proposed ancillary facilities are small and would not be subject to an EIA. Furthermore, this PP is a minor modification of existing PPs (Local Plans of 2006) prepared for town and country planning or land use and hence falls outside the scope of Regulation 4(2)(a).</p>
<p>Will the PP, in view of its likely effect on sites, require an assessment (Appropriate Assessment) under Articles 6 or 7 of the Habitats Directive (92/43/EEC)?</p>	<p>No</p>	<p>From a total of 50 rural settlements, only a third these settlements are located within high value/vulnerability areas for biodiversity, flora and fauna which are protected under international, European and national legislation for terrestrial habitats and species. In terms of habitats outside designated areas,</p>

		<p>only around 5 settlements overlap these habitats.</p> <p>In view that a smaller proportion of total settlements are located within sensitive areas for biodiversity and the safeguards in the policy provisions, the magnitude of change arising from the revised policy is deemed to be low as the effect is temporary during the construction stage. The Environment and Resources Authority did not identify the need for an Appropriate Assessment.</p> <p>Furthermore, this PP is a minor modification of existing PPs (Local Plans of 2006) prepared for town and country planning or land use and hence falls outside the scope of Regulation 4(2)(a).</p>
<b>Regulation 4(3) – Applied only for PPs referred in 4(2)</b>		
Does the PP in 4(2) determine the use of small areas at a local level? <b>OR</b>	Yes	The PP addresses ancillary development to dwellings in Category 2 and 3 rural settlements.
Is it a minor modification of a PP referred in 4(2)?	Yes	The PP is a minor modification of existing policies that were approved in 2006.
<b>Regulation 4(4) – Applied only for PPs <u>not</u> referred in 4(2)</b>		
Is the PP, which set the framework for future development consent of projects, likely to have a significant effect on the environment?	No	Not applicable since this is a PP which falls under regulations 4(2) and 4(3)

**Part D – Determining the Likely Significance of Effects on the Environment referred to in Regulation 4(5) (Schedule II)**

Regulation 4(5) – Applied for PPs referred to in 4(3) and 4(4)		
Criteria	Likely to have significant environmental effects? Yes/No	Explanation on the significant environmental effects (both positive and negative)
<b>Characteristics of the PP</b>		
The degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating condition; or by allocating resources	No	The PP identifies and sets out the development criteria for ancillary facilities, amongst which swimming pools and deck areas, to permitted dwelling units in category 2 and 3 rural settlements.  Around 10-15 swimming pools are granted development permission per year within category 2 and 3 rural settlements. When compared to the total number of pools permitted on the whole territory, the ancillary uses that shall be permitted are not expected to have significant impacts.
The degree to which the PP influences other plans and programmes including those in a hierarchy	No	The PP refers to specific areas that had already been defined by the approved 2006 Local Plans.
The relevance of the PP for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The PP includes safeguards which require high quality rural design aimed at retaining and enhancing the character of the existing settlements and prohibit unacceptable adverse impacts on the surrounding rural

		<p>environment, scheduled, listed, designated or protected areas, valley systems, land of agricultural value, and landscape. It is regarded that these safeguards are aimed at promoting sustainable development.</p>
<p>Environmental problems relevant to the PP</p>	<p>No</p>	<p>The natural assets present in the areas of location of rural settlements are biodiversity, water and landscape.</p> <p>In terms of biodiversity, a third of the settlements are located in areas protected due to their value with regards to biodiversity, flora and fauna under International, European and National legislation for terrestrial habitats and species, while another 5 settlements overlap these habitats. In view that a smaller proportion of total settlements are located within sensitive areas for biodiversity and the safeguards in the policy provisions, the magnitude of change is deemed to be low as the effect is temporary during the construction stage.</p> <p>In terms of water, 5 out of the 50 settlements are located on areas of high value/vulnerability drinking water supplies and ground water. Whereas 9 other settlements are located on valleys and other riparian habitats. In view that a smaller proportion of total settlements are located within sensitive areas for water and the</p>

		<p>safeguards in the policy provisions which prohibit unacceptable adverse impacts on valley systems, the magnitude of change is deemed to be low.</p> <p>In terms of landscape, the location of the settlements within the wider countryside of high landscape protection makes it of high value for landscape. In view of the safeguards in the policy provisions which require high quality rural design and prohibit unacceptable adverse impacts on the surrounding rural environment, scheduled, listed, designated or protected areas, valley systems, land of agricultural value and landscape, the magnitude of change arising from the policy review is deemed to be low.</p> <p>Additionally, since around 10-15 swimming pools are granted development permission per year within category 2 and 3 rural settlements, when compared to the total number of pools permitted yearly on the whole territory, the potential for increase in water consumption which shall affect ground water resources is low and the potential for increase in impact on landscape is also low.</p>
<p>The relevance of the PP for the implementation of community legislation on the environment (eg. PPs linked to waste management or water protection)</p>	<p>No</p>	<p>Only 5 out of the 50 settlements are located on areas of high value/vulnerability drinking water supplies and ground water. Whereas 9 other settlements are located on valleys and other riparian habitats.</p>

		<p>Additionally, since around 10-15 swimming pools are granted development permission per year within category 2 and 3 rural settlements, when compared to the total number of pools permitted yearly on the whole territory, the potential for increase in water consumption which shall affect ground water resources is low.</p> <p>The PP includes safeguards which require high quality rural design aimed at retaining and enhancing the character of the existing settlements and prohibit unacceptable adverse impacts on the surrounding rural environment, scheduled, listed, designated or protected areas, valley systems, land of agricultural value, and landscape. It is regarded that these safeguards are aimed at promoting sustainable development.</p>
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<b>Characteristics of the effects and area likely to be affected</b>		
The probability, duration, frequency, and reversibility of the effects	No	<p>Although the provision of ancillary facilities will result in land use changes, the resulting effects are not considered to be significant. The magnitude of change resulting from works emanating from the PP during the construction of the amenity facilities are deemed to be low as the effect is temporary during the construction stage.</p>
The cumulative nature of the effects	No	<p>No cumulative significant negative environmental effects have been identified. The magnitude of change resulting from works emanating from the PP during the</p>

		construction of the amenity facilities are deemed to be low as the effect is temporary during the construction stage.
The transboundary nature of the effects	No	No transboundary impacts are envisaged.
The risks to human health or the environment (eg. due to accidents)	No	There are no envisaged risks to human health as the policy will not adversely affect the air, water quality and ambient noise of the rural settlements.  Additionally, the PP includes safeguards which prohibit unacceptable adverse impacts on the surrounding rural environment, scheduled, listed, designated or protected areas, valley systems, land of agricultural value and landscape thus, the magnitude of change is deemed to be low.
The magnitude and spatial extent of the effects (geographical area and size of population likely to be affected)	No	Category 2 and 3 rural settlements are small in nature, and the human population of these areas are small as well.  In view of the safeguards in the policy provisions which prohibit unacceptable adverse impacts on the surrounding rural environment scheduled, listed, designated or protected areas, valley systems and land of agricultural value and landscape, the extent of effects on the population is deemed to be low.
The value and vulnerability of the area likely to be affected due to: 1) Special natural characteristics or cultural heritage	No	No significant negative environmental effects are expected to arise from the PP.  In view that a smaller proportion of total

<p>II) Exceeded environmental quality standards or limit values</p> <p>III) Intensive land use</p>		<p>settlements are located within sensitive areas for biodiversity and sensitive areas for water and the safeguards and prohibitions in the policy provisions, the magnitude of the effect is expected to be low and temporary during the construction stage.</p> <p>Consultations with Designated Authorities have not indicated that the areas subject to the revised PP are affected by exceeded environmental quality standards or limit values that could be impacted by the scope of the policy revision.</p> <p>It is expected that with the additional policy provisions of the PP which prohibit unacceptable adverse impacts on buildings which are scheduled, listed and/or worthy of retention due to their historical and/or architectural merit, the magnitude of change is expected to be low.</p>
<p>The effects on areas or landscapes which have recognized national, community or international protection status</p>	<p>No</p>	<p>The location of the settlements within the wider countryside of high landscape protection makes the area subject to the PP revision of high value for landscape.</p> <p>However, the PP includes policy provisions which require high quality rural design and prohibit unacceptable adverse impacts on the surrounding rural environment scheduled, listed, designated or protected areas, valley systems land of agricultural value and landscape. In view of these policy</p>

		<p>provisions, the magnitude of change is deemed to be low.</p> <p>Additionally, since around 10-15 pools are granted development permission per year within category 2 and 3 rural settlements, when compared to the total number of pools allowed in the whole territory, the potential for increase in impact on landscape is low.</p>

## **Part E – Summary of Environmental Effects**

In terms of biodiversity, a third of the 50 category 2 and 3 settlements affected by this PP are located in areas protected due to their value with regards to biodiversity, flora and fauna under International, European and National legislation for terrestrial habitats and species, while another 5 settlements overlap these habitats. In view that a smaller proportion of total settlements are located within sensitive areas for biodiversity and the safeguards in the policy provisions their effect on these areas is deemed to be low temporary during the construction stage.

In terms of water, 5 out of the 50 settlements are located on areas of high value/vulnerability drinking water supplies and ground water. Whereas 9 other settlements are located on valleys and other riparian habitats. In view that a smaller proportion of total settlements are located within sensitive areas for water and the safeguards in the policy provisions which prohibit unacceptable adverse impacts on valley systems, the magnitude of change is deemed to be low.

In terms of landscape, the location of the settlements within the wider countryside of high landscape protection makes it of high value for landscape. In view of the safeguards in the policy provisions which require high quality rural design and prohibit unacceptable adverse impacts on the surrounding rural environment and landscape, the magnitude of change is deemed to be low.

There are no envisaged risks to human health as the policy will not adversely affect the air, water quality and ambient noise of the rural settlements. Additionally, the PP includes safeguards which prohibit unacceptable adverse impacts on the surrounding rural environment and landscape thus, the impacts on these resources are deemed to be low.

Category 2 and 3 rural settlements are small in nature, and the human population of these areas are small as well. In view of the safeguards in the policy provisions which prohibit unacceptable adverse impacts on the surrounding rural environment and landscape, the extent of effects on the population is also expected to be low.

With the additional policy provisions of the PP which prohibit unacceptable adverse impacts on

buildings which are scheduled, listed and/or worthy of retention due to their historical and/or architectural merit, the magnitude of change is expected to be low.

Additionally, since around 10-15 swimming pools are granted development permission per year within category 2 and 3 rural settlements, when compared to the total number of pools permitted yearly on the whole territory, the potential for increase in water consumption which shall affect ground water resources is low.

#### Conclusion

Following the consultation with the designated authorities, additional policy safeguards have been added to the PP to address the concerns raised. These policy safeguards are considered to provide the assurance required so that the PP shall not generate significant negative environmental impacts.

#### Part F – Screening Outcome

Following the screening, as required under the Strategic Environmental Assessment regulations, including all required consultations, the RA is of the view that:

- A SEA is required because the PP falls under the scope of regulation 4(2)
- A SEA is required because the PP falls under the scope of regulation 4(3) and is likely to have significant environmental effects
- A SEA is required because the PP falls under the scope of regulation 4(4) and is likely to have significant environmental effects
- A SEA is not required because the PP is unlikely to have significant environmental effects

Perit Joseph Scalpello

\_\_\_\_\_  
Name of Officer responsible for this report

\_\_\_\_\_  
Signature of Officer responsible for this report

\_\_\_\_\_  
Name and Stamp of Responsible Authority

10<sup>th</sup> September 2025

Date

**Notes to Responsible Authority**

A signed copy of this document should be provided to the SEA Focal Point after conducting all consultations. The RA should also attach:

- the draft plan/programme
- a copy of the public notification obligatory under Regulation 4(7)
- If appropriate, a copy of the notification for public participation (see Schedule III Article 5 (3) to S.L.549.61)
- Copy of consultation correspondence by the Responsible Authorities to designated authorities

# Appendix


# **Gozo & Comino Local Plan**


**(ODZ Settlements indicated as Category 2 & 3)**

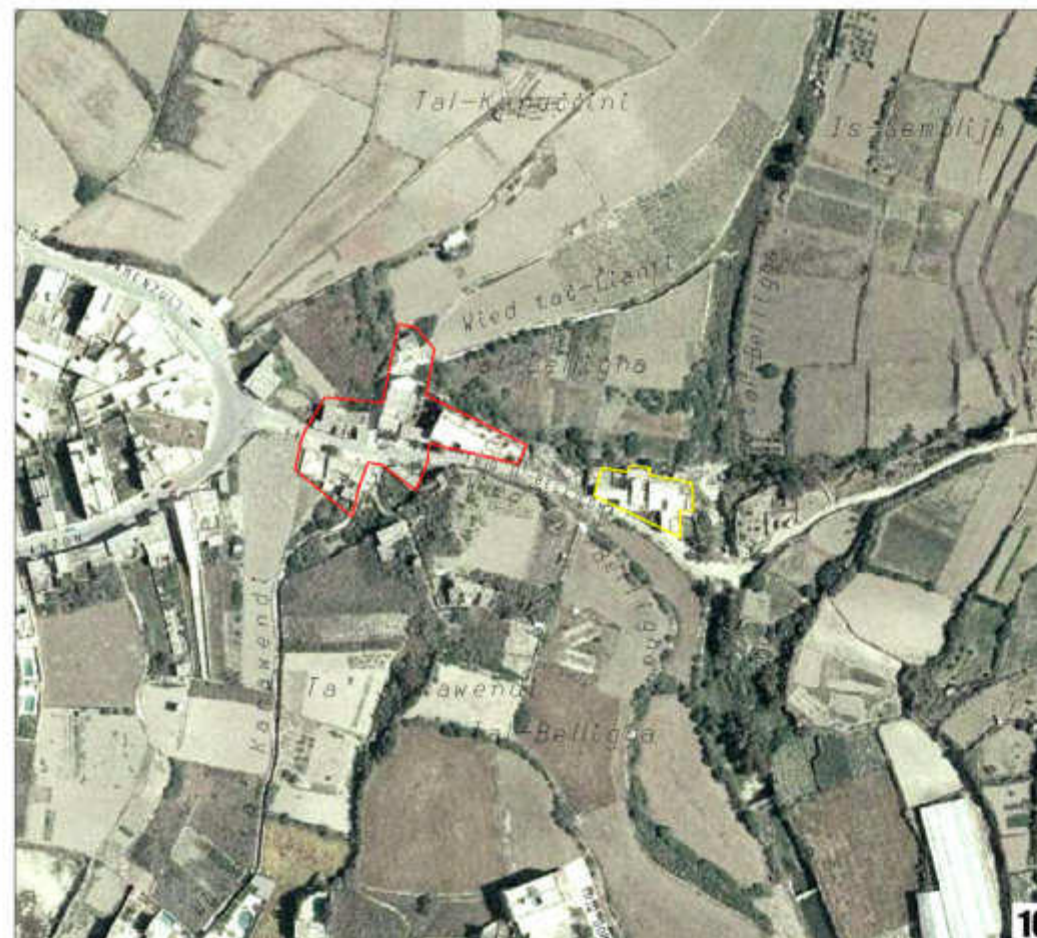
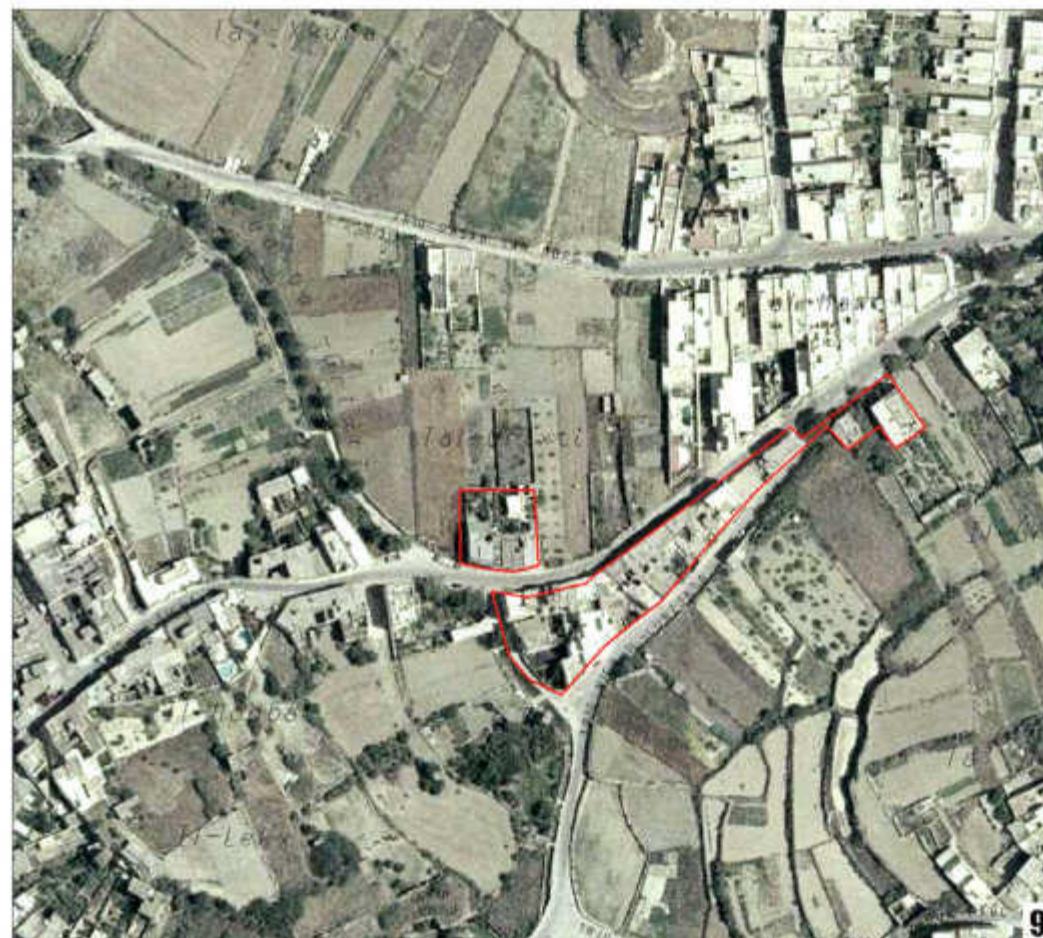


**Map 4.2.10-C**  
**ODZ SETTLEMENTS**

**Key**

 Category 1 ODZ Settlements GZ-RLST-1

 Category 3 ODZ Settlements GZ-RLST-3



**Remarks :**

The number at the bottom of the insets cross refers to general Map 4.2.10.

**Important :**

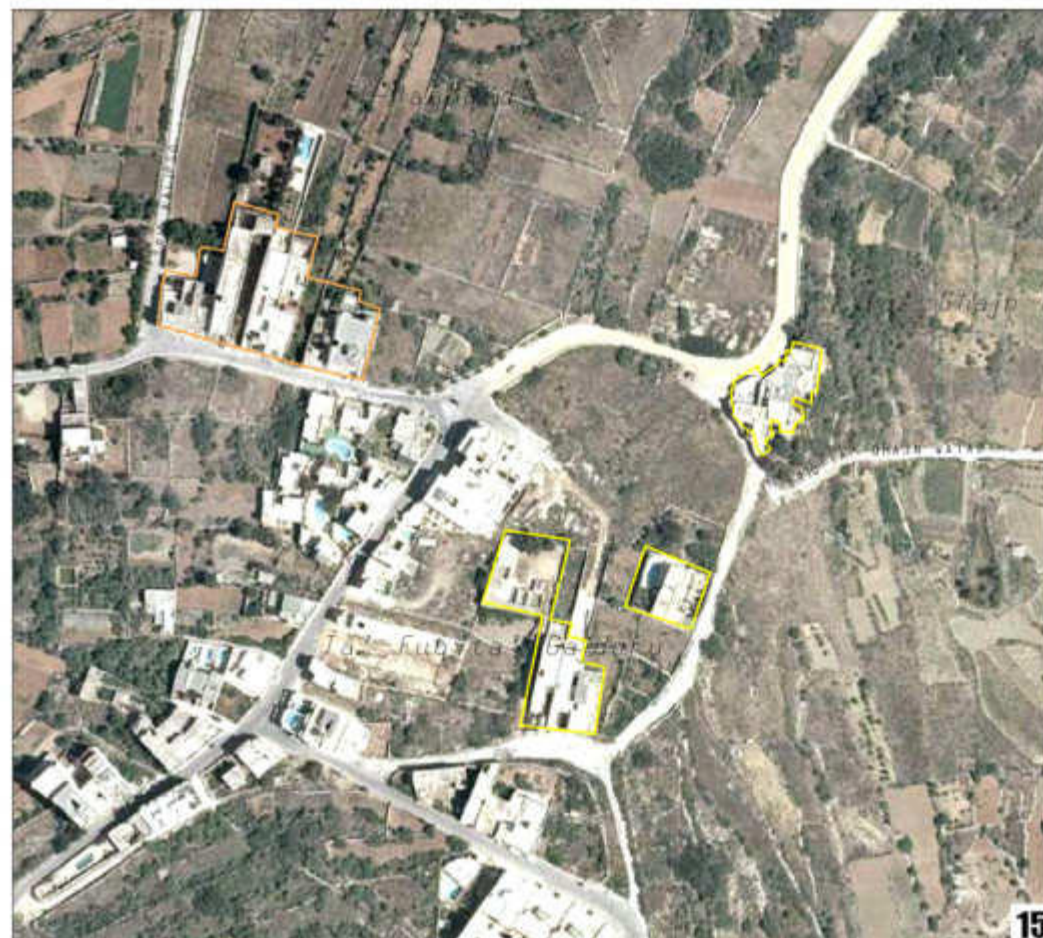
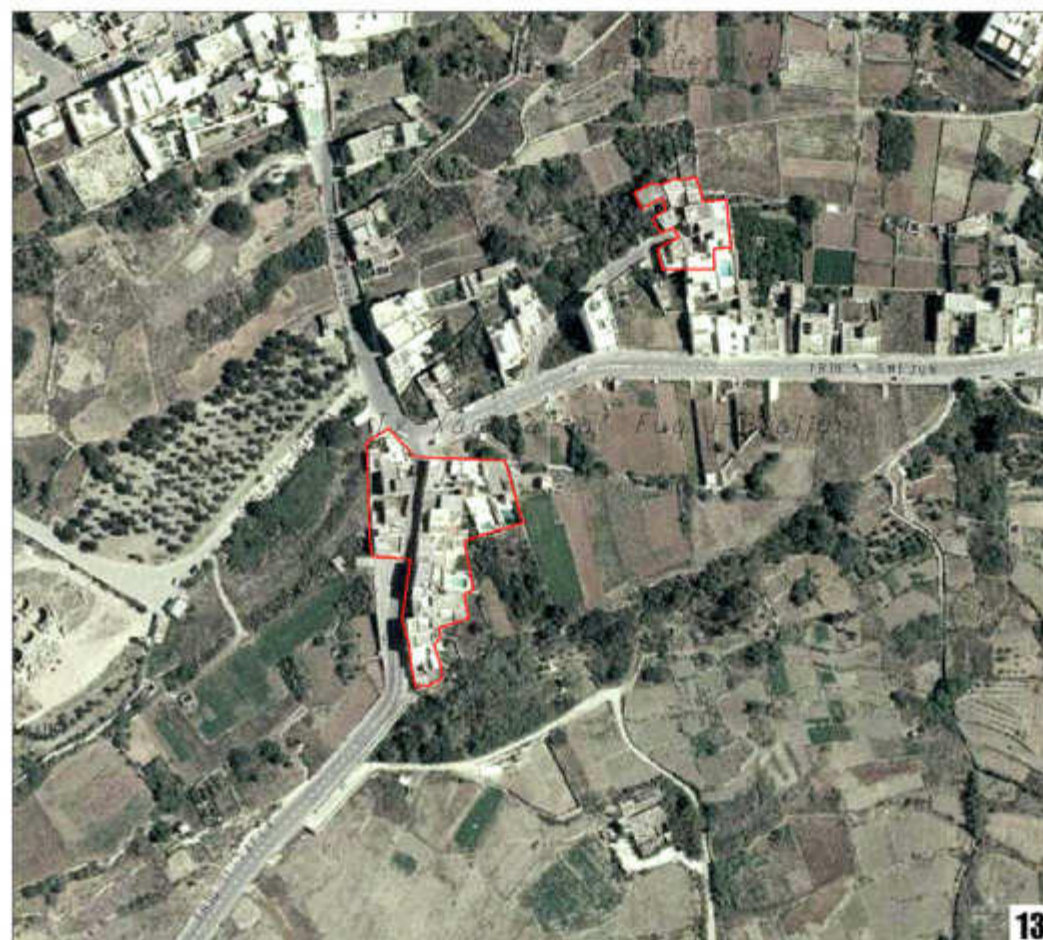
1. Indicative only. Not to be used for measurement or direct interpretation.
2. Maps to be used in conjunction with Policy Document
3. Built-up Areas based on 1988 Maps



**Map 4.2.10-D**  
**ODZ SETTLEMENTS**

**Key**

-  Category 1 ODZ Settlements GZ-RLST-1
-  Category 2 ODZ Settlements GZ-RLST-2
-  Category 3 ODZ Settlements GZ-RLST-3



**Remarks :**

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**Important :**

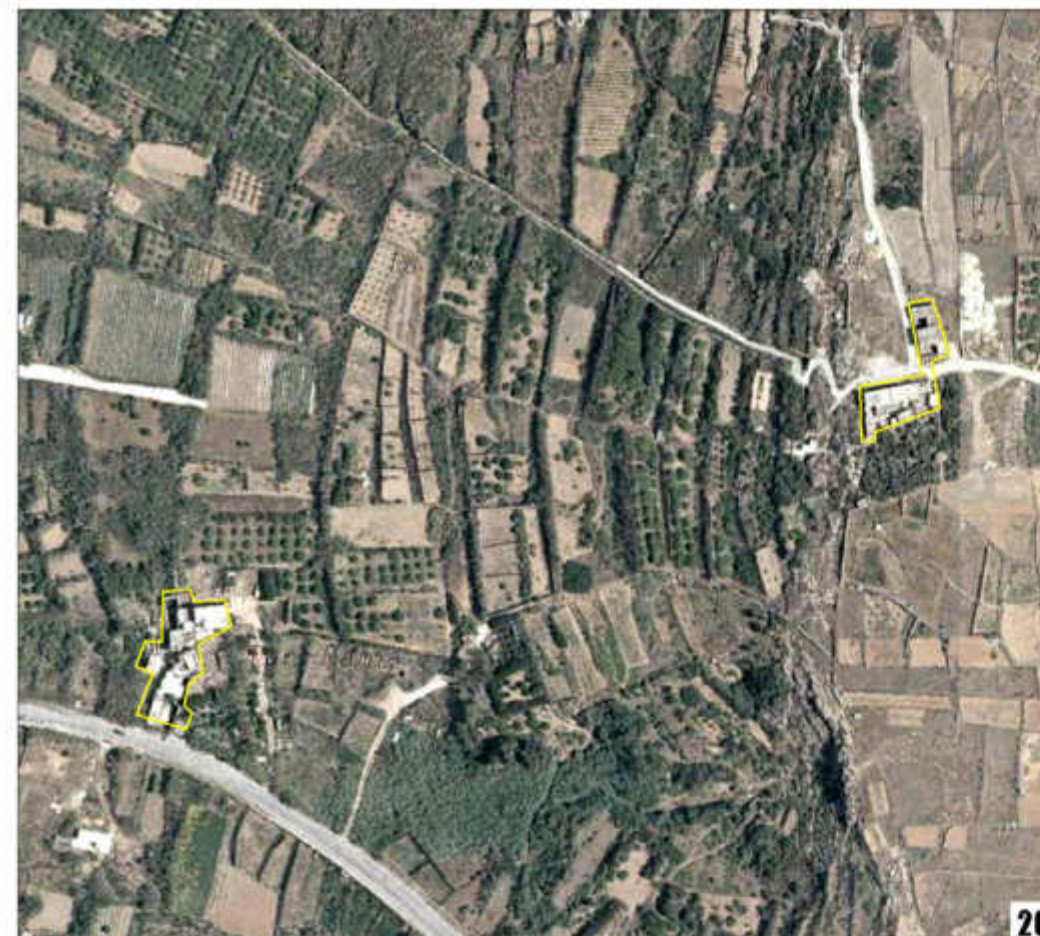
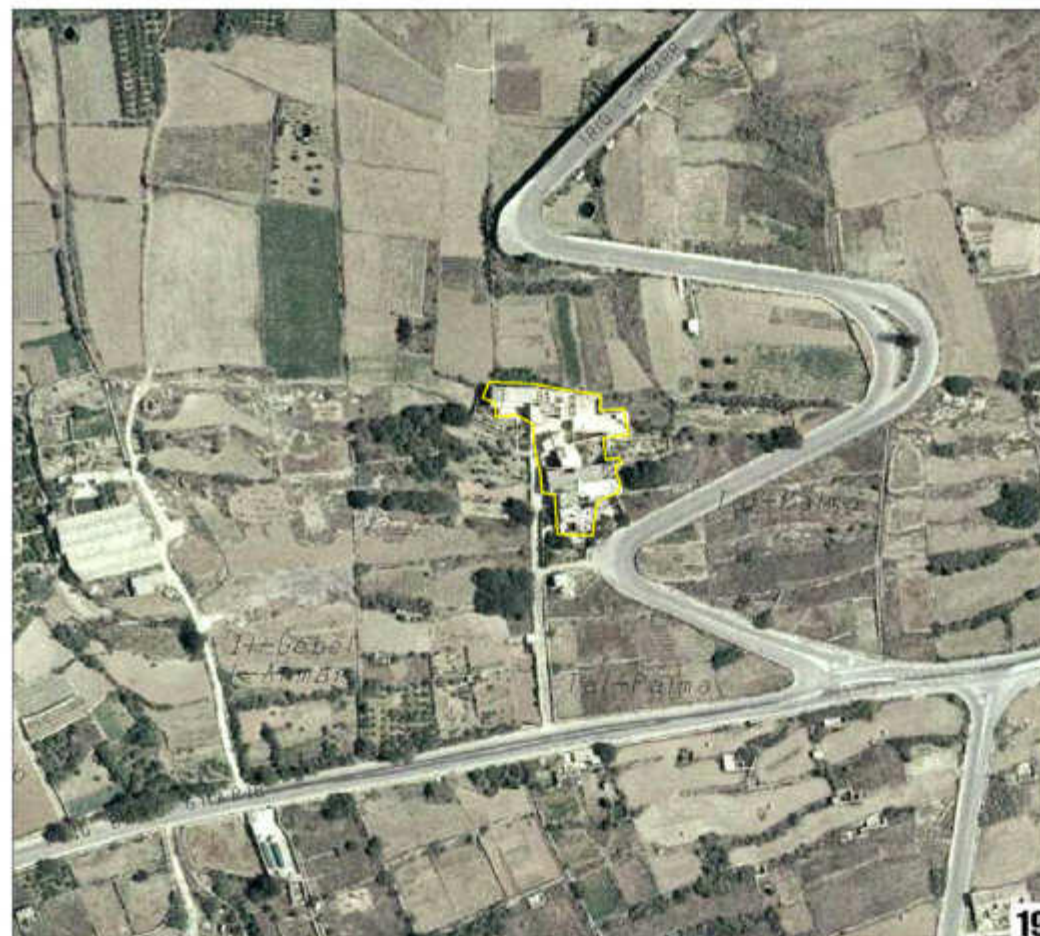
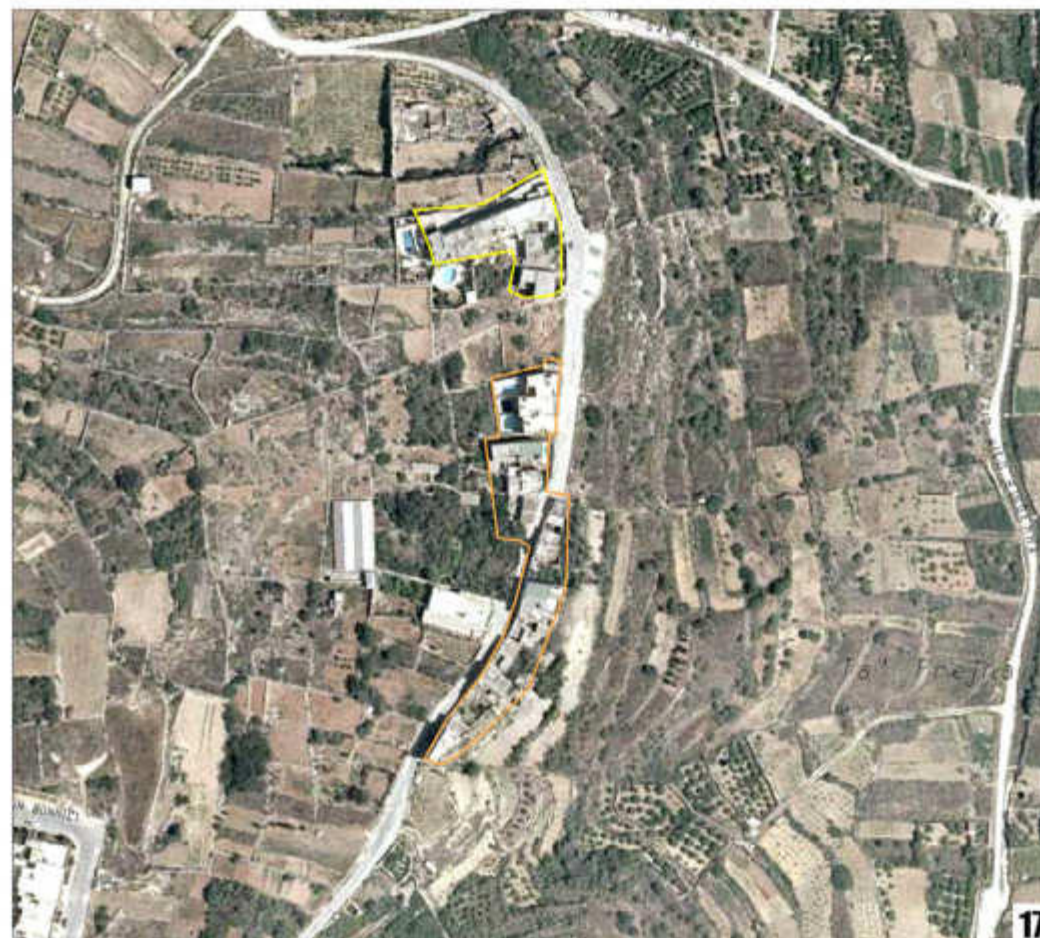
1. Indicative only. Not to be used for measurement or direct interpretation.
2. Maps to be used in conjunction with Policy Document
3. Built-up Areas based on 1985 Maps



**Map 4.2.10-E**  
**ODZ SETTLEMENTS**

**Key**

-  Category 2 ODZ Settlements GZ-RLST-2
-  Category 3 ODZ Settlements GZ-RLST-3



**Remarks :**

The number at the bottom of the insets cross refers to general Map 4.2.10.

**Important :**

1. Indicative only. Not to be used for measurement or direct interpretation.
2. Maps to be used in conjunction with Policy Document
3. Built-up Areas based on 1985 Maps



**Map 4.2.10-F**  
**ODZ SETTLEMENTS**

**Key**

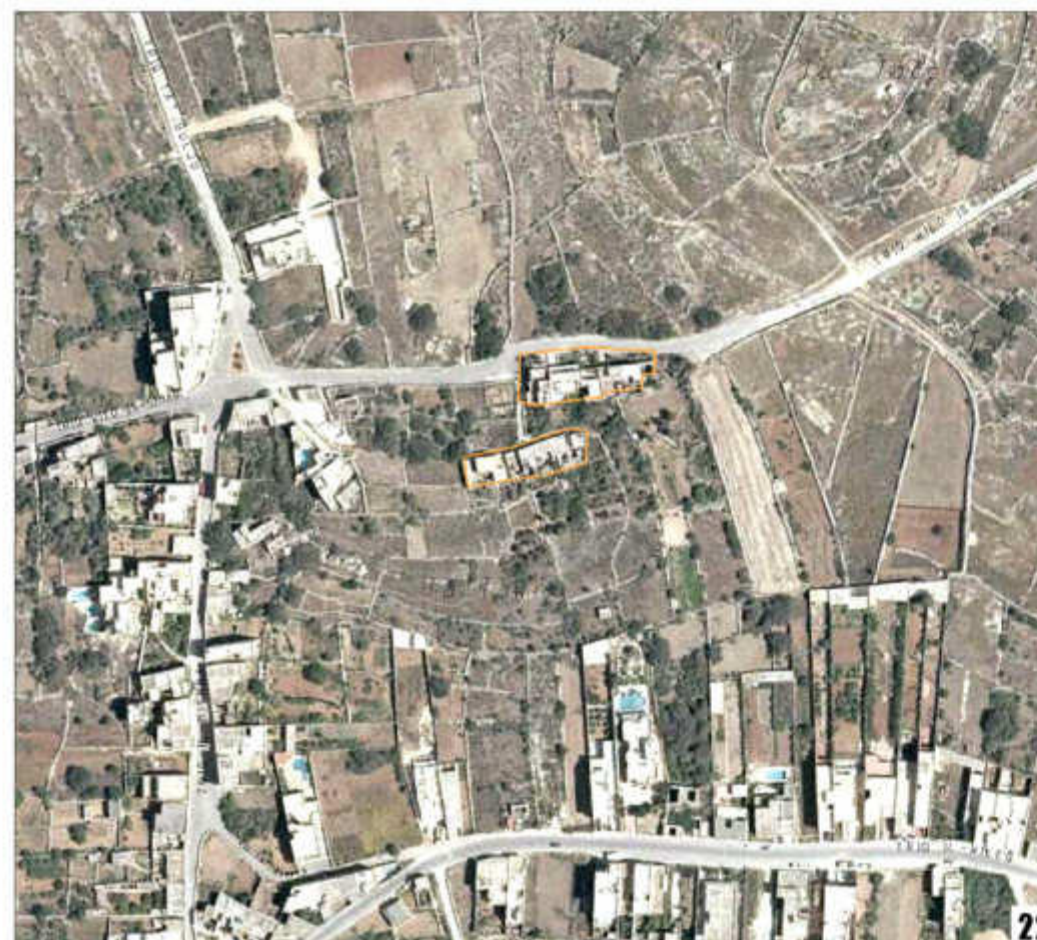
-  Category 2 ODZ Settlements GZ-RLST-2
-  Category 3 ODZ Settlements GZ-RLST-3

**Remarks :**

The number at the bottom of the insets cross refers to general Map 4.2.10.

**Important :**

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2. Maps to be used in conjunction with Policy Document
3. Built-up Areas based on 1985 Maps





**Map 4.2.10-G**  
**ODZ SETTLEMENTS**

**Key**

-  Category 2 ODZ Settlements GZ-RLST-2
-  Category 3 ODZ Settlements GZ-RLST-3

**Remarks :**

The number at the bottom of the insets cross refers to general Map 4.2.10.

**Important :**

1. Indicative only. Not to be used for measurement or direct interpretation.
2. Maps to be used in conjunction with Policy Document
3. Built-up Areas based on 1988 Maps



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26



27



28



**Map 4.2.10-H**  
**ODZ SETTLEMENTS**

**Key**



Category 3 ODZ Settlements GZ-RLST-3

**Remarks :**

The number at the bottom of the insets cross refers to general Map 4.2.10.

**Important :**


1. Indicative only. Not to be used for measurement or direct interpretation.
2. Maps to be used in conjunction with Policy Document
3. Built-up Areas based on 1988 Maps





**Map 4.2.10-I**  
**ODZ SETTLEMENTS**

**Key**

 Category 3 ODZ Settlements GZ-RLST-3

**Remarks :**

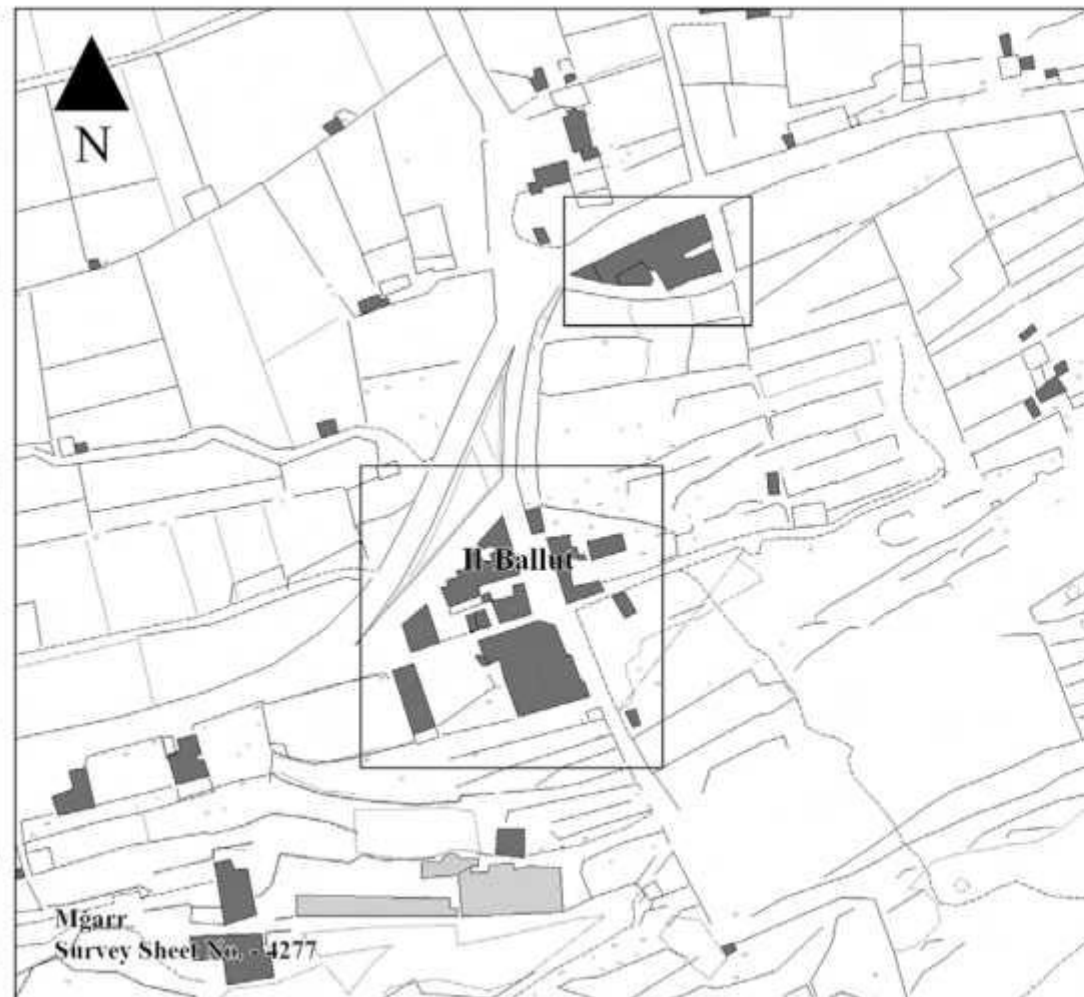
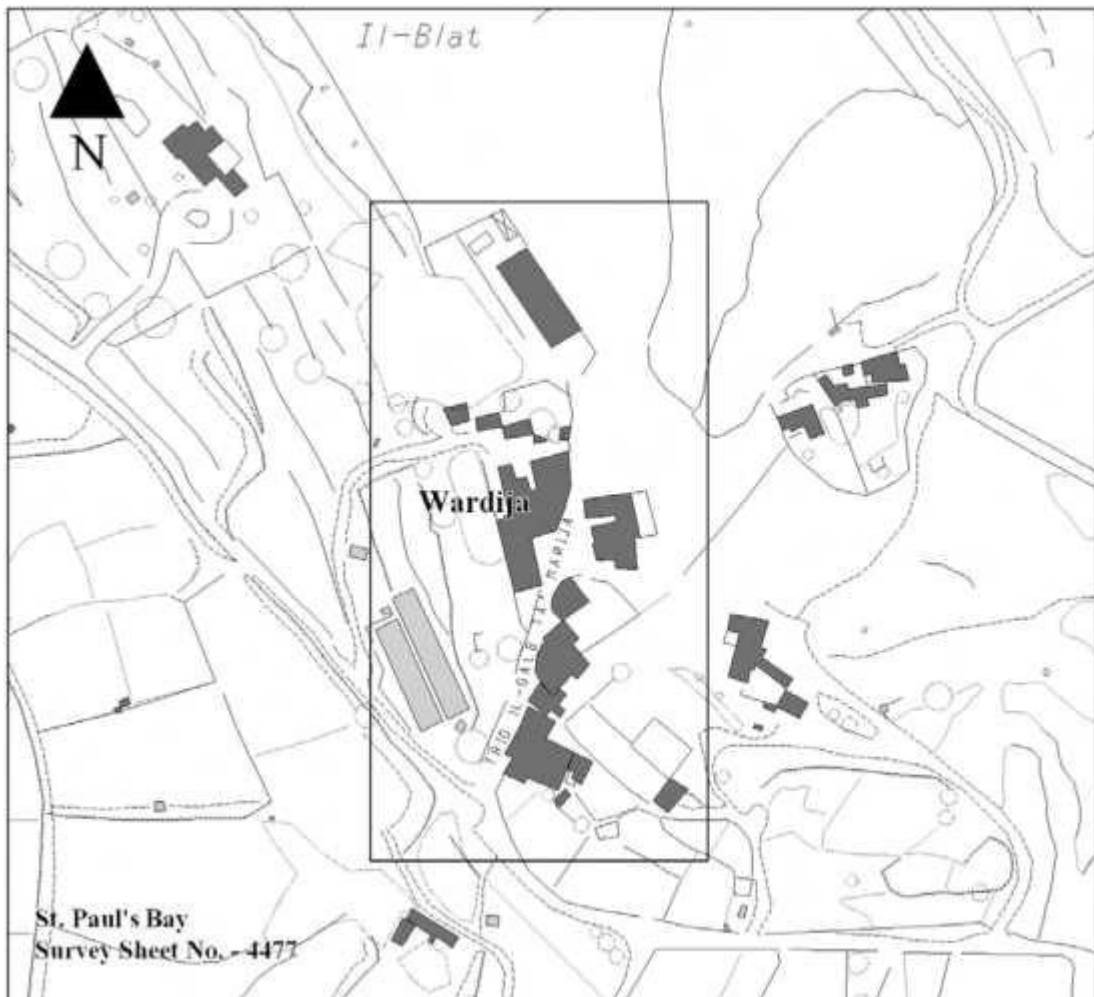
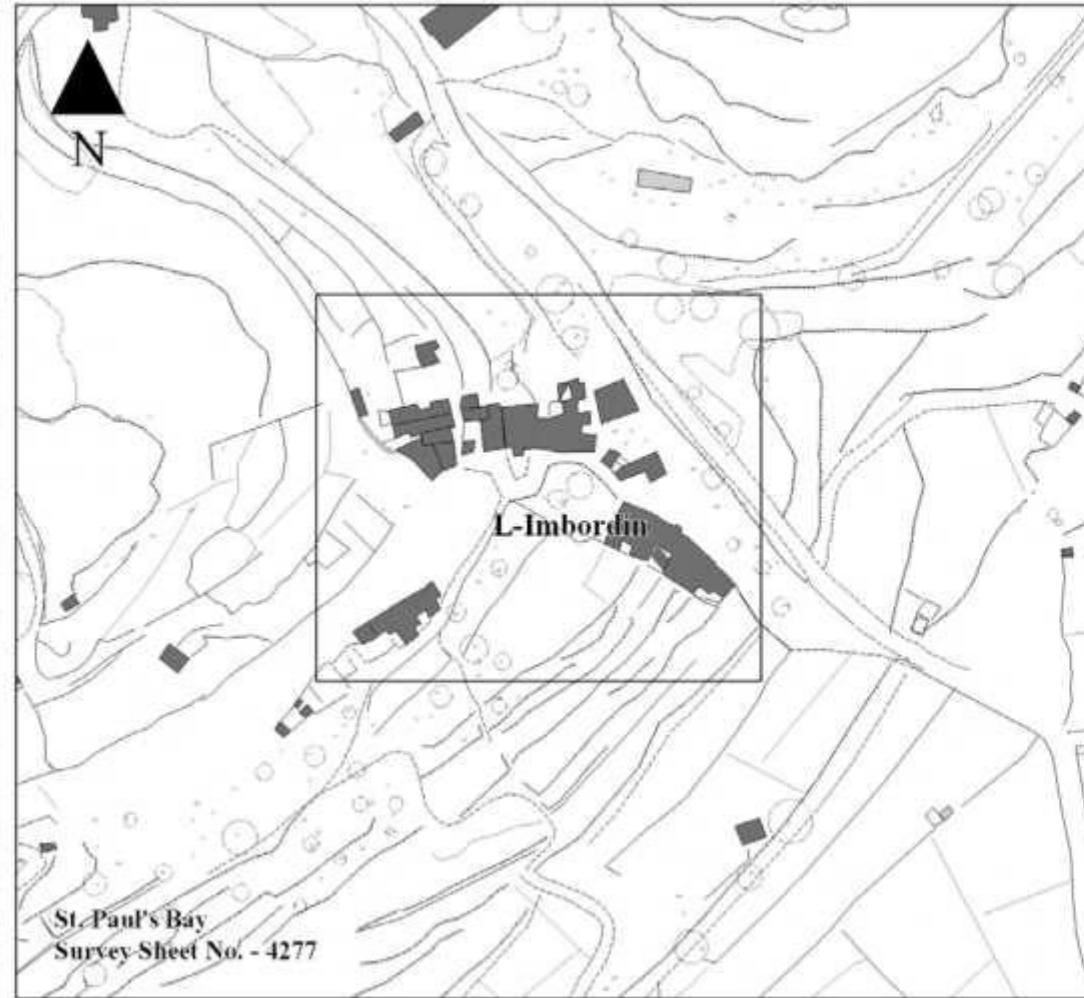
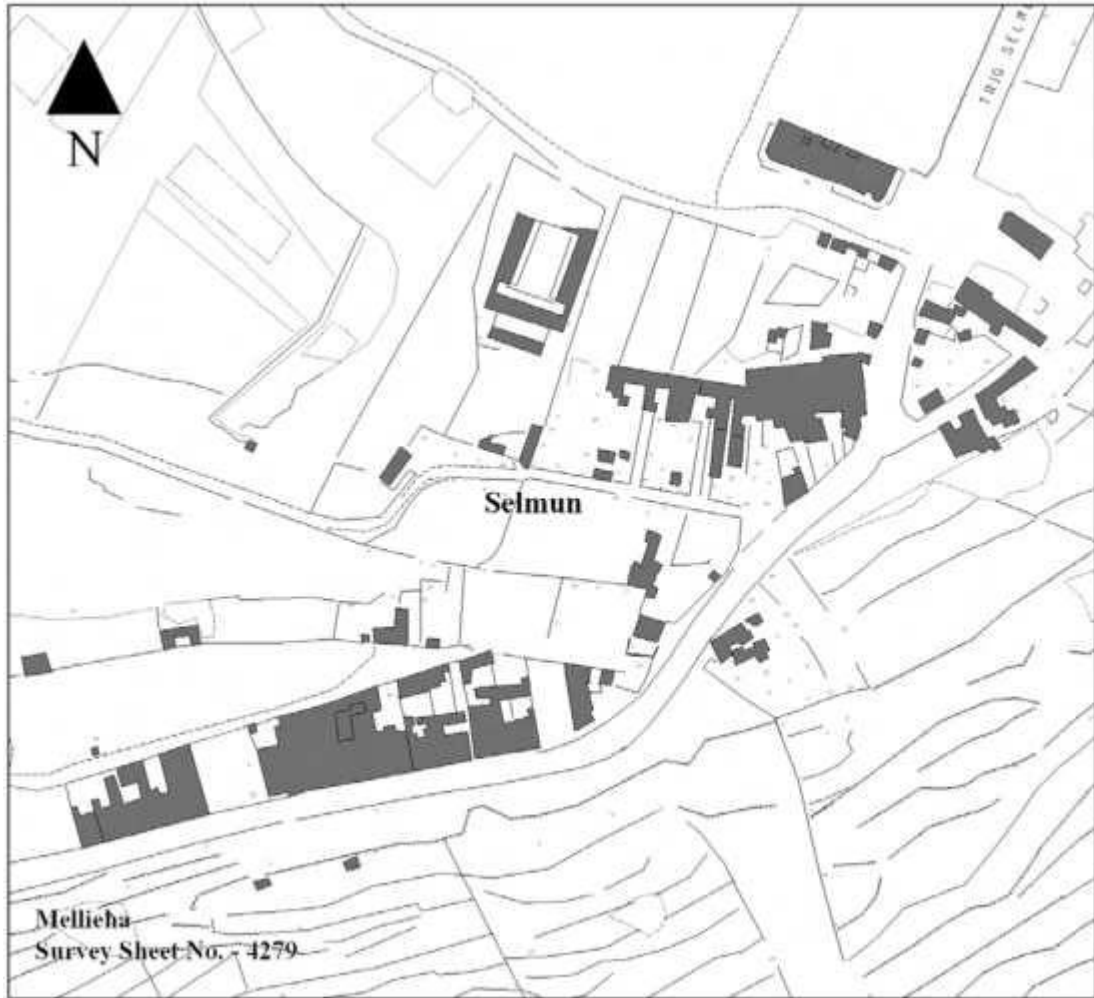
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**Important :**

- 1. Indicative only. Not to be used for measurement or direct interpretation.
- 2. Maps to be used in conjunction with Policy Document
- 3. Built-up Areas based on 1985 Maps



# **North West Local Plan**



**NORTH WEST LOCAL PLAN**



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

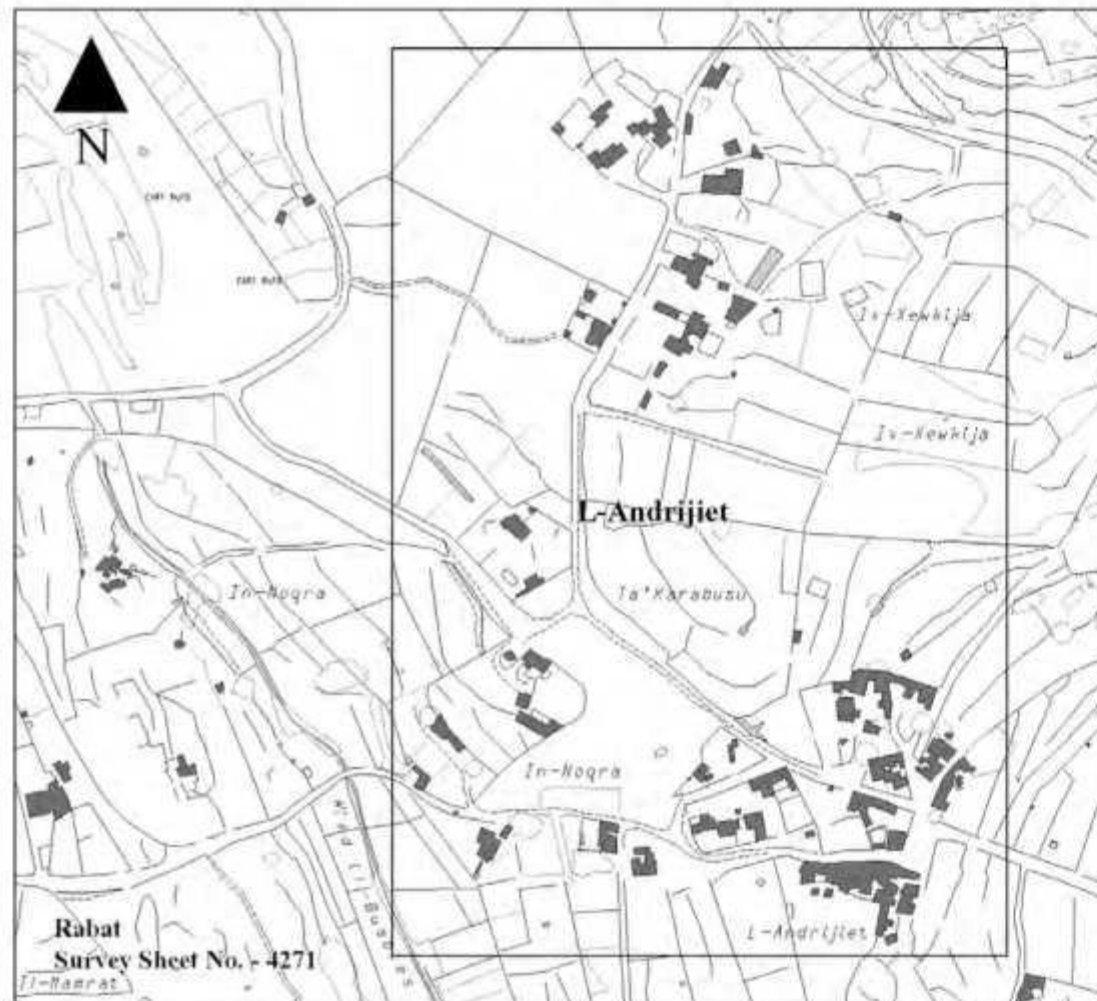
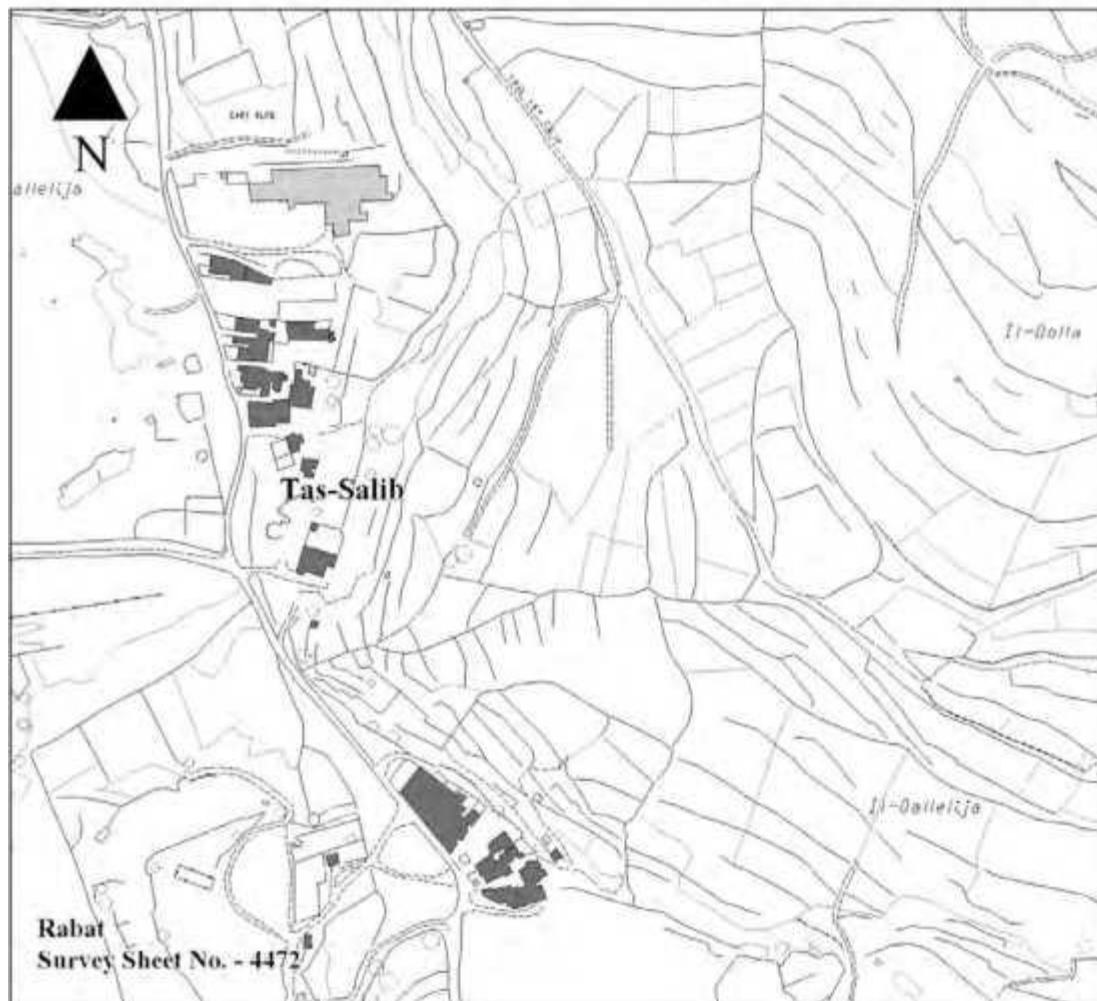
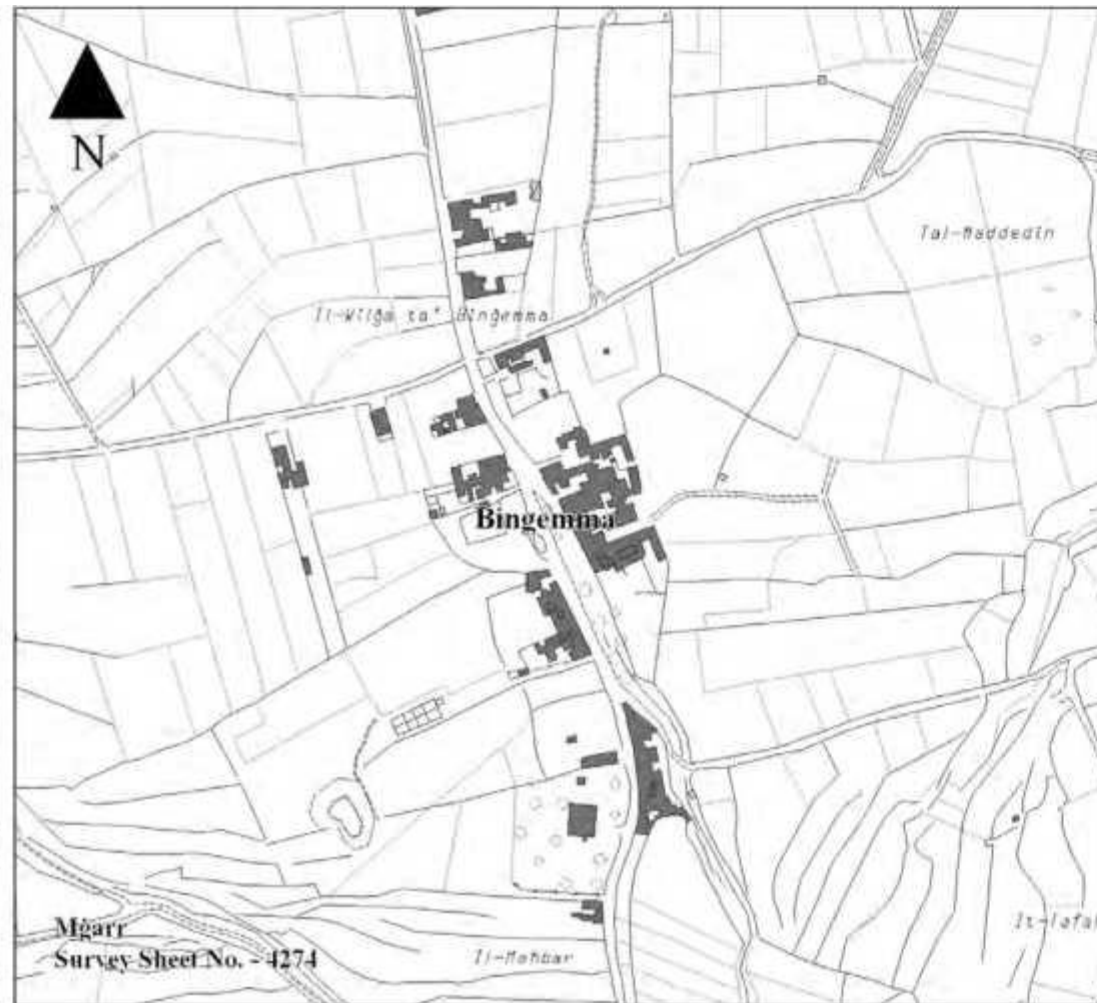
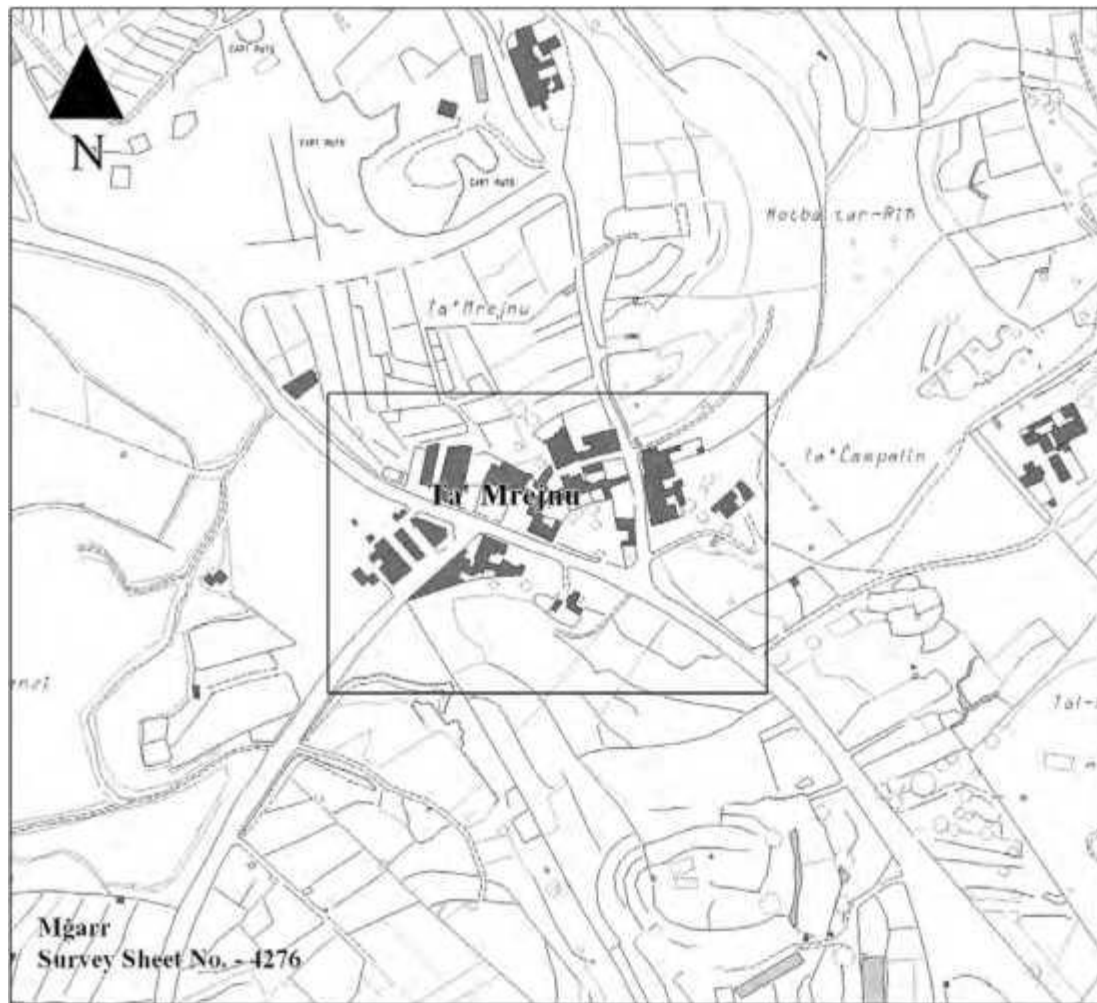
**Key**

- NWRS 1  
Classification of Settlements ODZ
- NWRS 3 - Large Rural Settlements
- Take up of uncommitted land strictly as per policy

**Category 2  
Large Rural Settlements**

Scale : <b>1:2,500</b>	Date : <b>June 2006</b>	Map: <b>3.4</b>
INDICATIVE ONLY		
Not to be used for measurement or direct interpretation. Maps to be used in conjunction with Policy Document		

Base Maps - 1988 Survey Sheets  
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NORTH WEST LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

NWRS 1  
Classification of Settlements ODZ

NWRS 3 - Large Rural Settlements

Take up of uncommitted land strictly  
as per policy

Category 2  
Large Rural Settlements

Scale :  
1:4,500

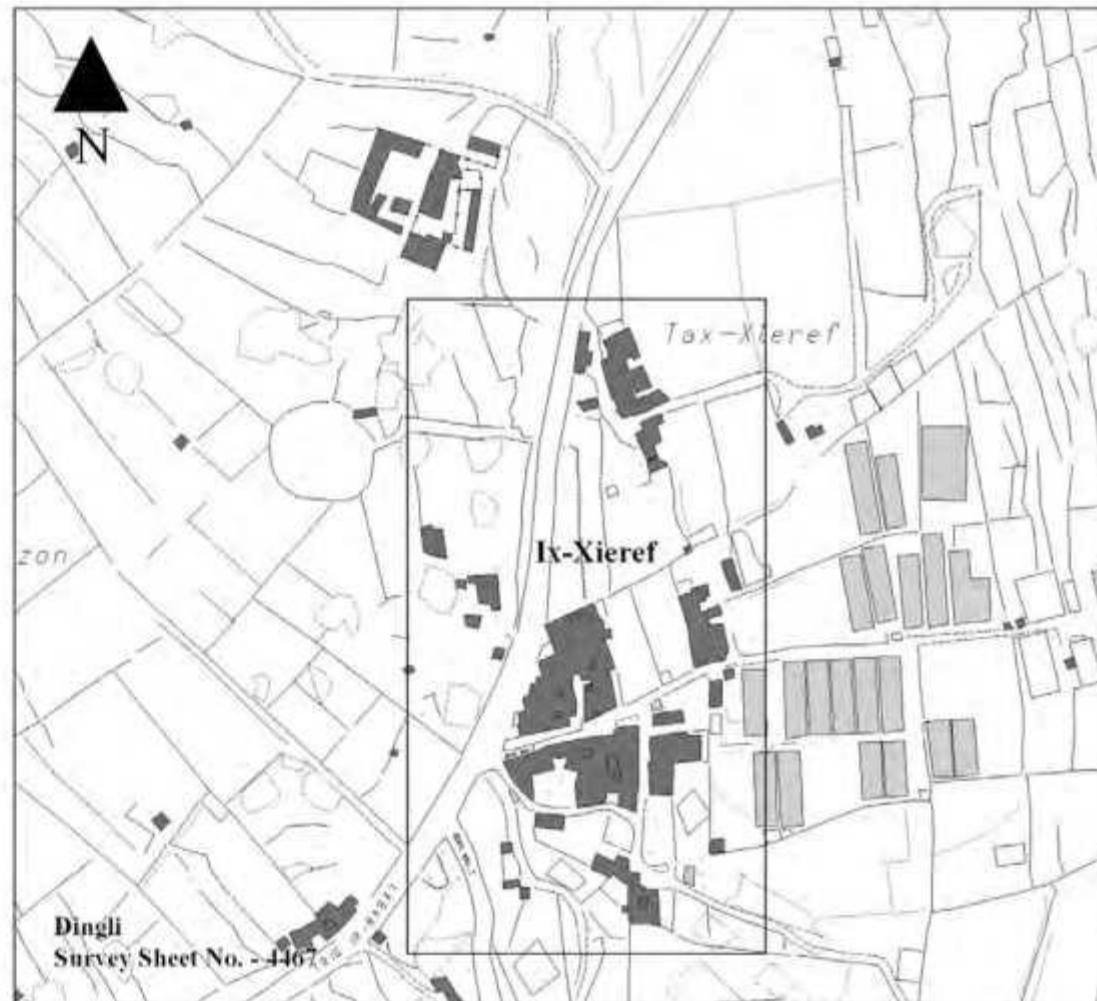
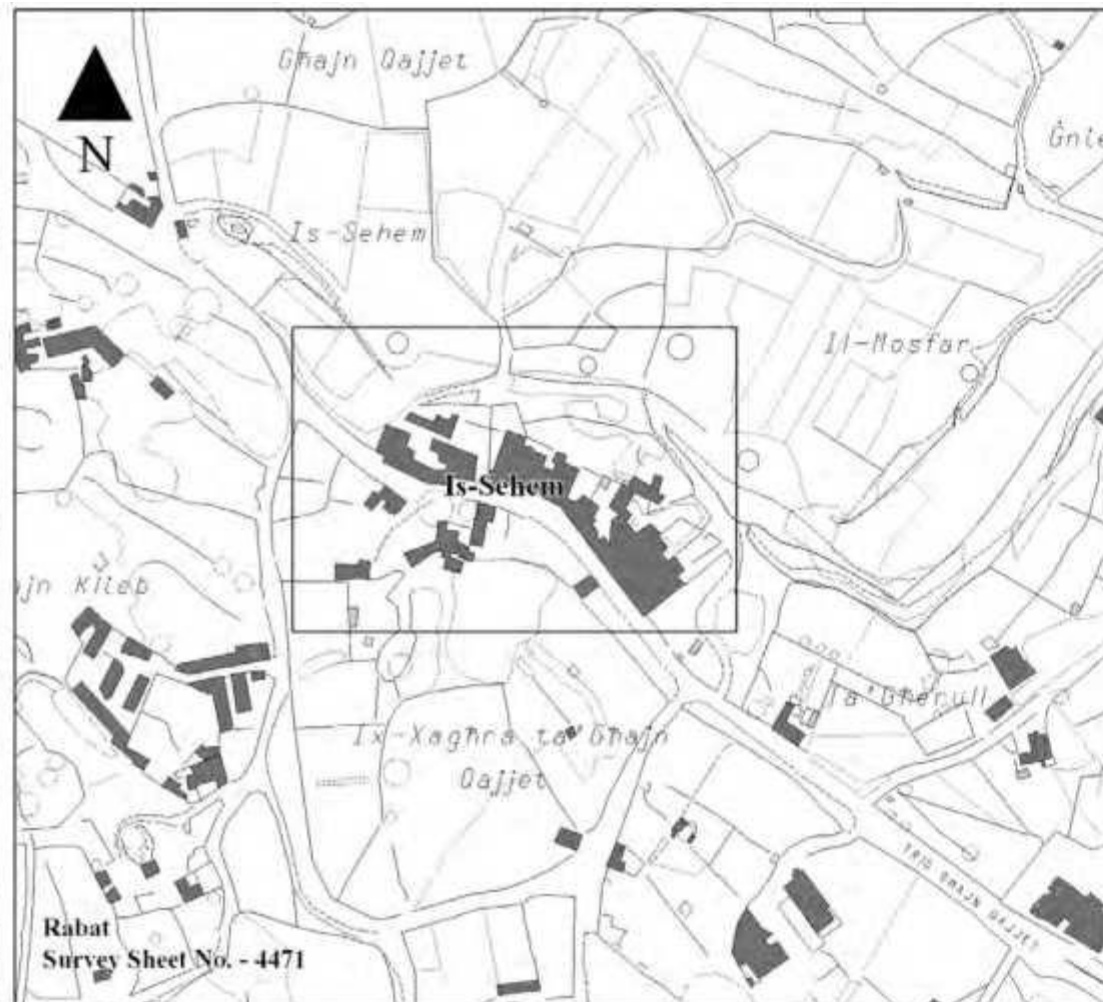
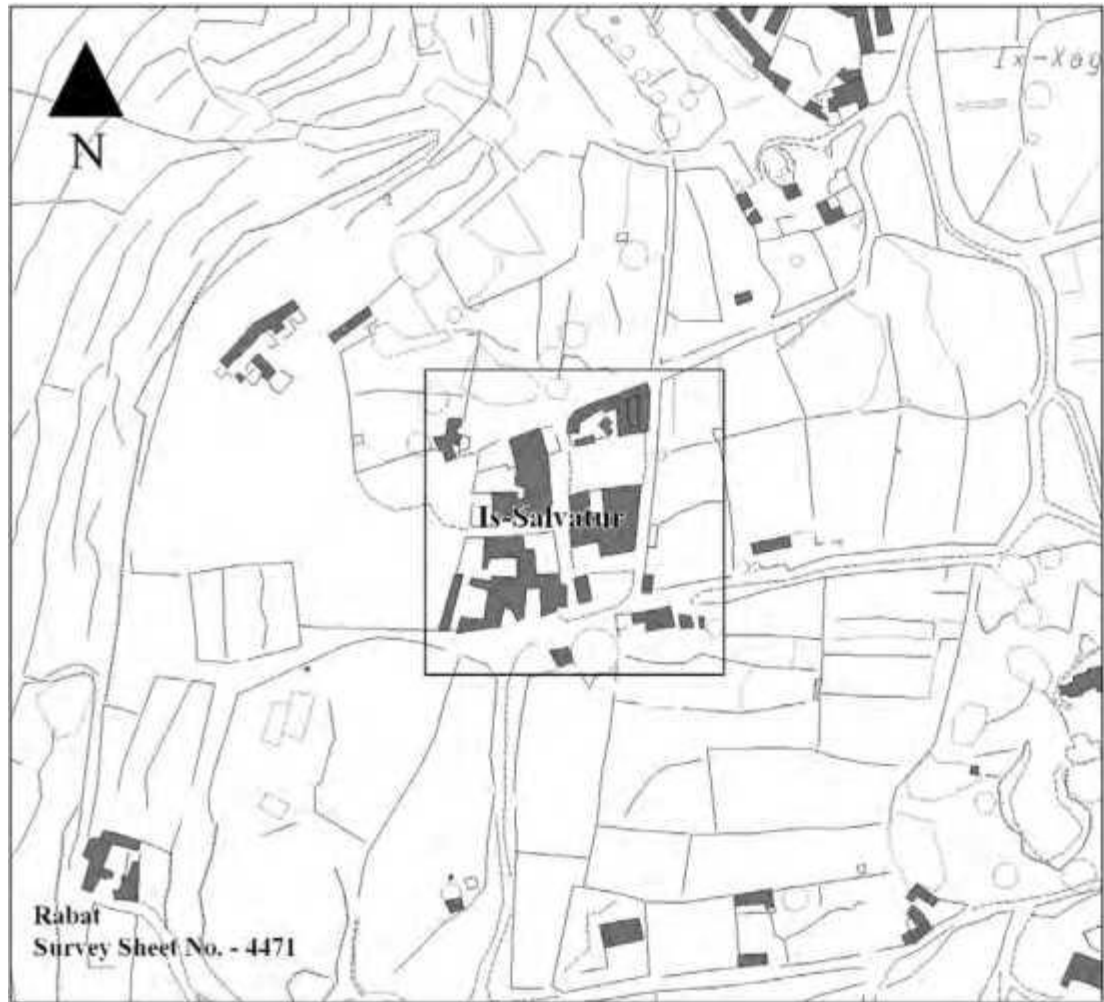
Date :  
June 2006

Map:

3.5

INDICATIVE ONLY  
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Maps to be used in conjunction with Policy Document

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**NORTH WEST LOCAL PLAN**



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

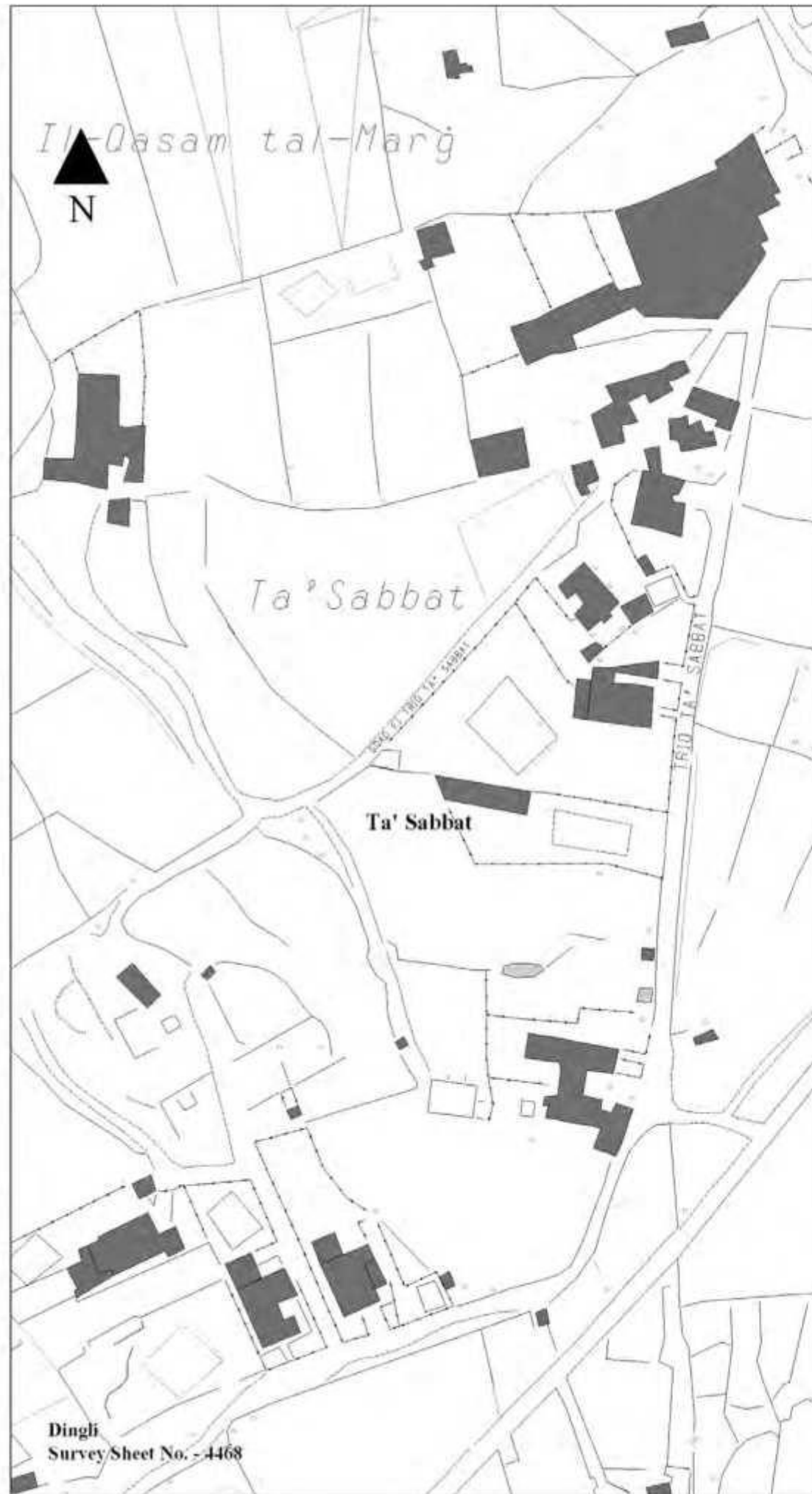
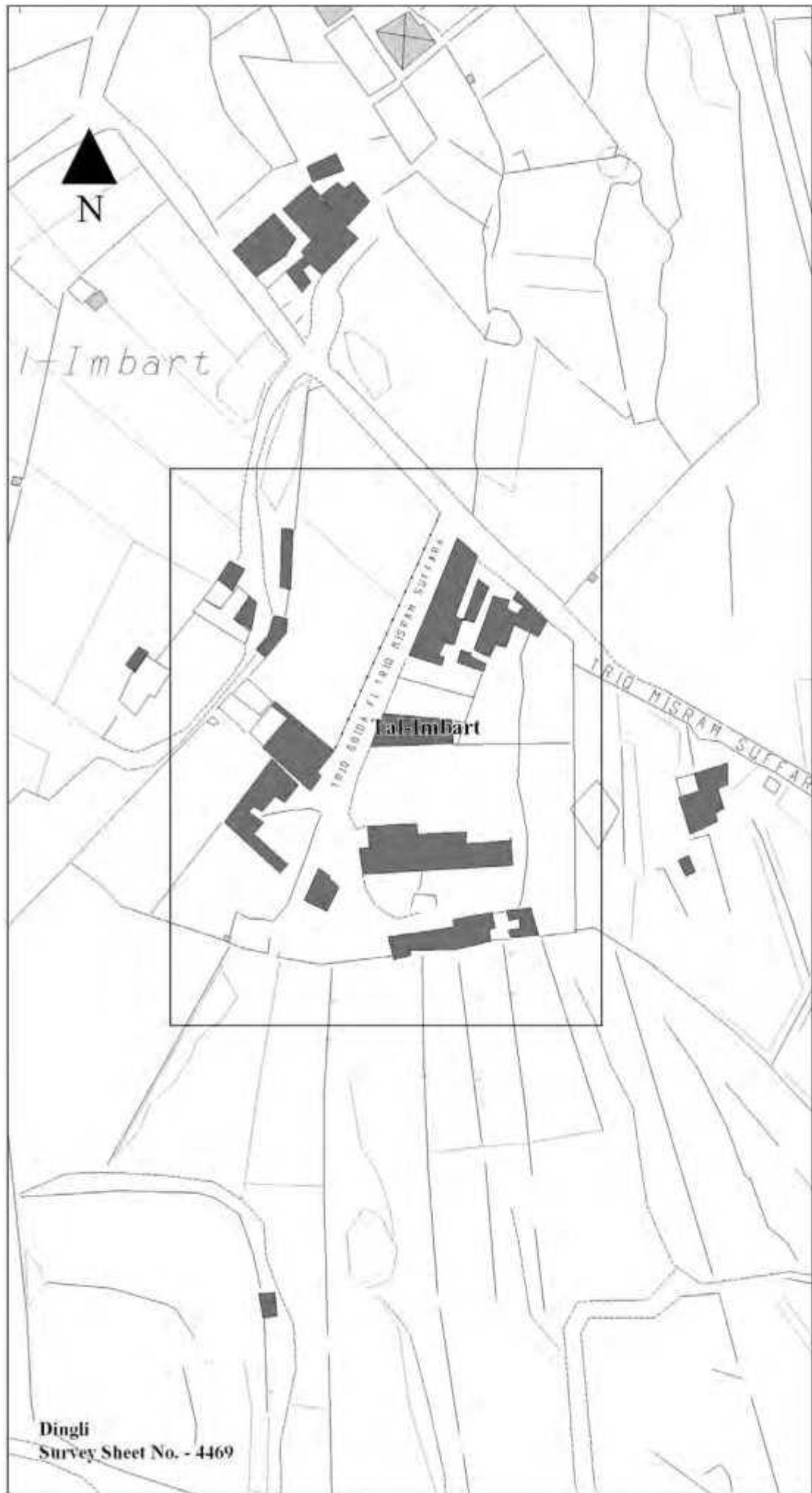
**Key**

- NWRS 1  
Classification of Settlements ODZ
- NWRS 3 - Large Rural Settlements
- Take up of uncommitted land strictly as per policy

**Category 2  
Large Rural Settlements**

Scale : <b>1:3,000</b>	Date : <b>June 2006</b>	Map: <b>3.6</b>
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NORTH WEST LOCAL PLAN



L-Awtorità ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

NWRS 1  
Classification of Settlements ODZ

NWRS 3 - Large Rural Settlements

Take up of uncommitted land strictly  
as per policy

Category 2  
Large Rural Settlements

Scale :  
1:1,500

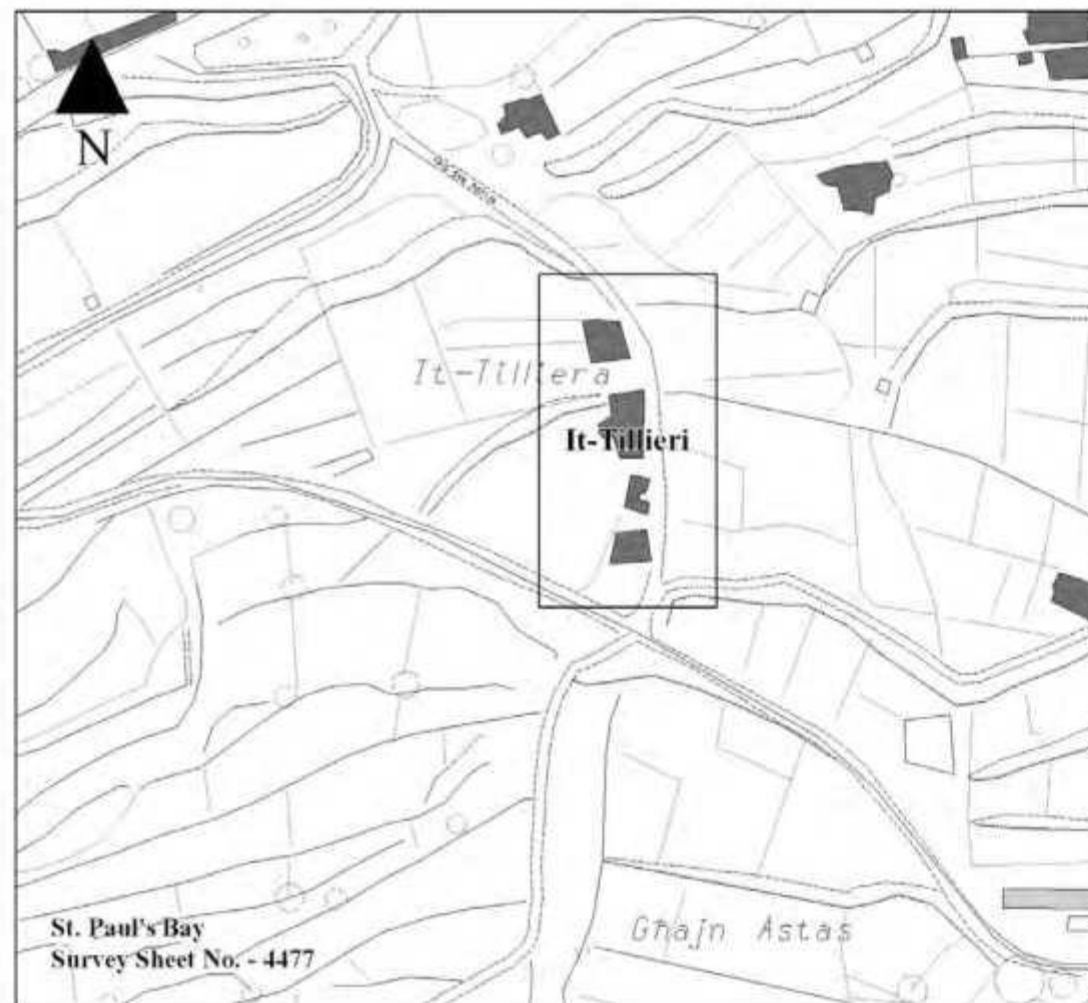
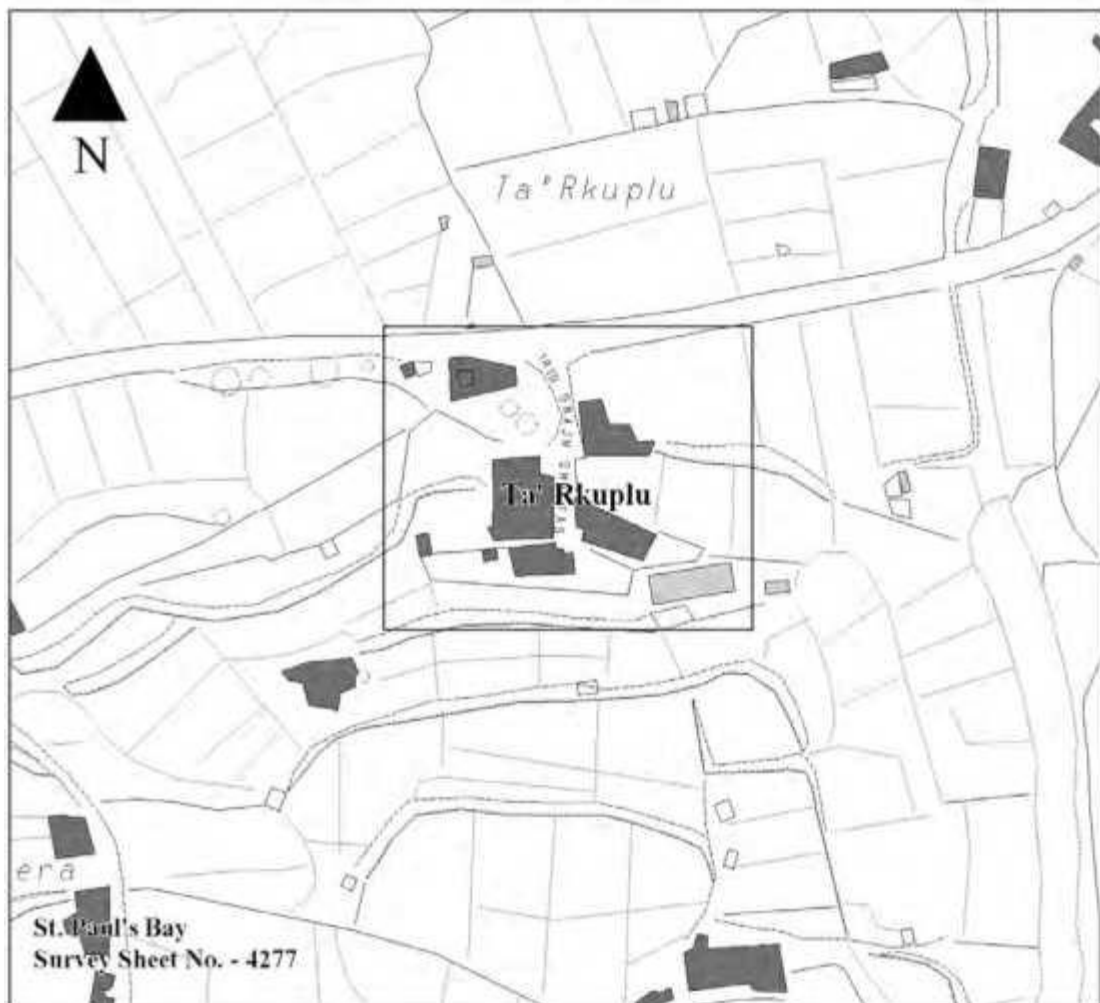
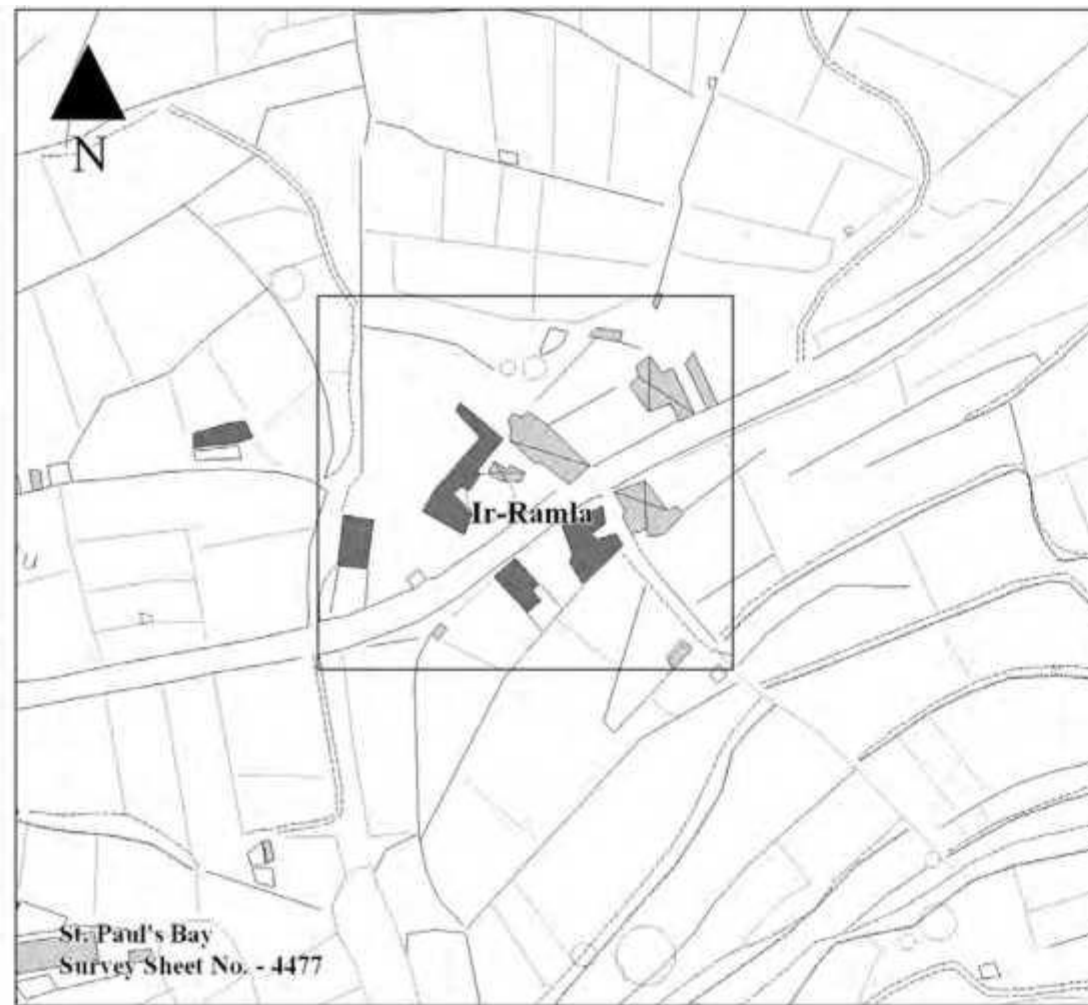
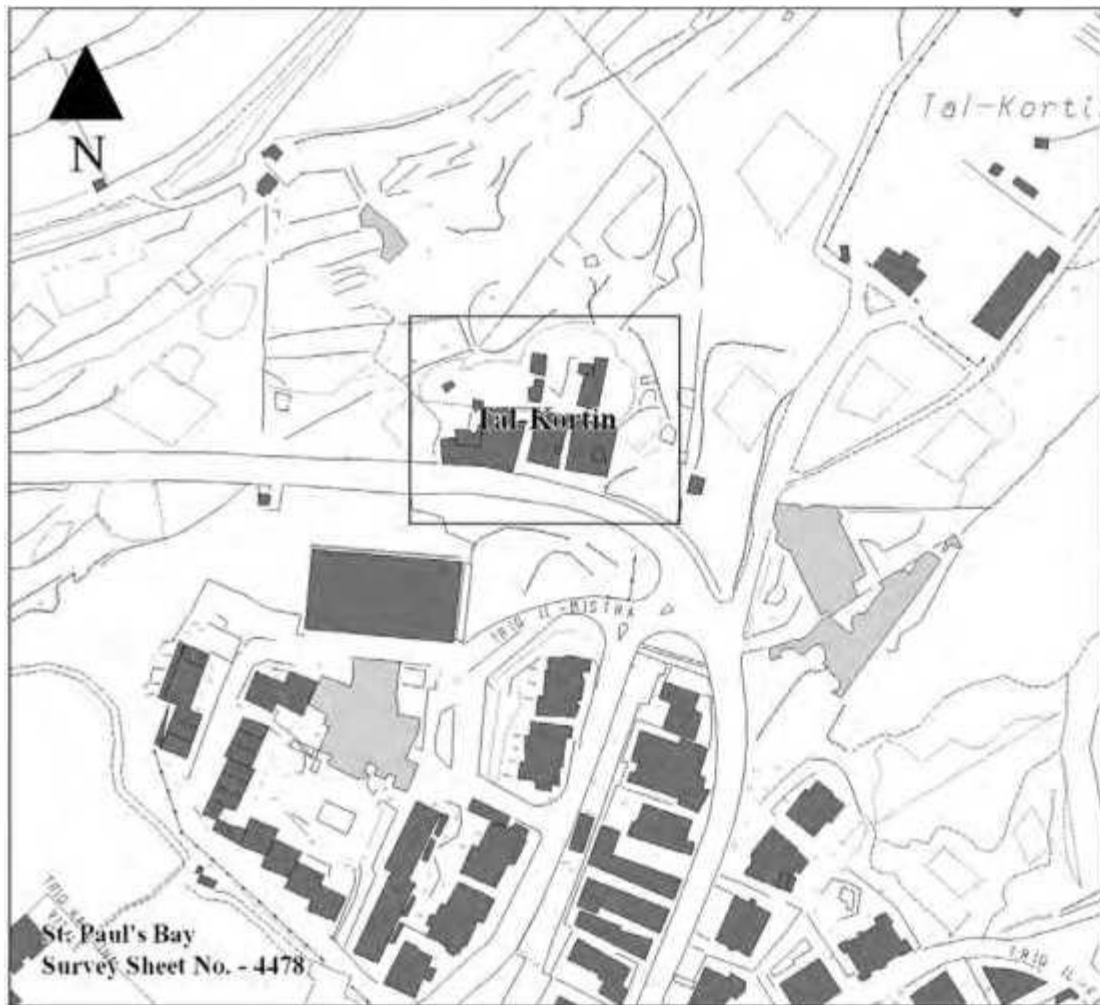
Date :  
June 2006

Map:

3.7

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**NORTH WEST LOCAL PLAN**



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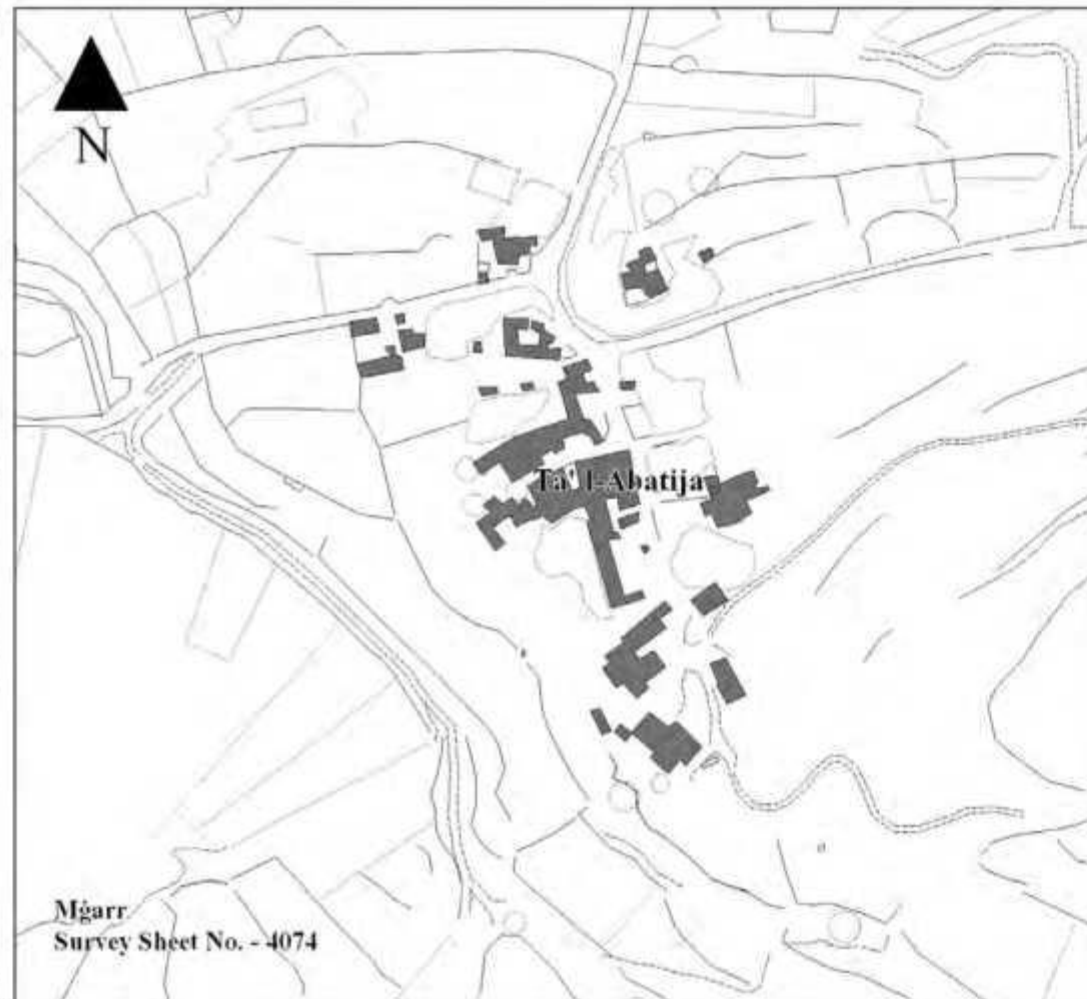
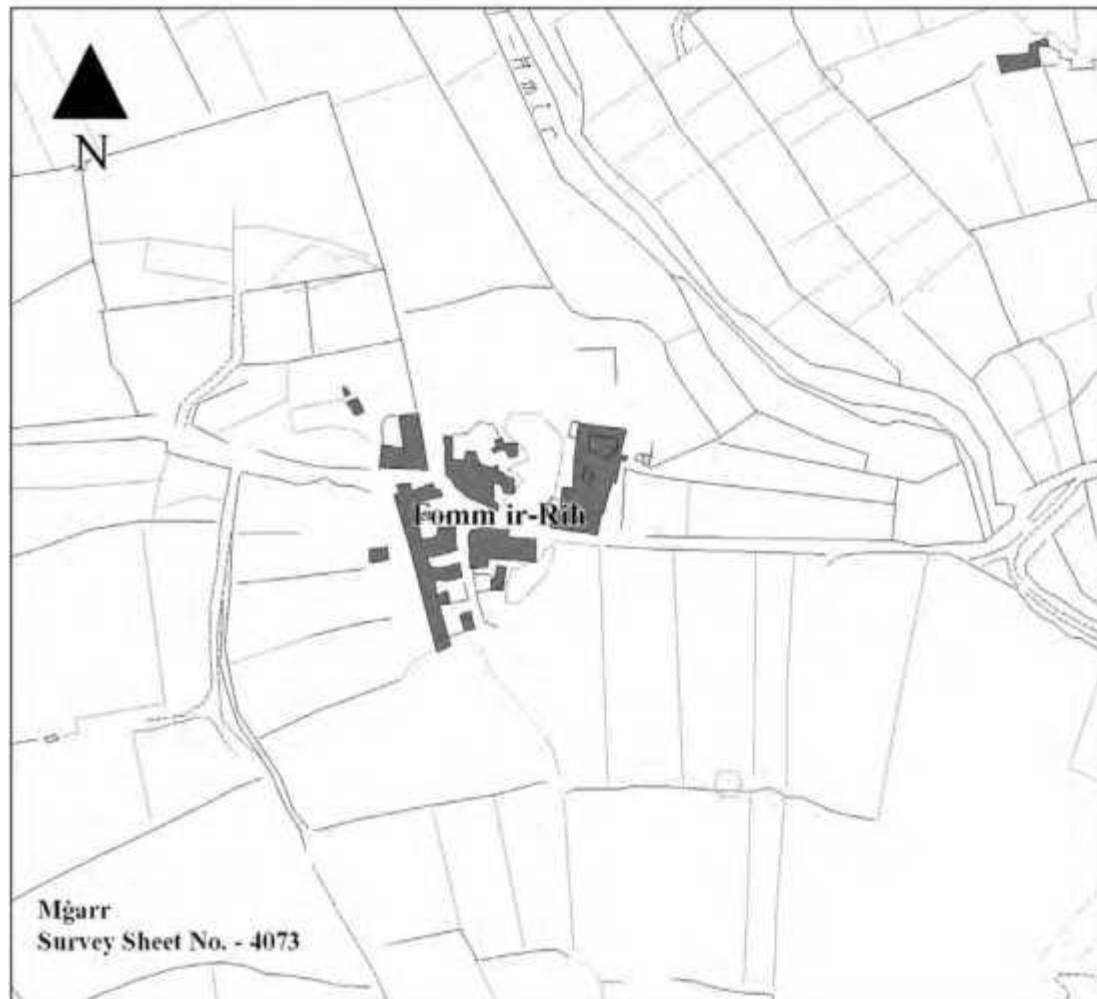
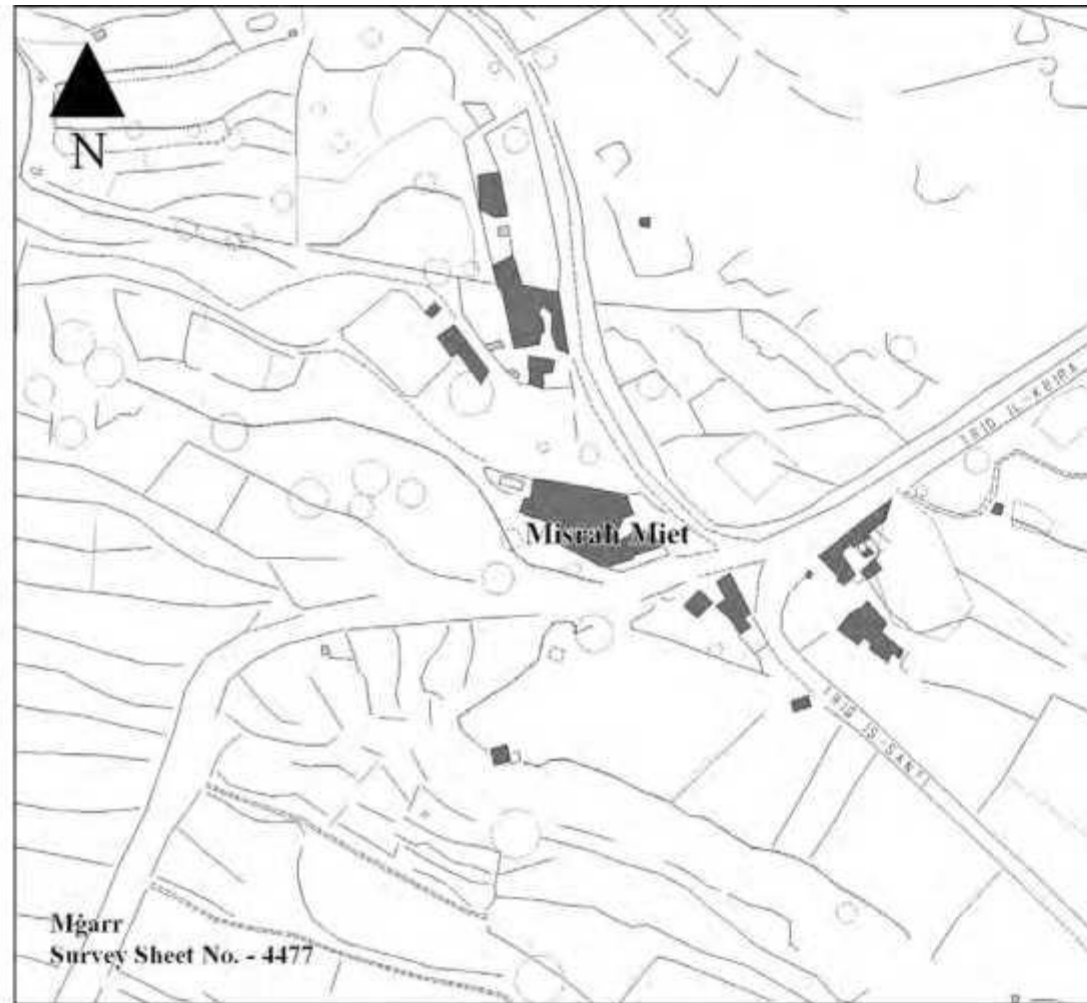
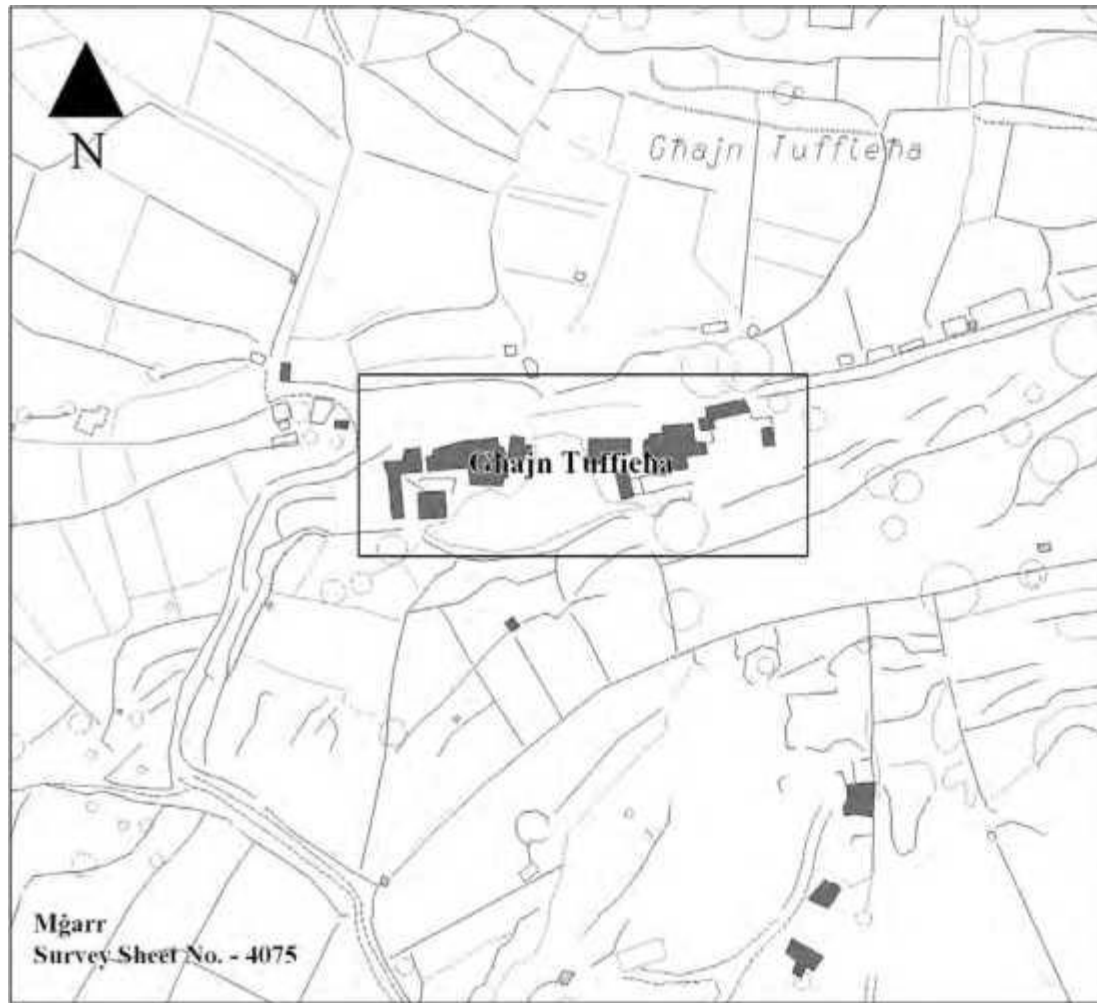
**Key**

- NWRS 1  
Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

**Category 3  
Small Rural Settlements**

Scale : <b>1:2,500</b>	Date : <b>June 2006</b>	Map: <b>3.8</b>
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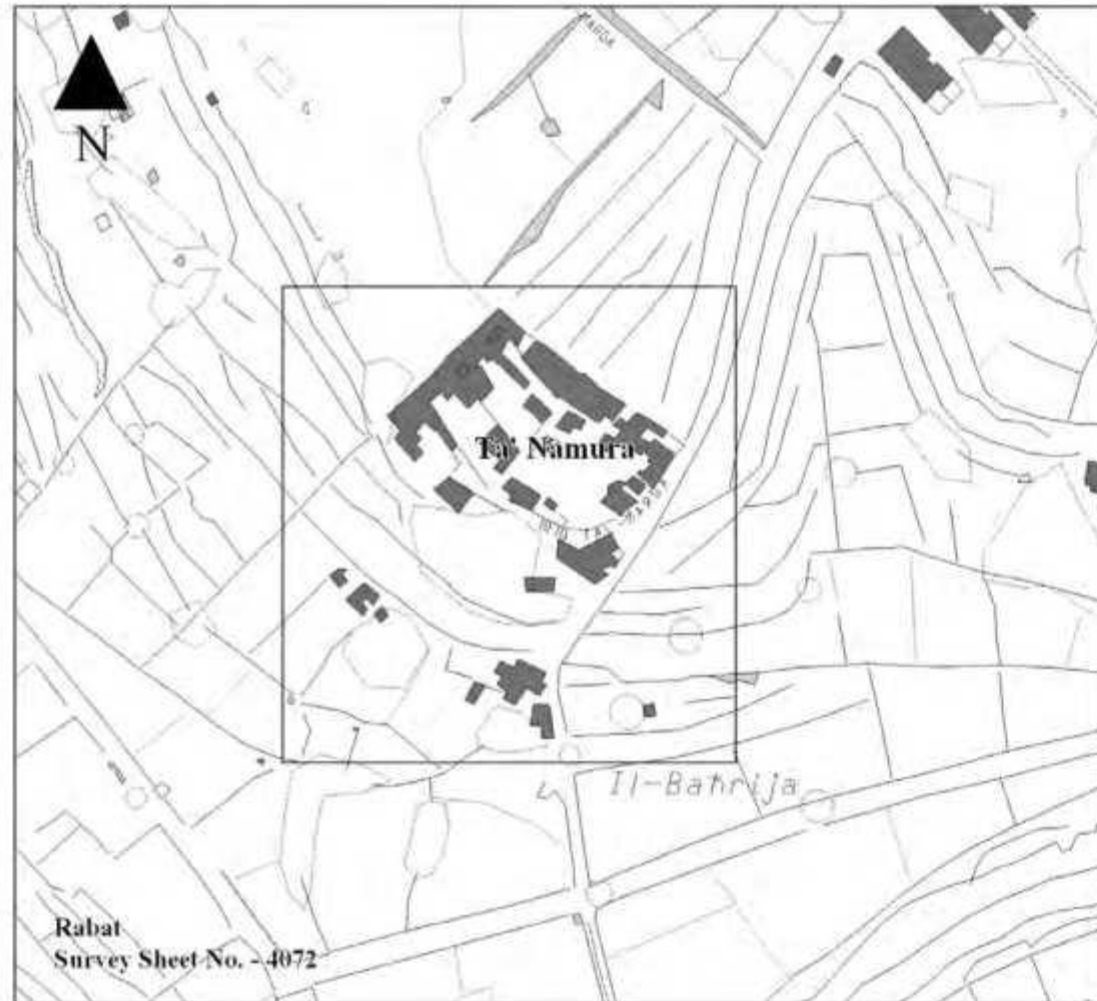
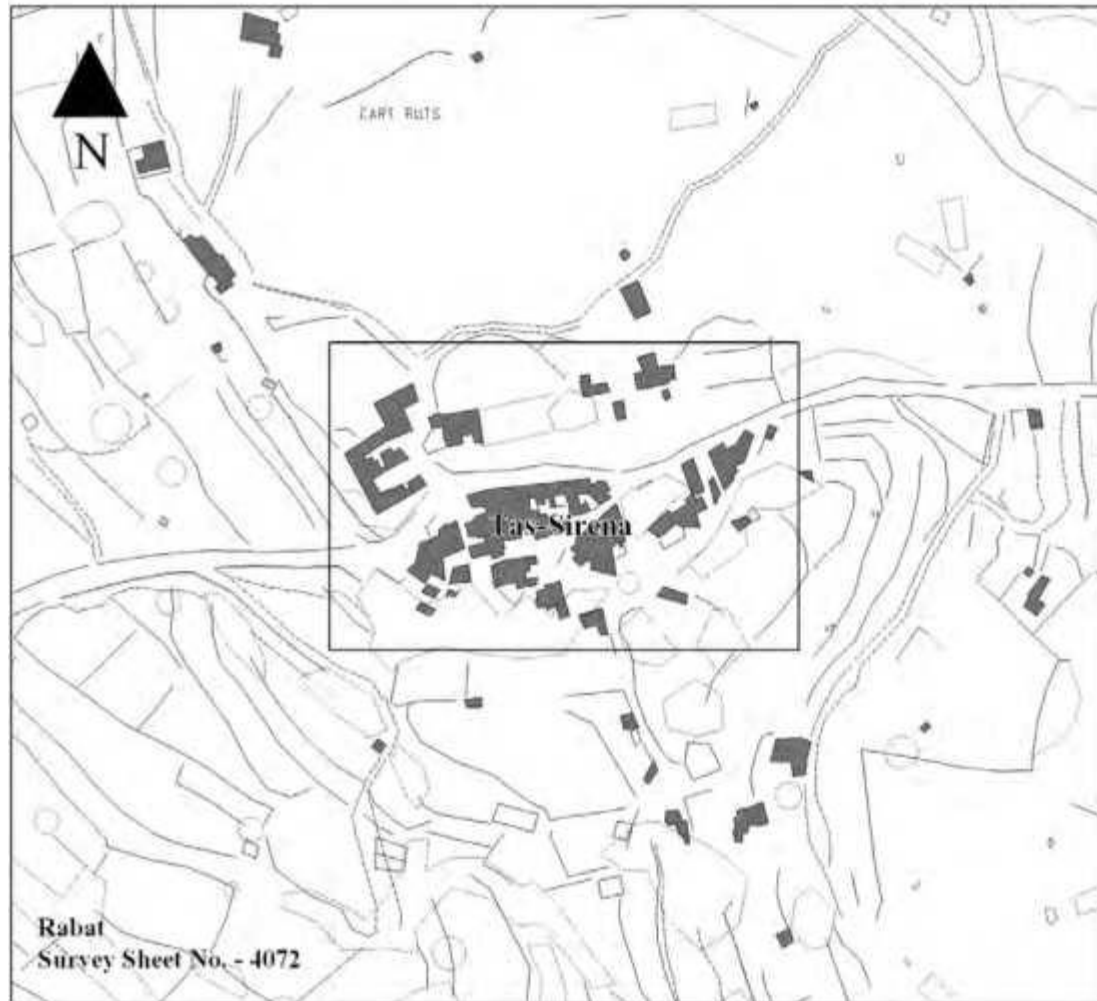
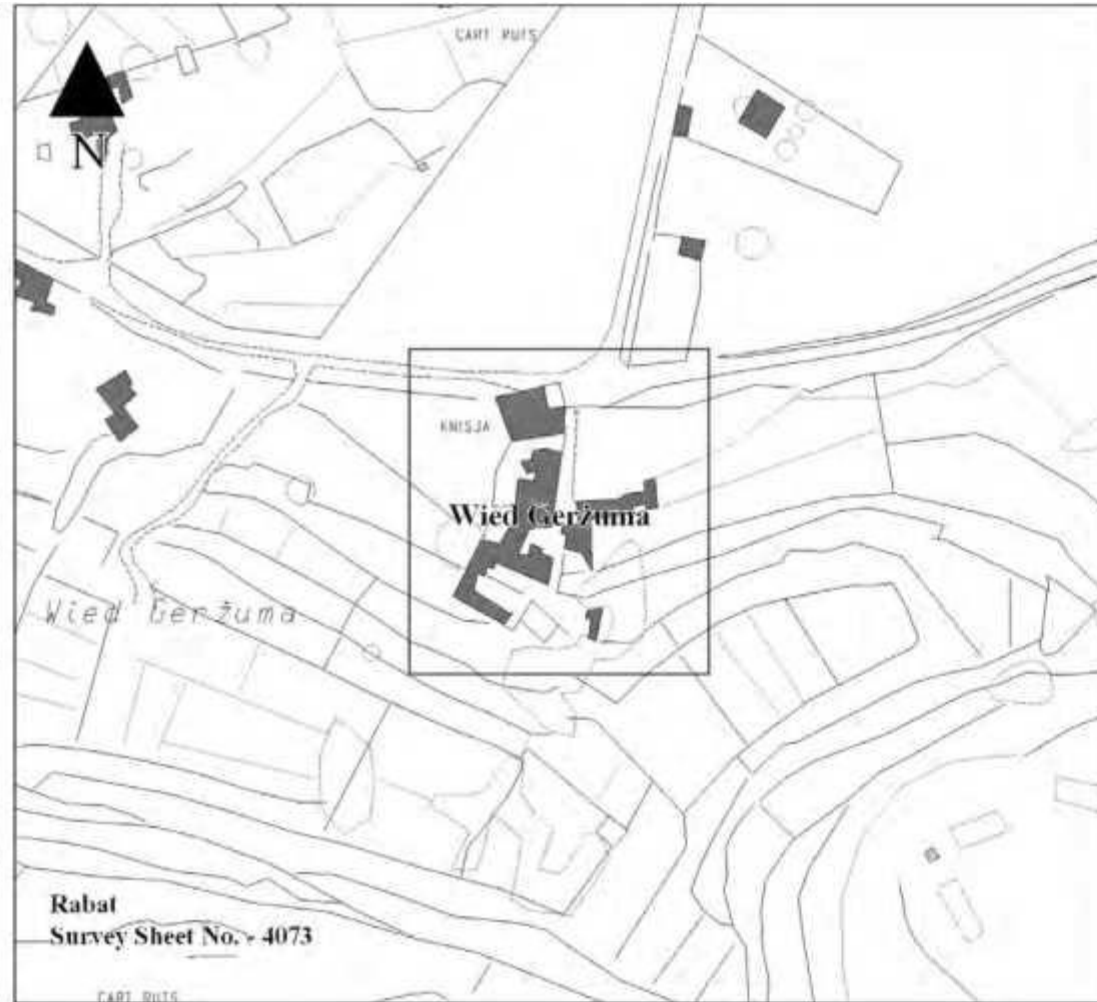
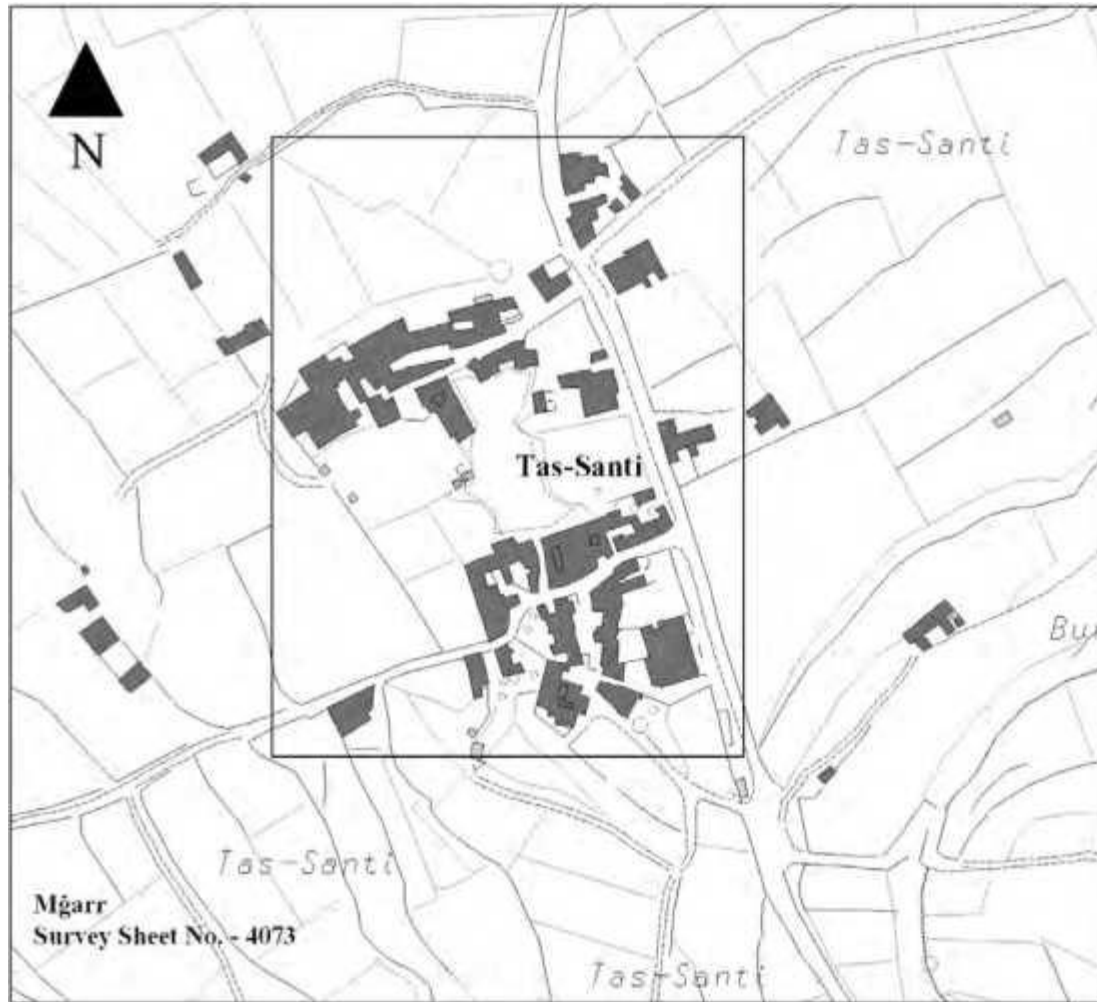
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Malta Environment & Planning Authority

Key

- NWRS 1  
Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

Category 3  
Small Rural Settlements

Scale : <b>1:2,500</b>	Date : <b>June 2006</b>	Map: <b>3.9</b>
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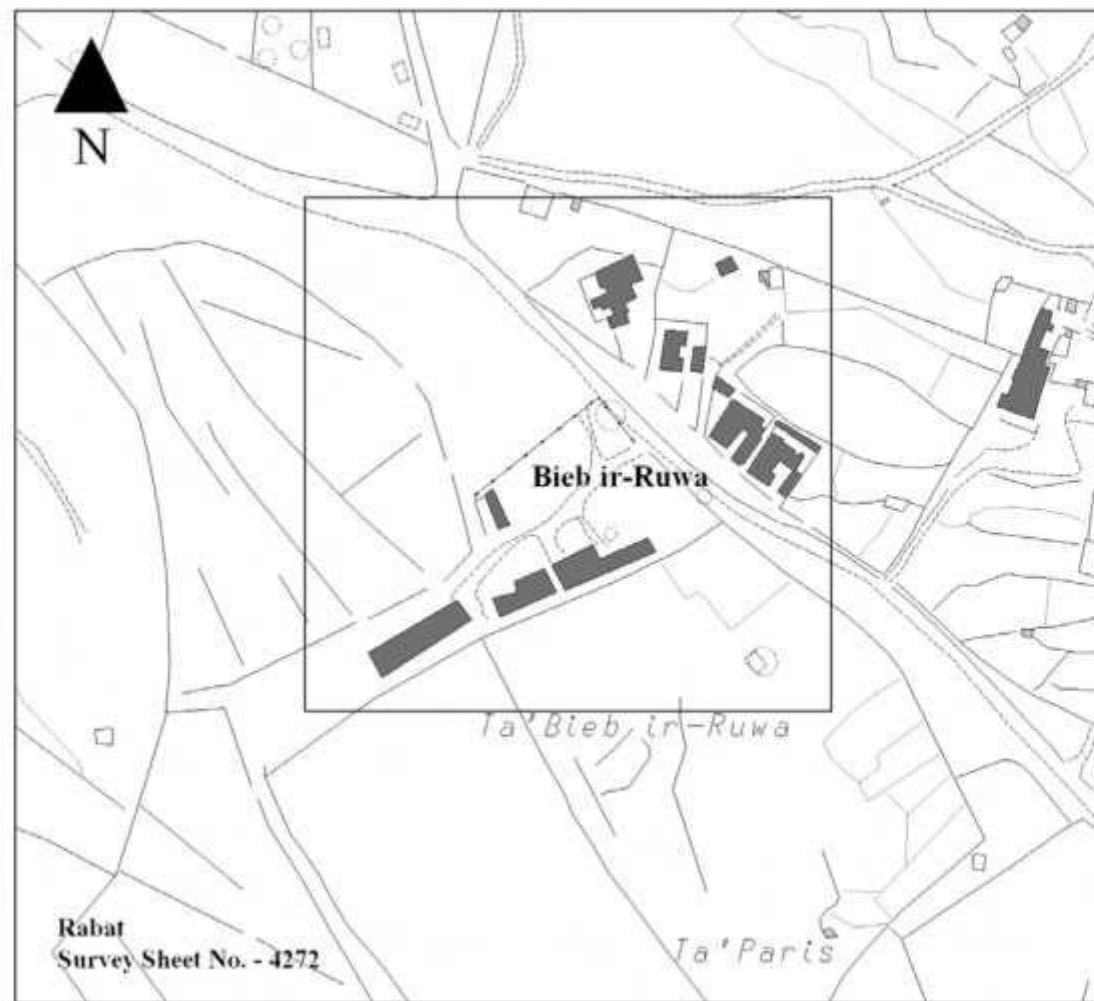
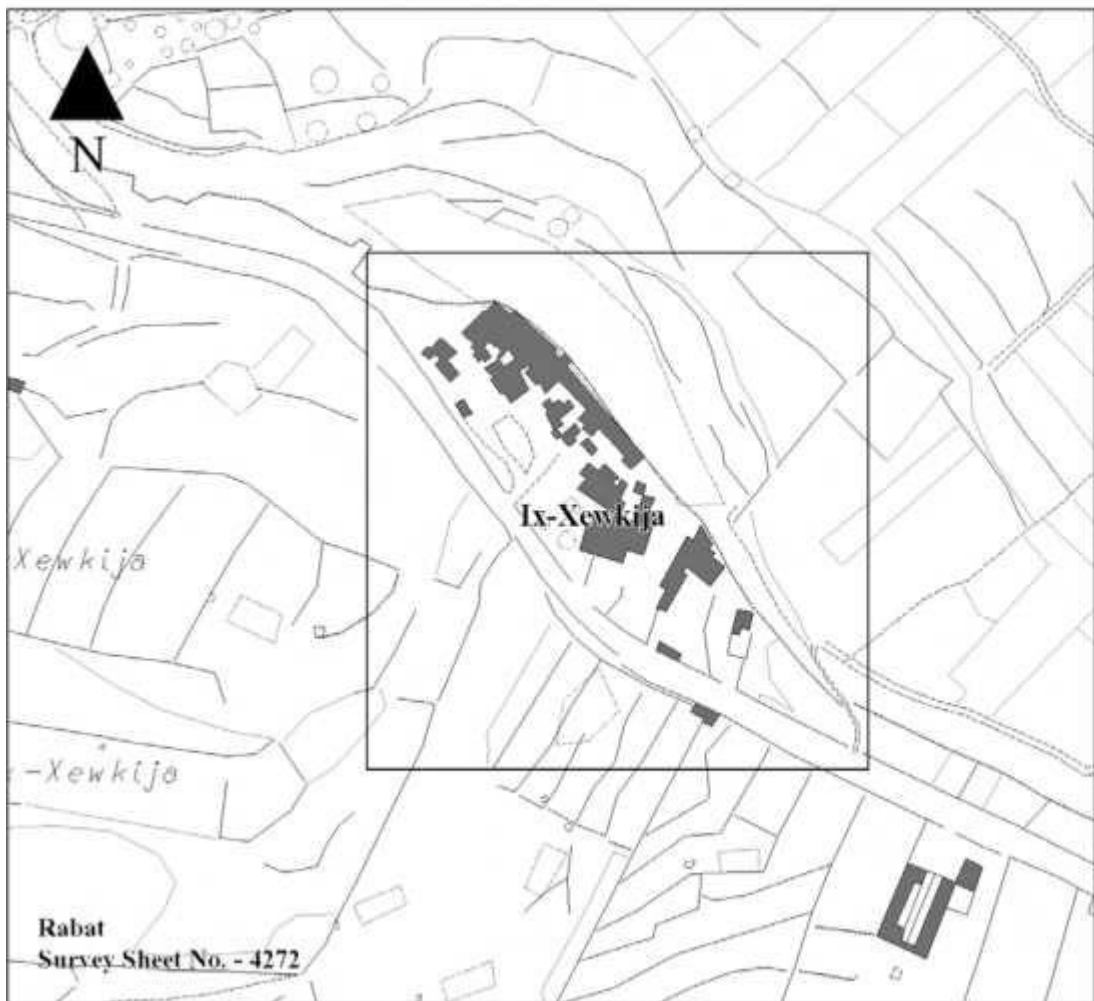
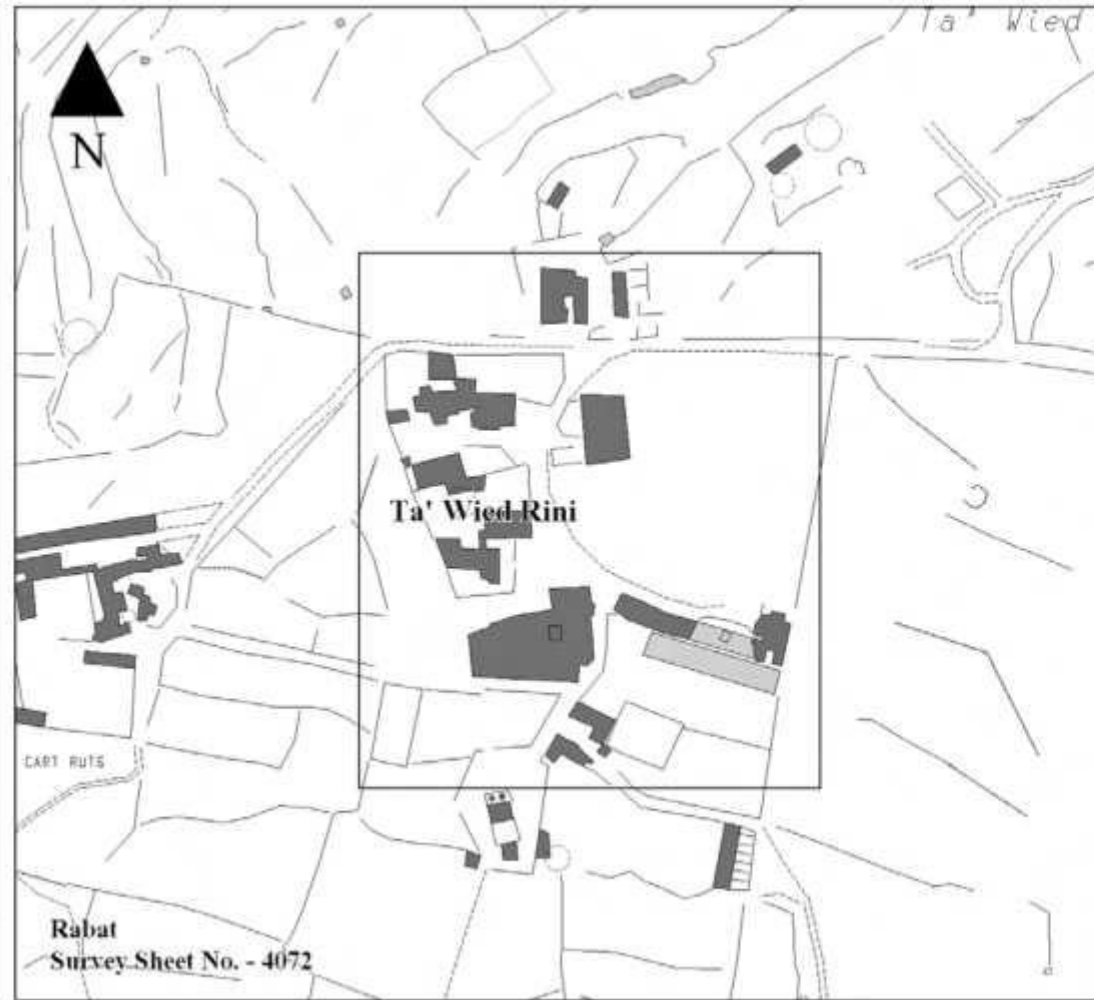
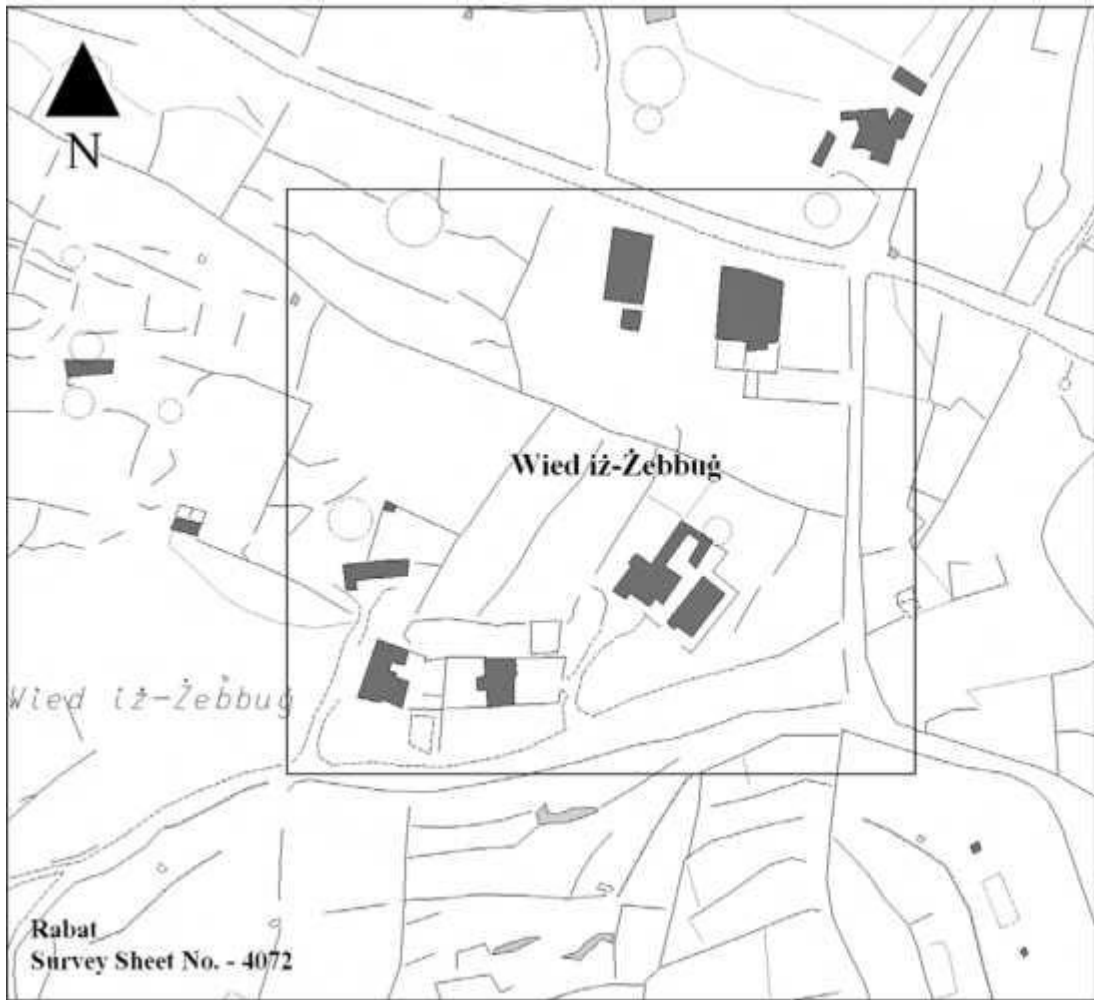
**Key**

- NWRS 1  
Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

**Category 3  
Small Rural Settlements**

Scale : <b>1:2,500</b>	Date : <b>June 2006</b>	Map: <b>3.10</b>
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**NORTH WEST LOCAL PLAN**



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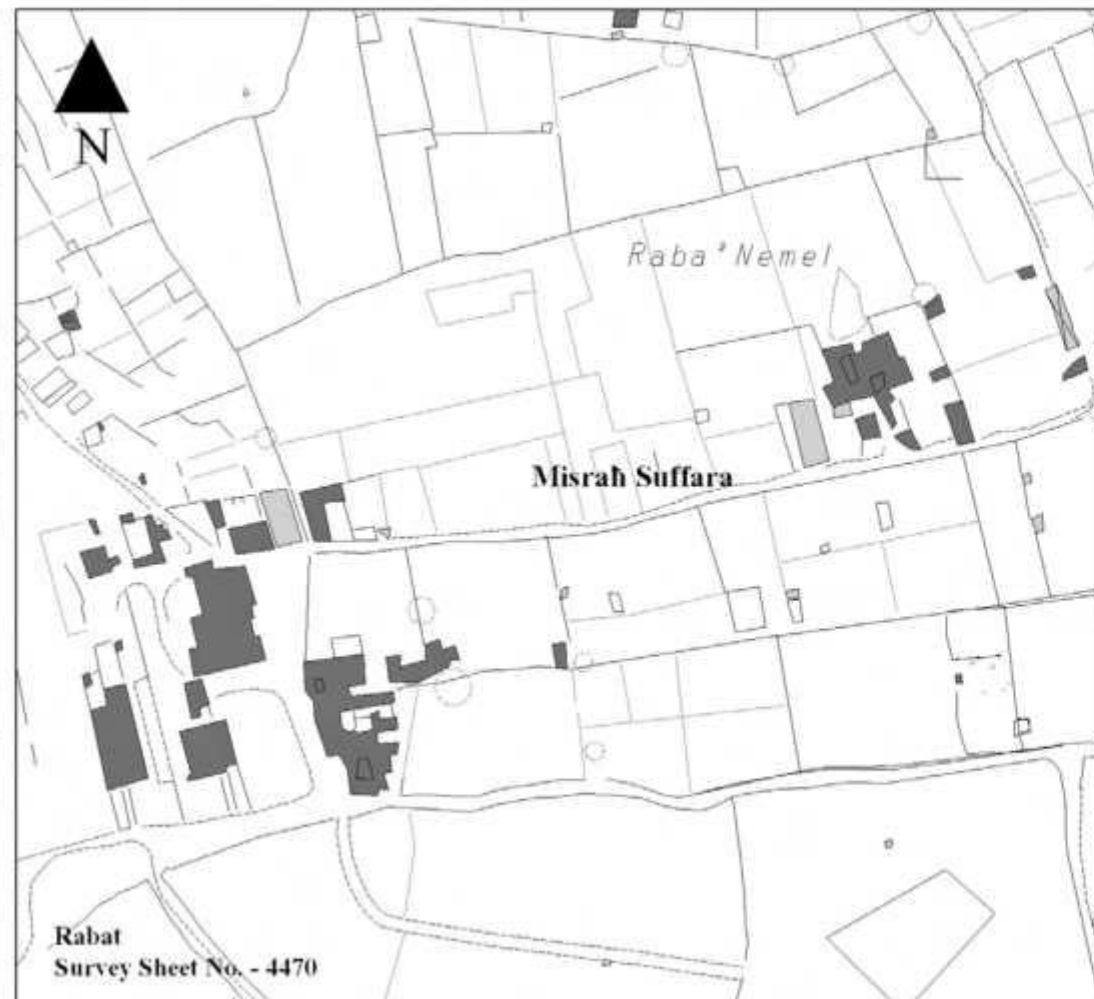
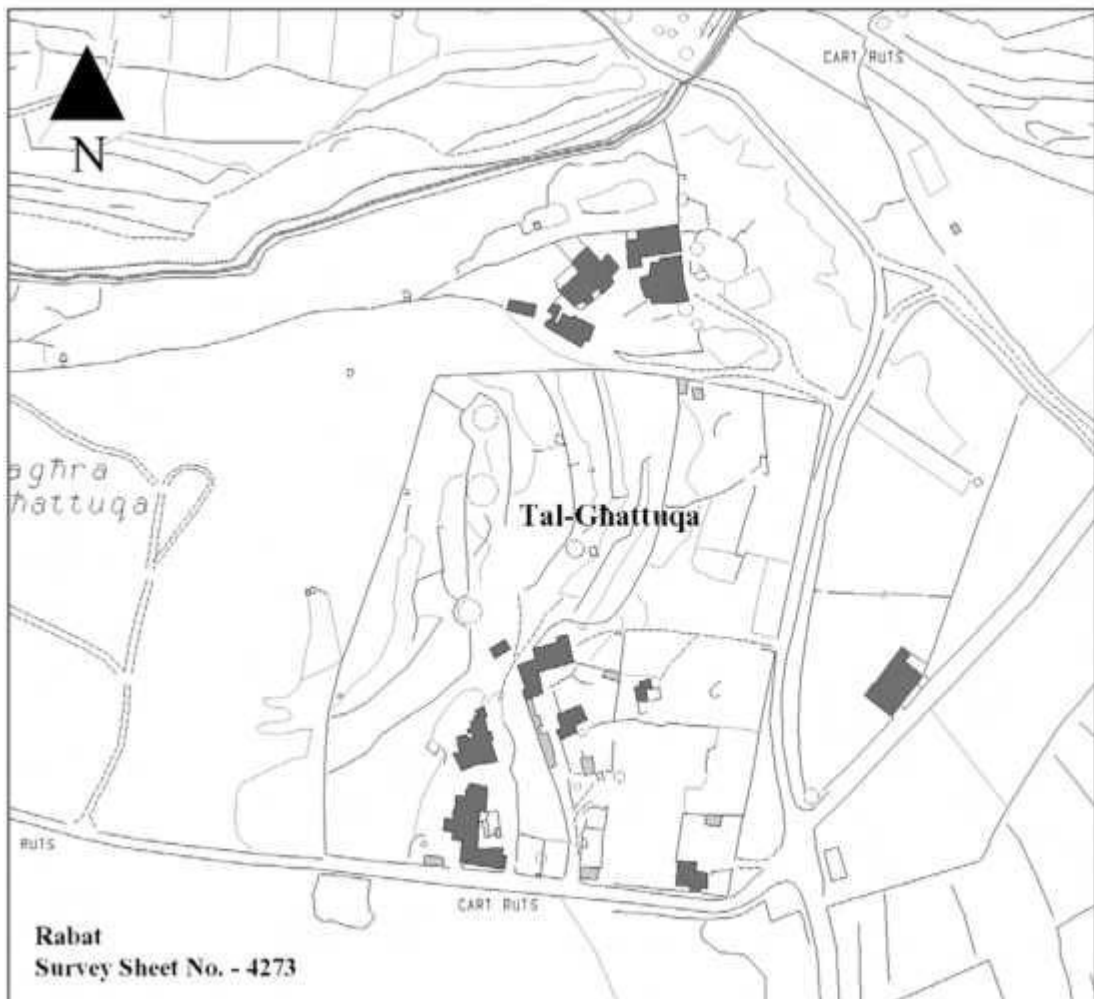
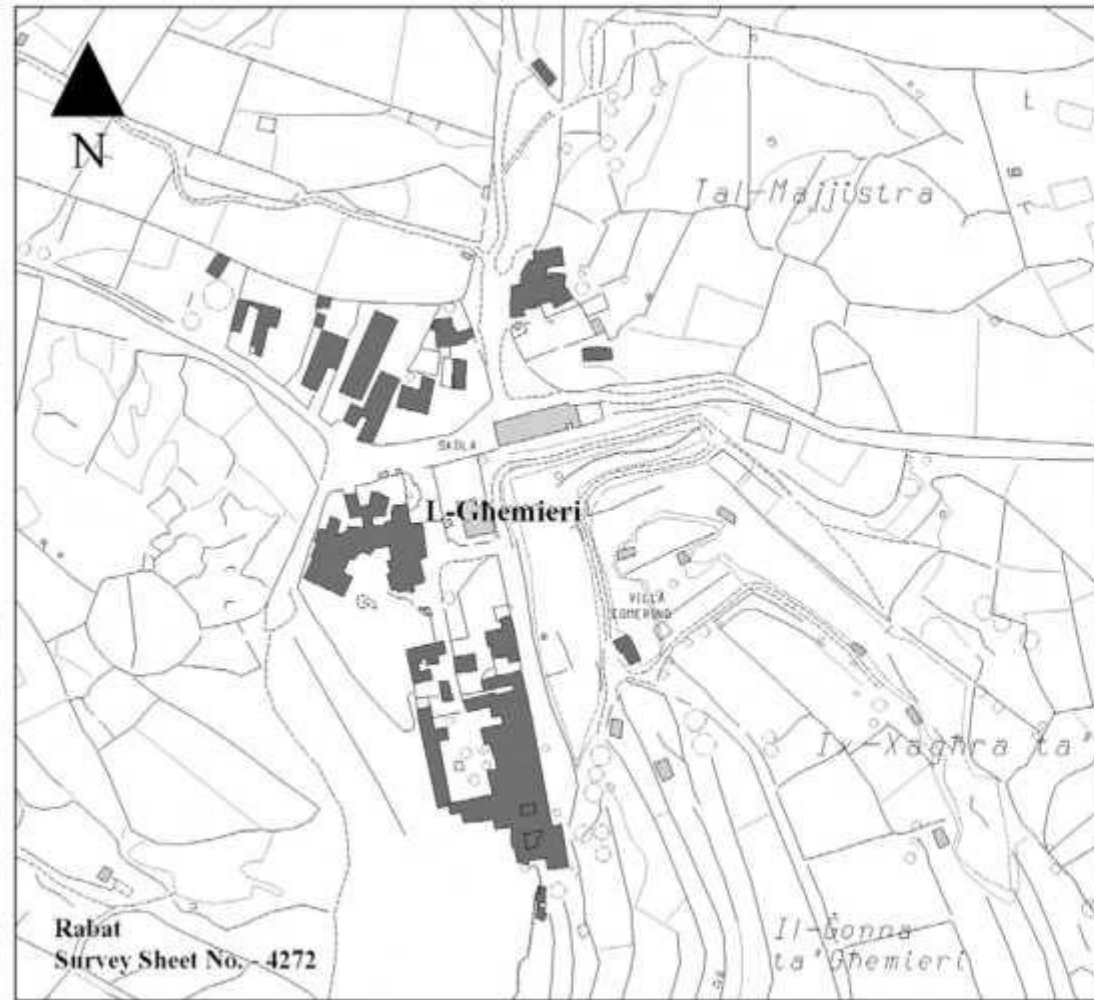
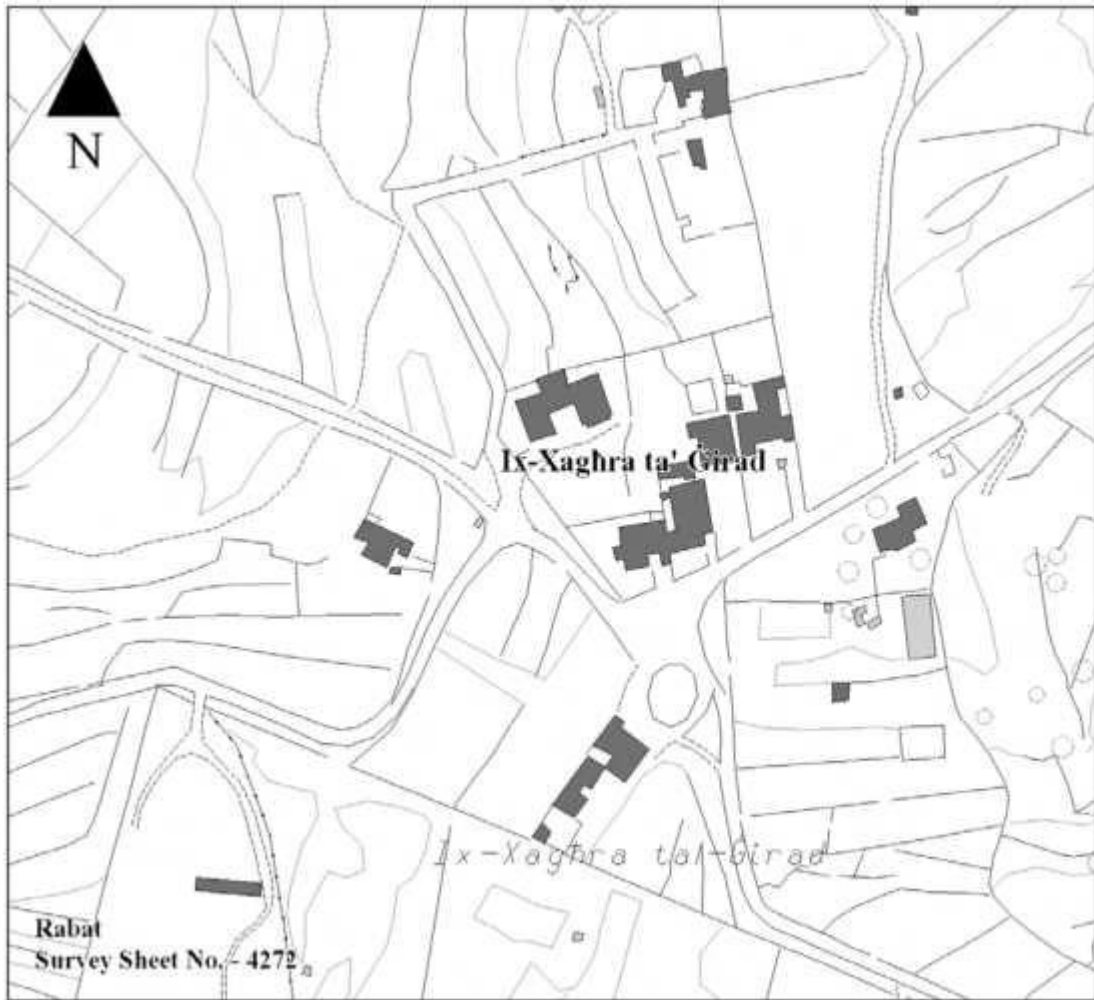
**Key**

- NWRS 1  
Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

**Category 3  
Small Rural Settlements**

Scale : <b>1:2,500</b>	Date : <b>June 2006</b>	Map: <b>3.11</b>
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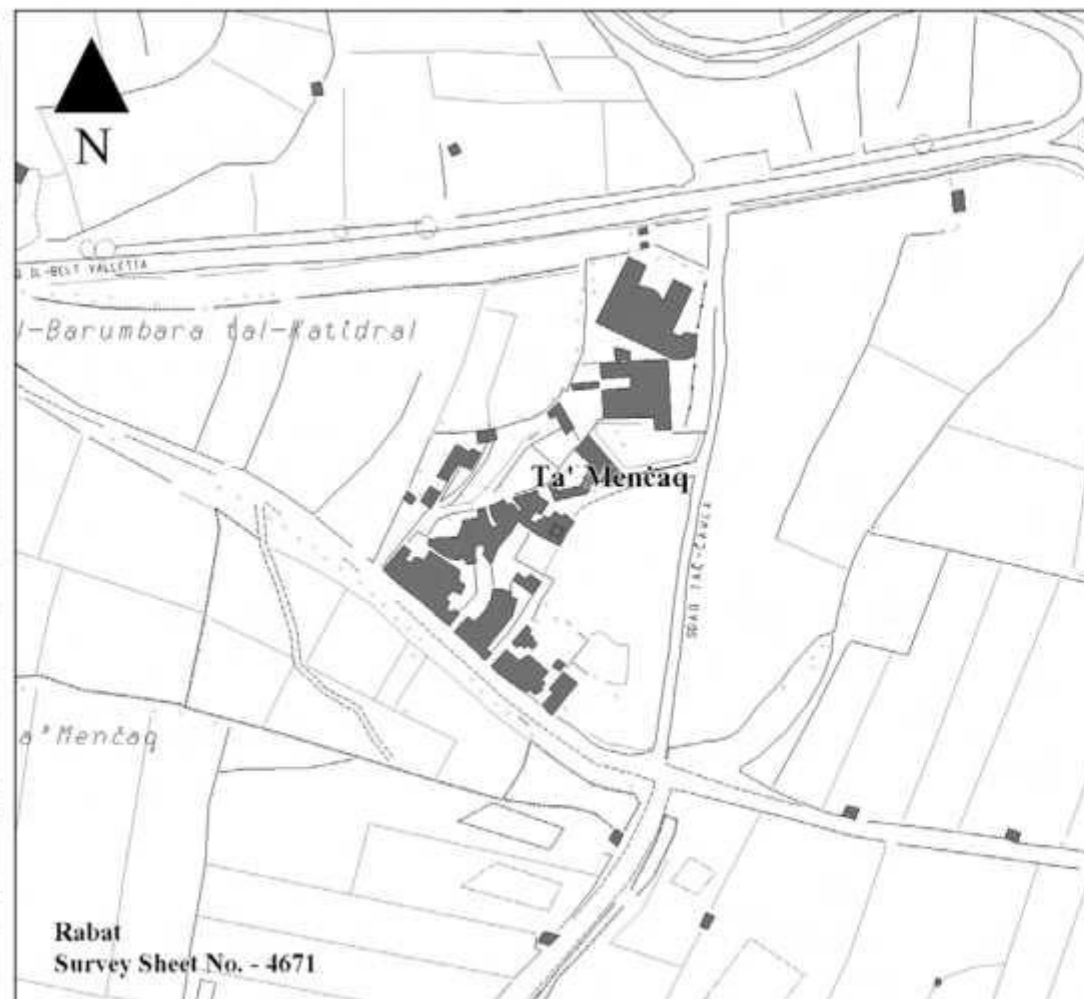
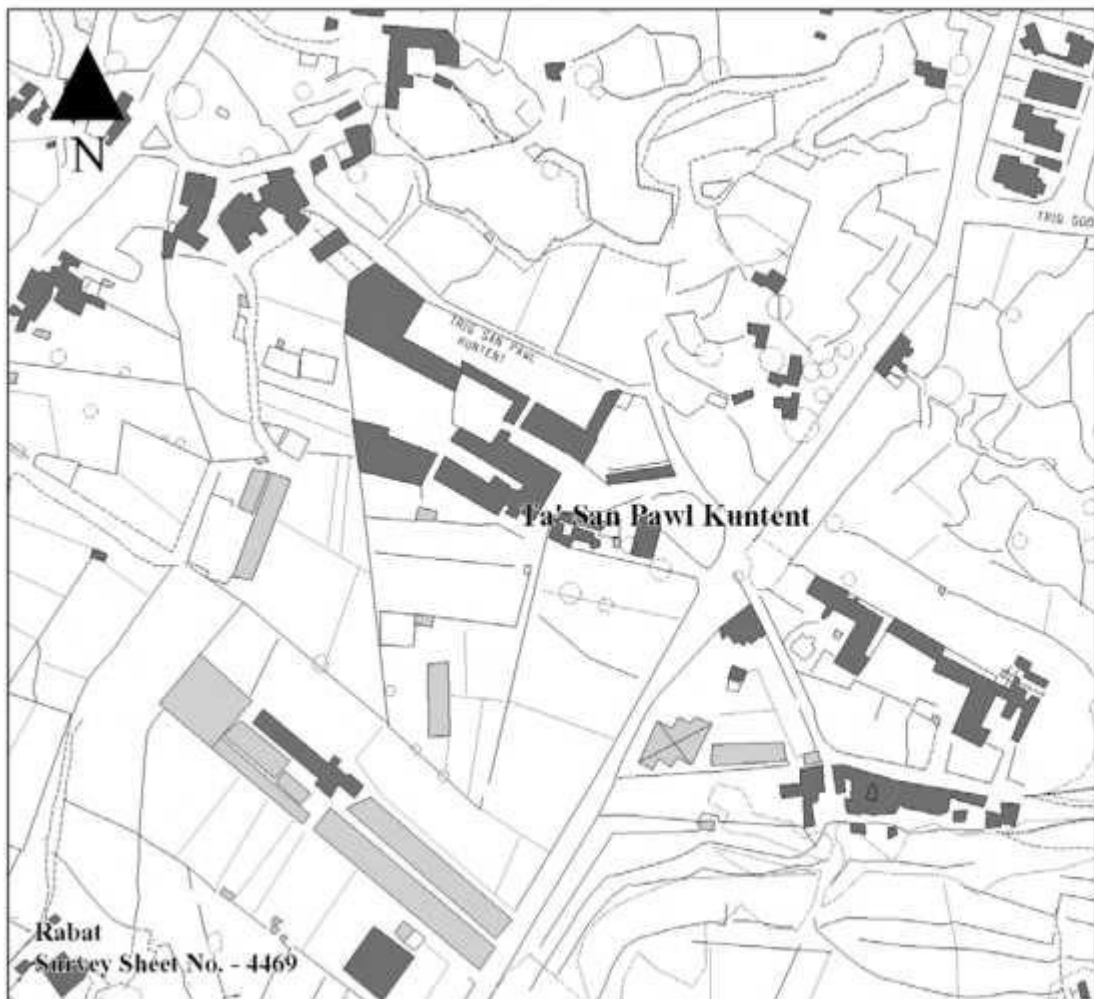
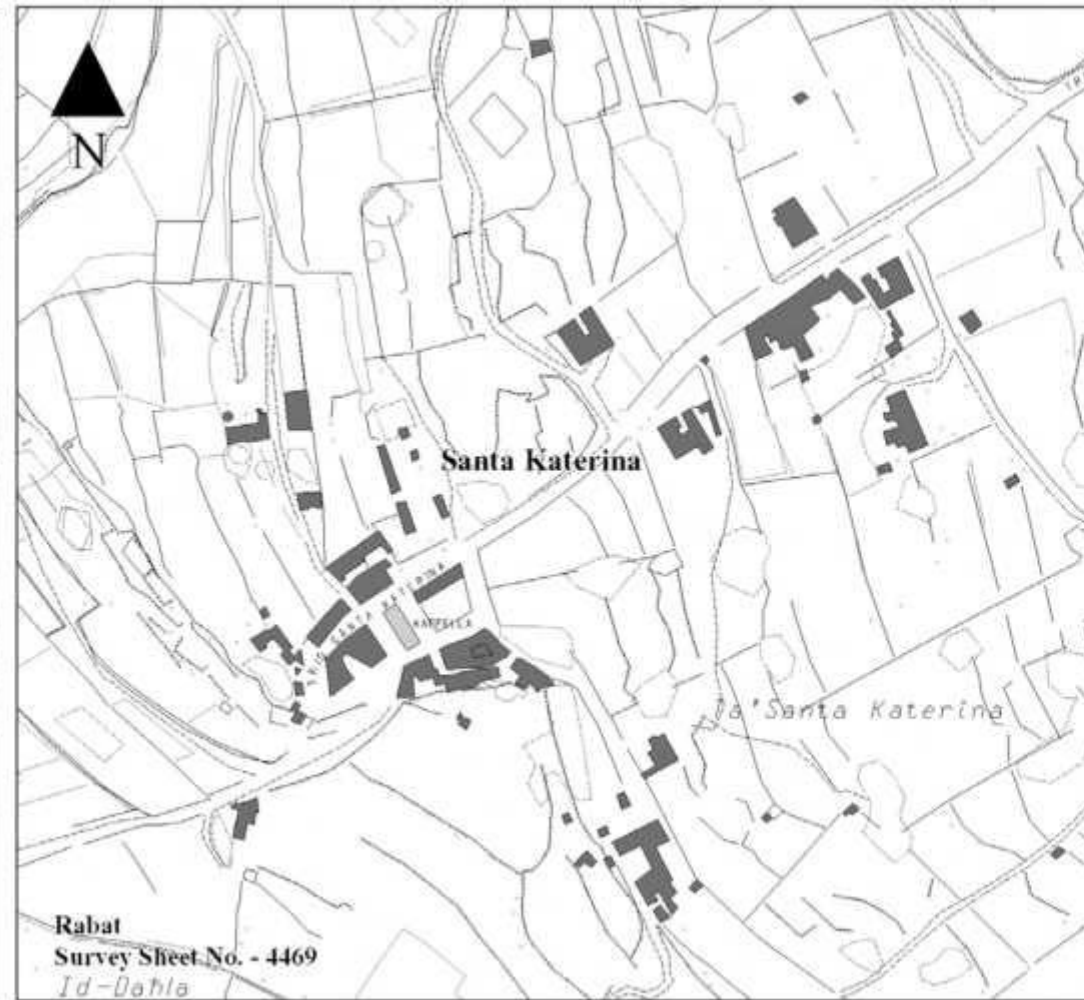
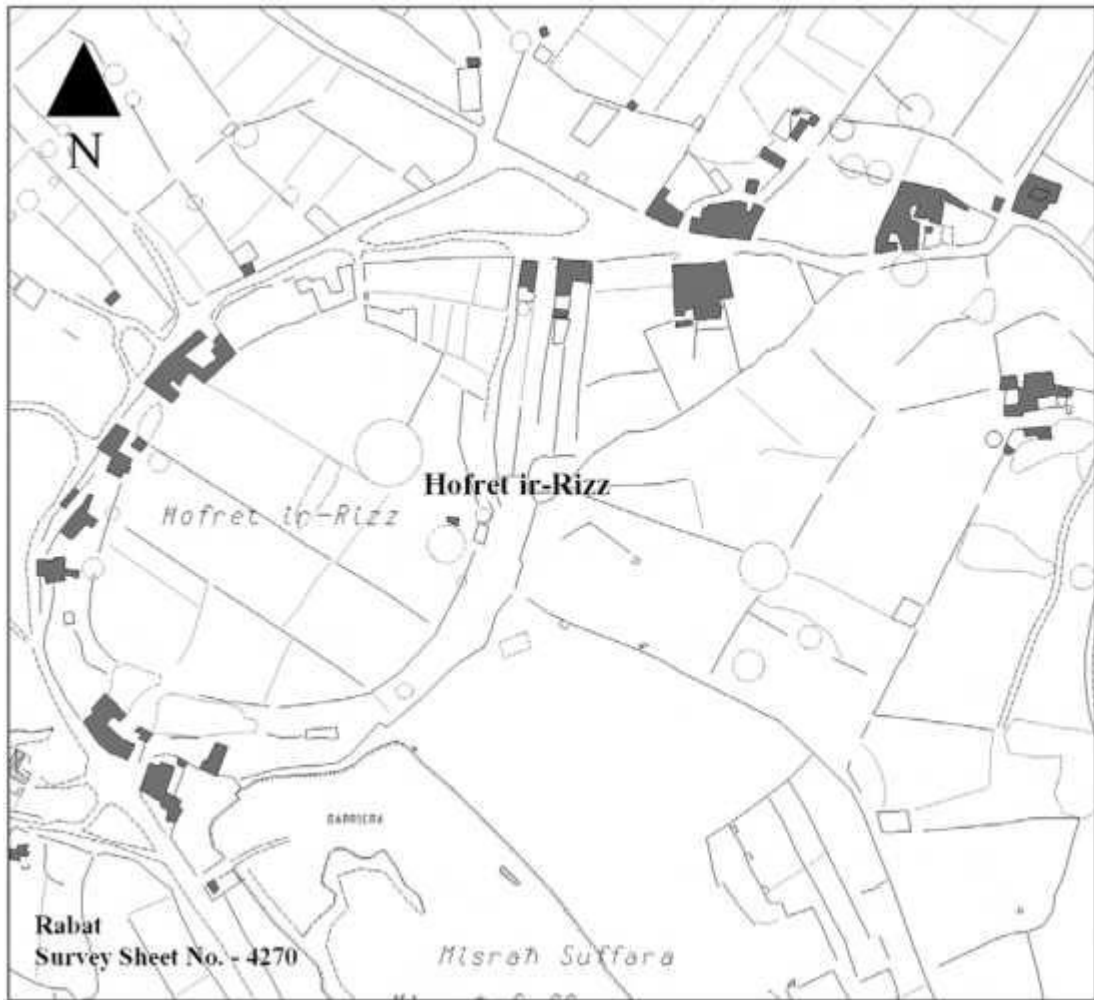
L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

**Key**

- NWRS 1
- Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

**Category 3  
Small Rural Settlements**

Scale: <b>1:2,500</b>	Date: <b>June 2006</b>	Map: <b>3.12</b>
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**NORTH WEST LOCAL PLAN**



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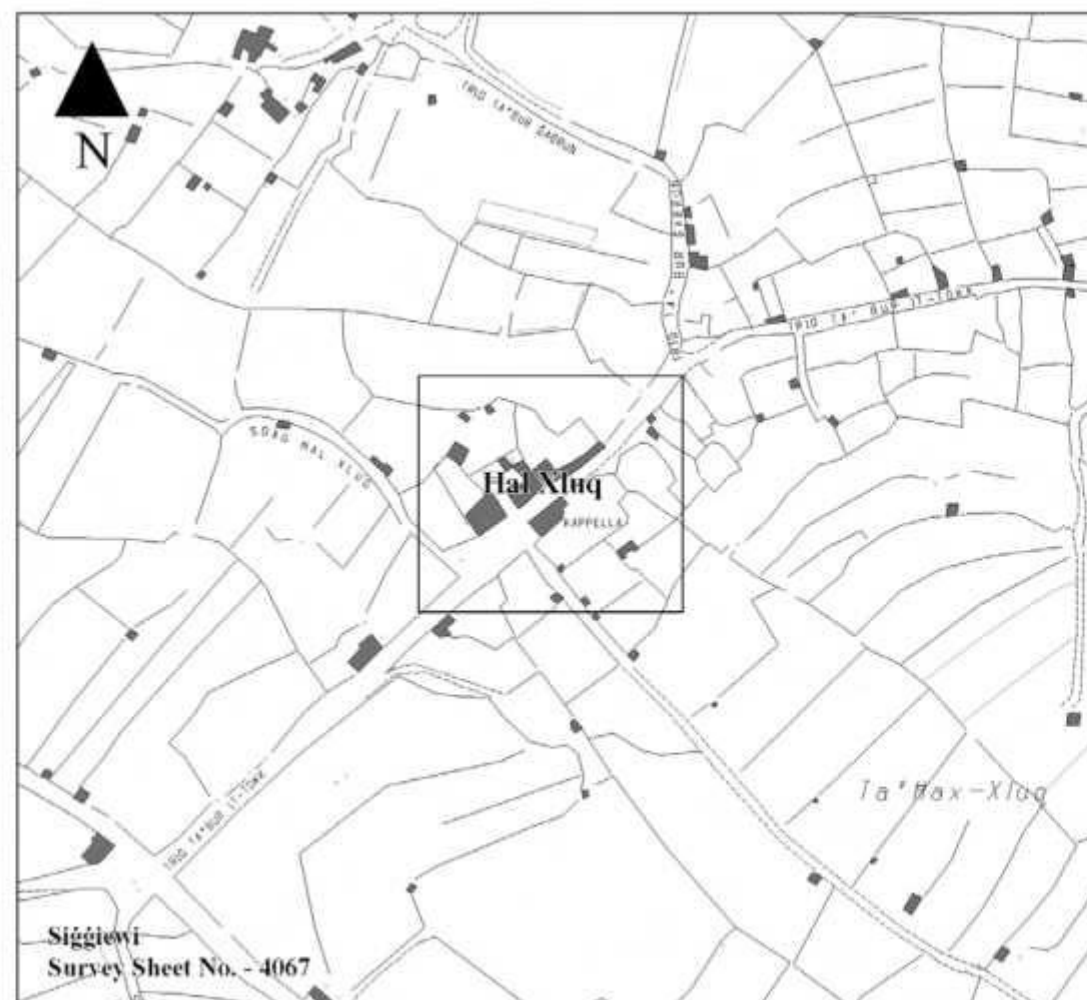
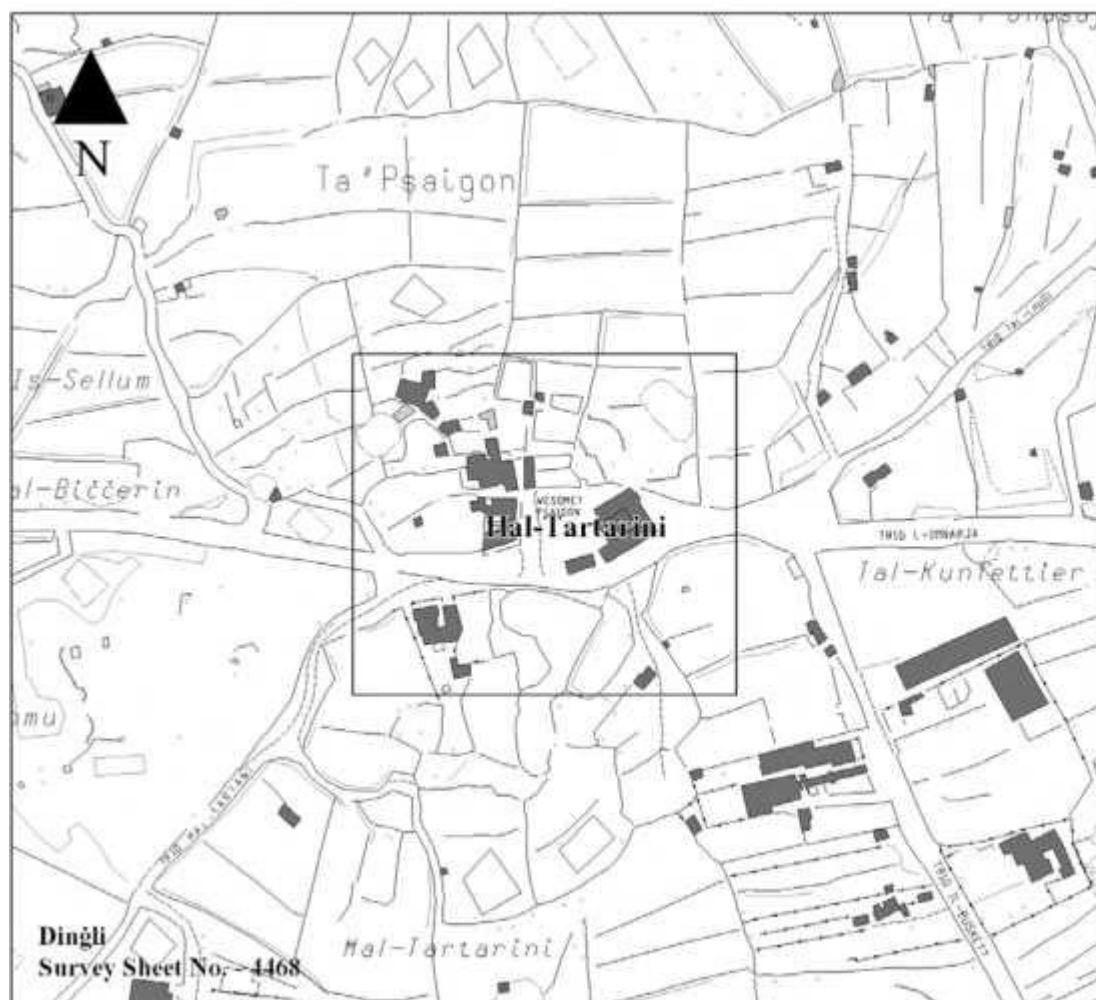
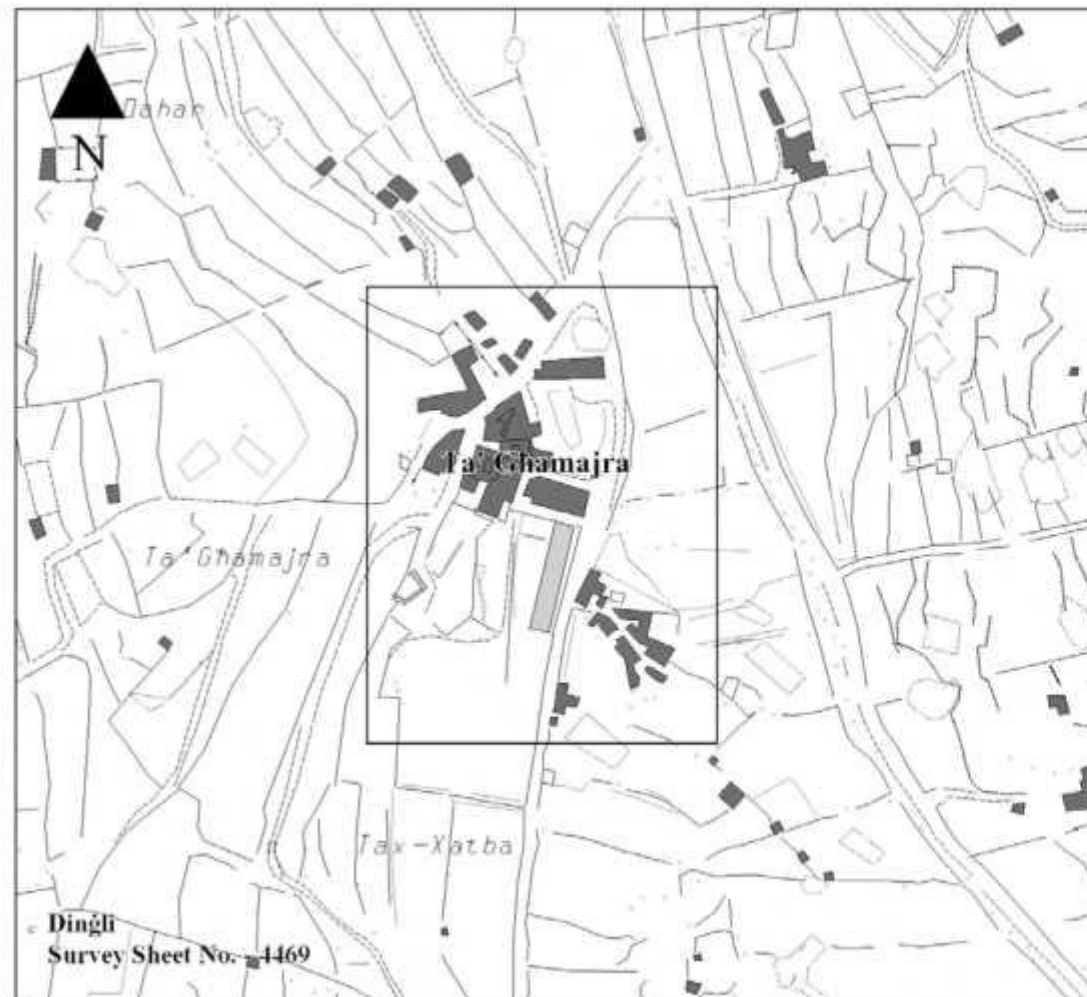
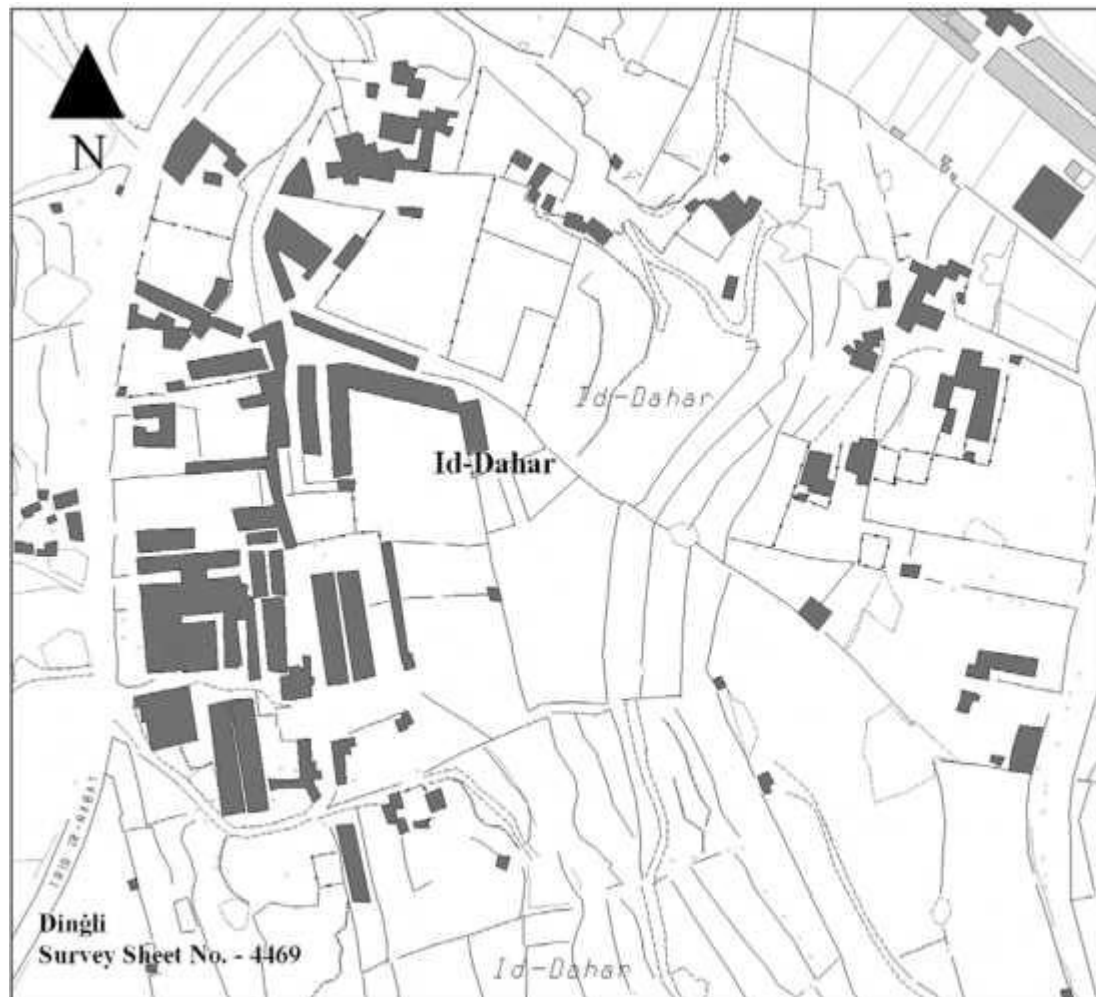
**Key**

- NWRS 1  
Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

**Category 3  
Small Rural Settlements**

Scale: <b>1:2,500</b>	Date: <b>June 2006</b>	Map: <b>3.13</b>
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NORTH WEST LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

- NWRS 1
- Classification of Settlements ODZ
- NWRS 4 - Small Rural Settlements
- No take up of uncommitted land

Category 3  
Small Rural Settlements

Scale :	Date :	Map:
1:3,000	June 2006	3.14
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# **Central Malta Local Plan**



CENTRAL MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar

Malta Environment & Planning Authority

Key

Naxxar Policy Inset Map  
Magtab Rural Settlement

Scale :  
Not to Scale

Date :  
July 2006

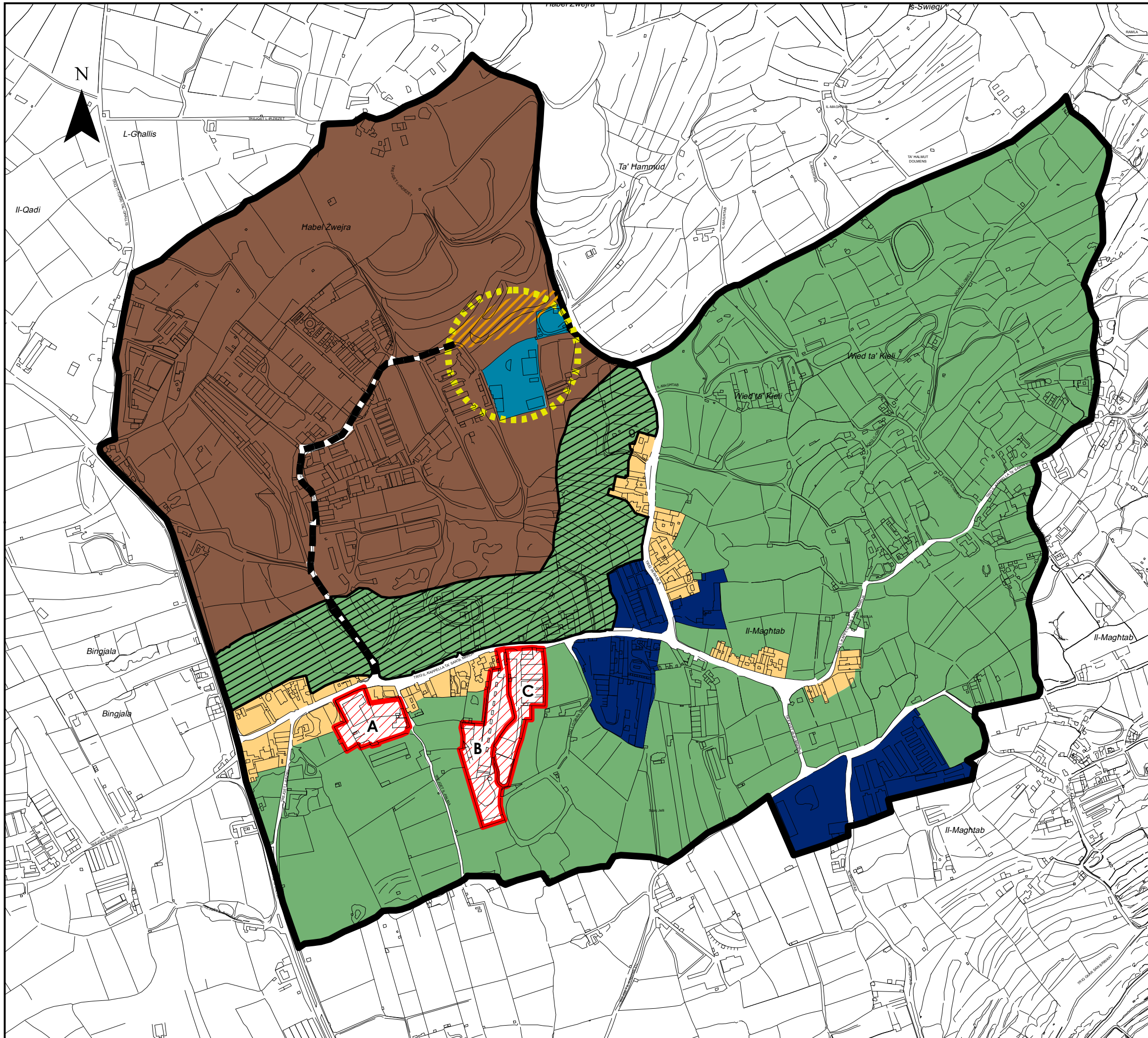
Figure:  
NAB7

INDICATIVE ONLY  
Not to be used for direct interpretation or  
for the interpretation of street alignments

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**Legend:**

- Maghtab Planning Area
- Animal Husbandry Area
- Arable Farming Areas
- Arable Farming Buffer Area
- Residential Settlement
- Industrial Cluster
- Waste Management Utilities Area
- Site Specific Consideration
- Possible extension to the waste facilities
- To study of possible connection between Sqaq Habel Zwejra and Triq ir-Ramla
- Improvement of Existing Road



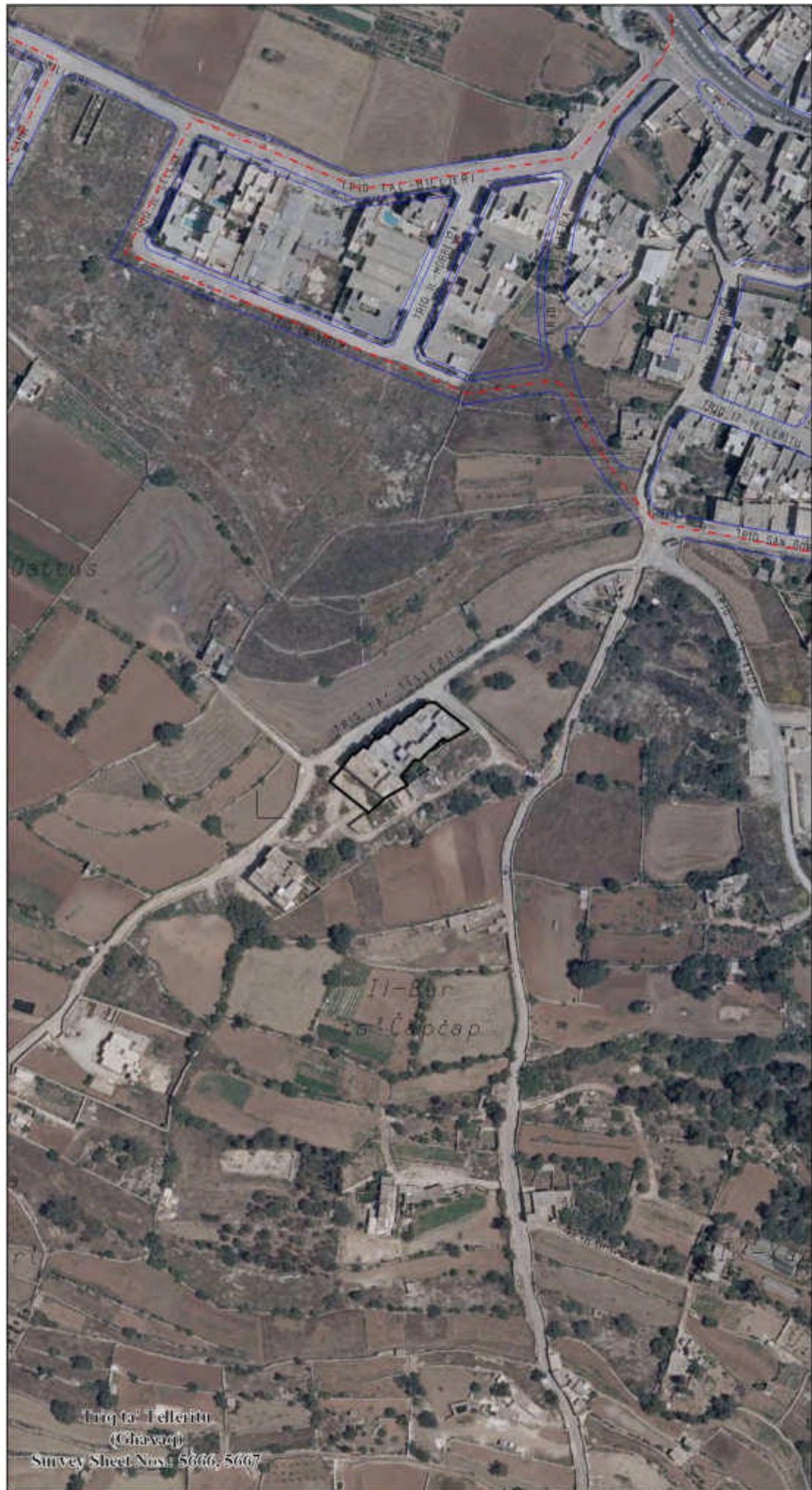
**Maghtab Planning Strategy Area  
Policy Map**

Scale: 1:5,500 Date: May 2017

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Map:  
MTB 1

# **South Malta Local Plan**



SOUTH MALTA LOCAL PLAN



L-Awtorità ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

-  Category 2 Rural Settlement
- SMSE 05 - Classification of Settlements ODZ
- SMSE 07 - Large Rural Settlements
-  Limits to Development
-  Scheme Alignment

Category 2  
Large Rural Settlements

Scale: <b>1:2500</b>	Date: <b>July 2006</b>	Map: <b>RS 4</b>
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SOUTH MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

□ Category 2 Rural Settlement

SMSE 05 - Classification of Settlements ODZ

SMSE 07 - Large Rural Settlements

--- Limits to Development

— Scheme Alignment

Category 2  
Large Rural Settlements

Scale:  
**1:2500**

Date:  
**July 2006**

Map:  
**RS 5**

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SOUTH MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

□ Category 2 Rural Settlement

SMSE 05 - Classification of Settlements ODZ

SMSE 07 - Large Rural Settlements

--- Limits to Development

— Scheme Alignment

Category 2  
Large Rural Settlements

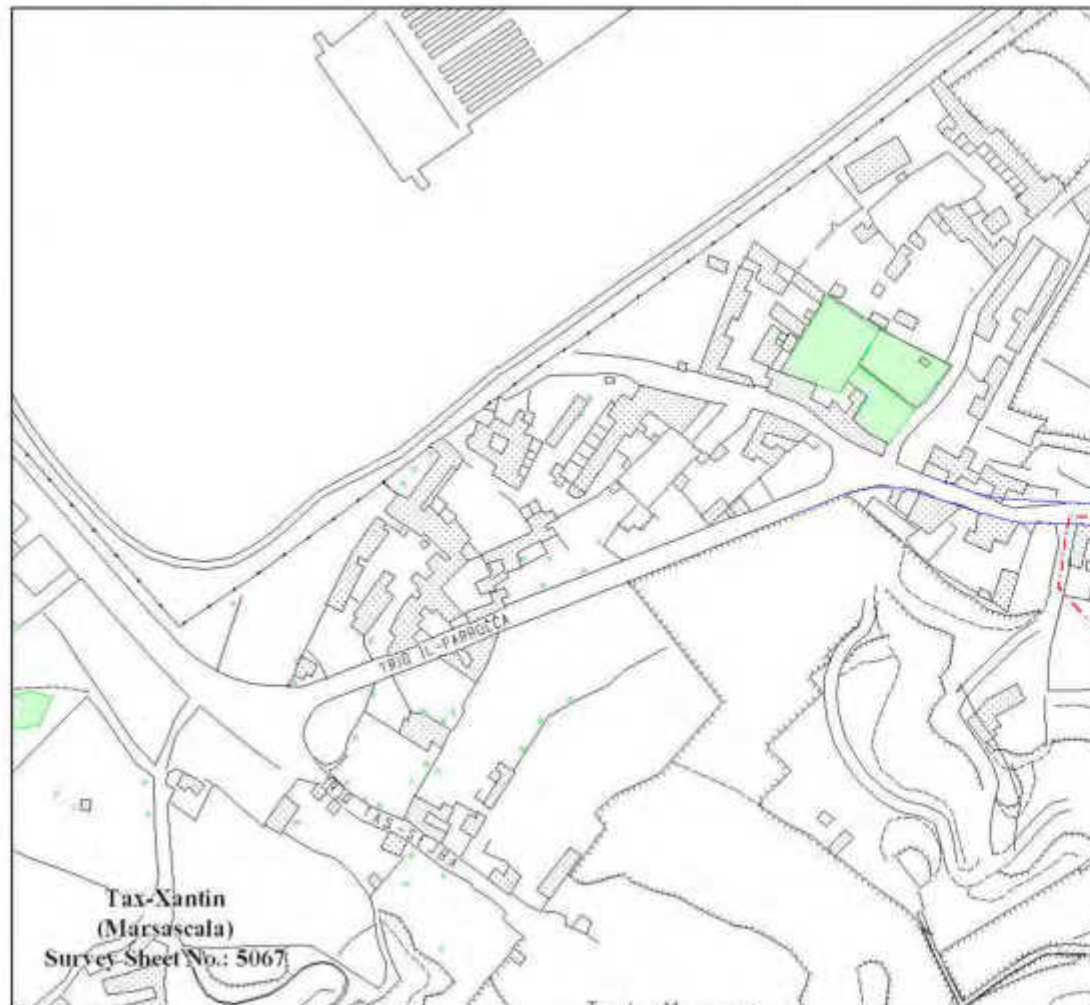
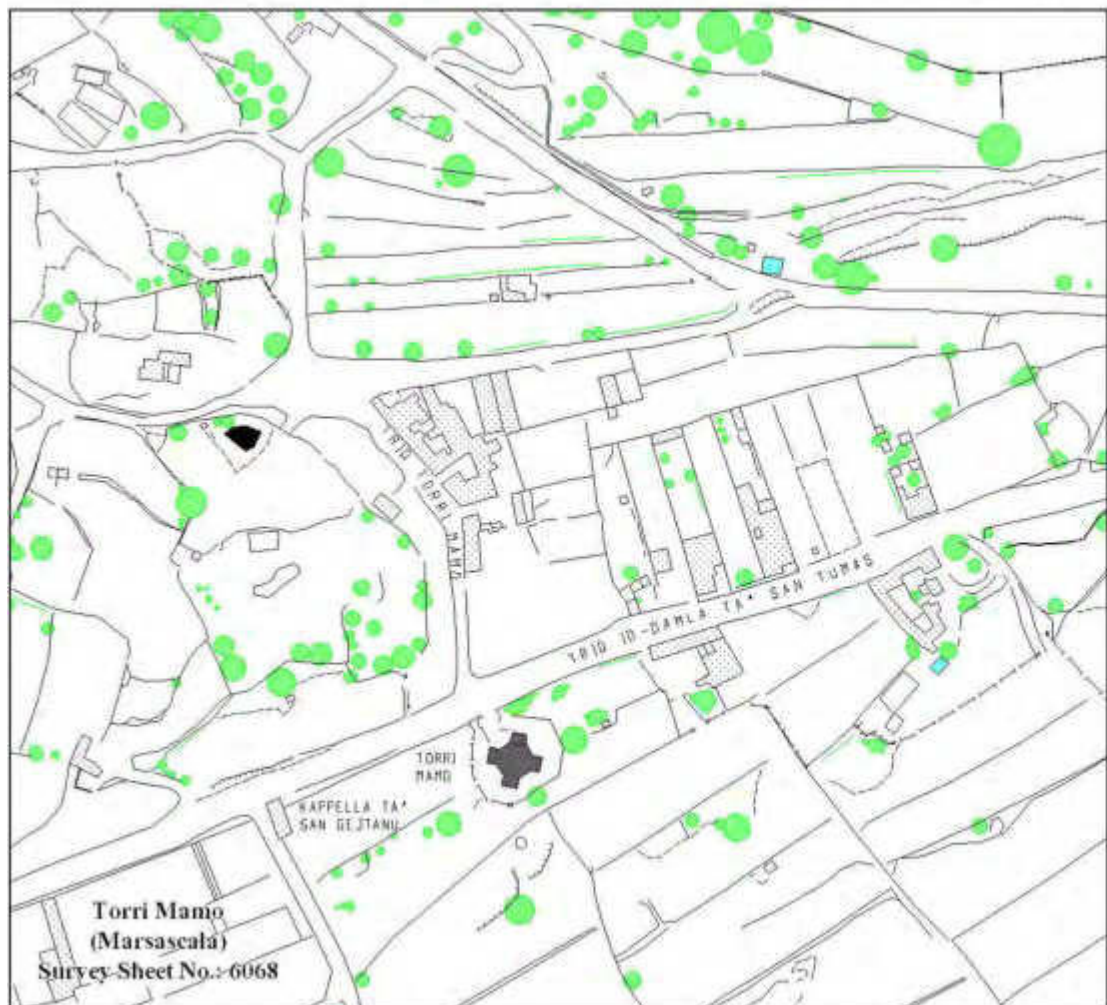
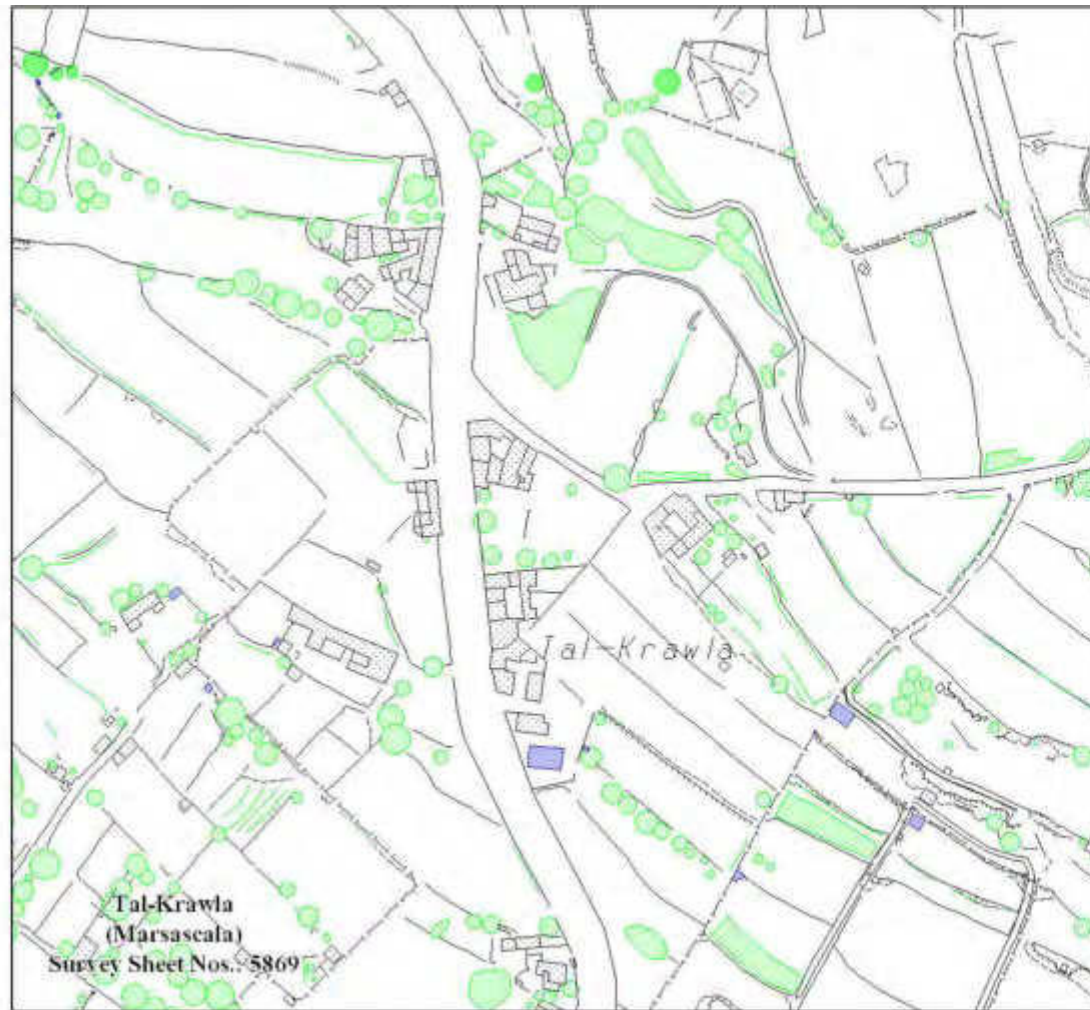
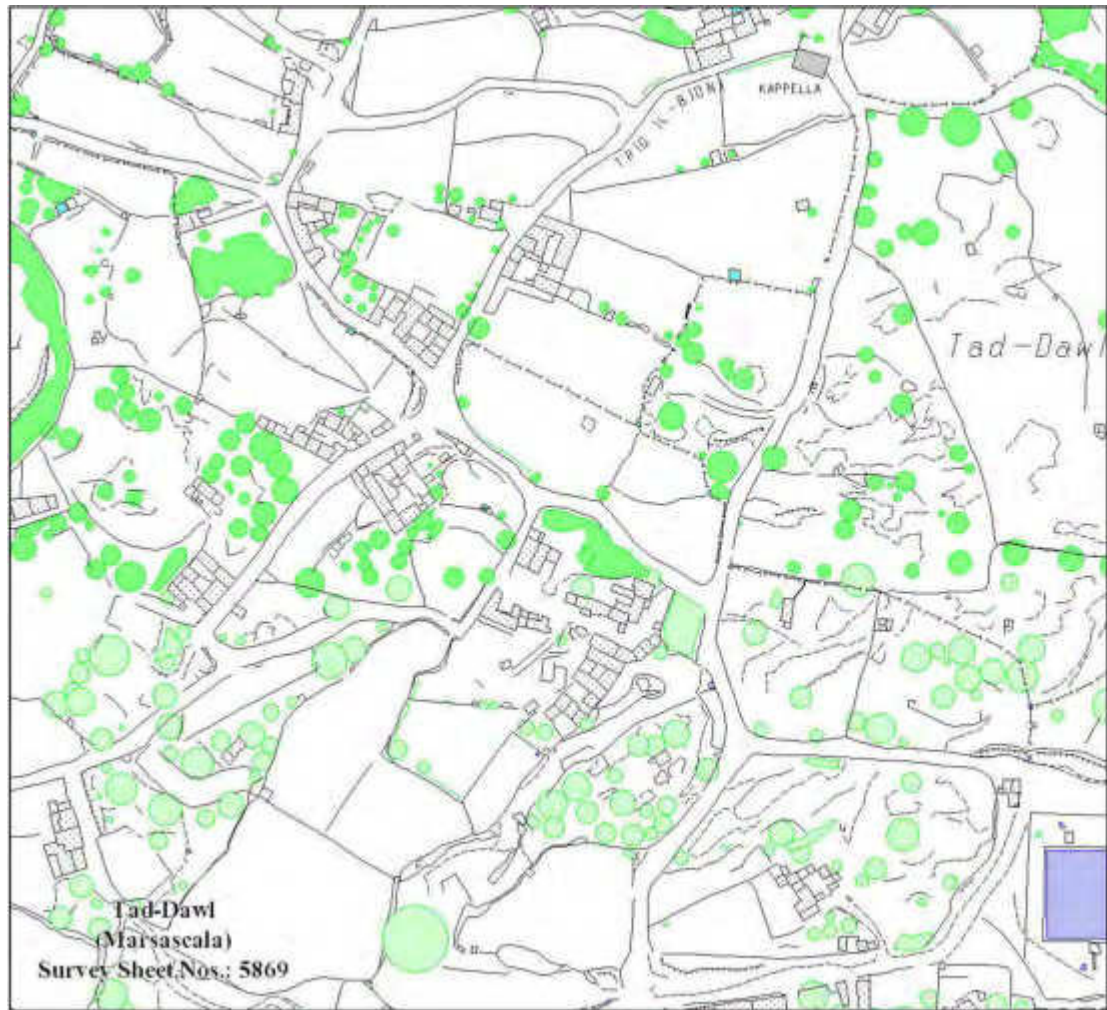
Scale:  
**1:2500**

Date:  
**July 2006**

Map:  
**RS 6**

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SOUTH MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

- SMSE OB - Classification of Settlements ODZ
- SMSE OS - Small Rural Settlements
- Scheme Alignment

Category 3  
Small Rural Settlements

Scale: <b>1:2500</b>	Date: <b>July 2006</b>	Map: <b>RS 7</b>
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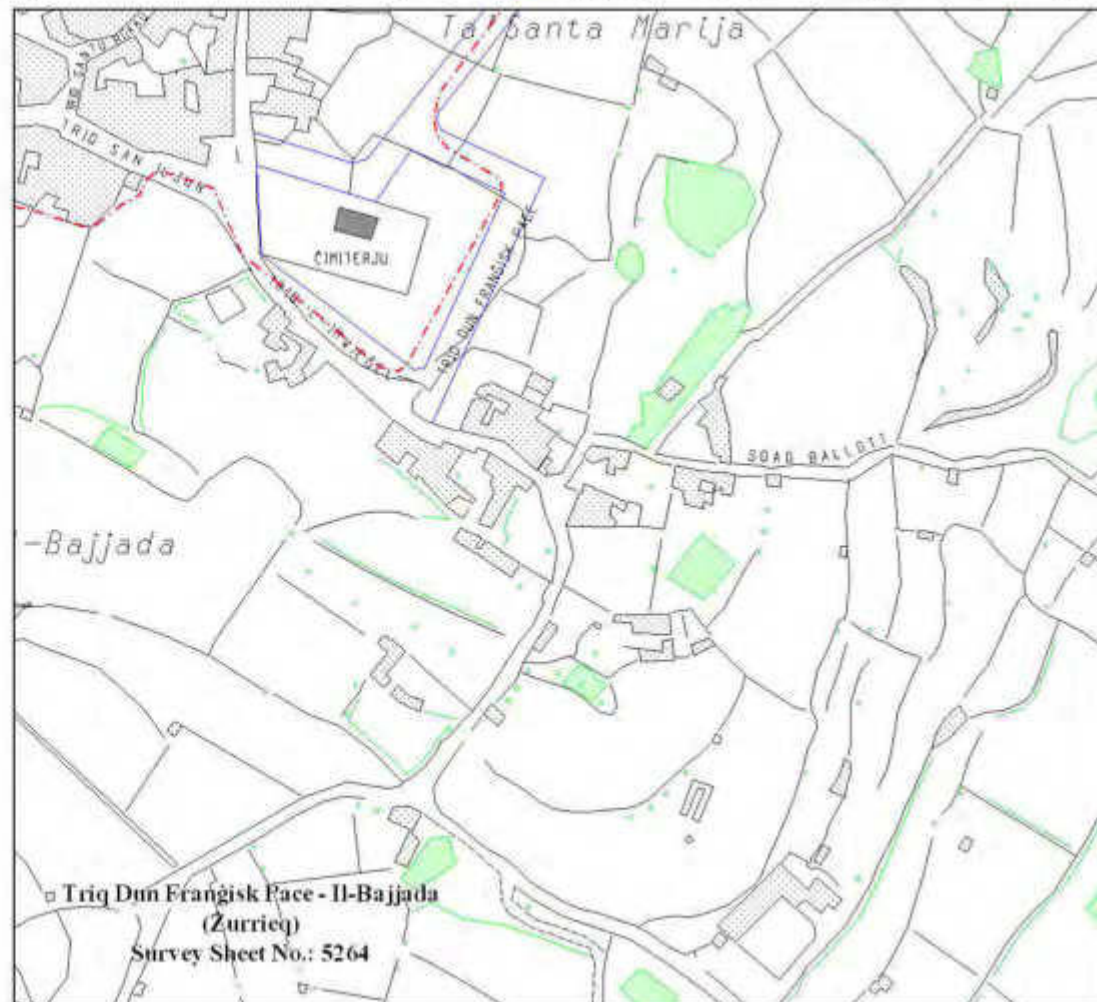
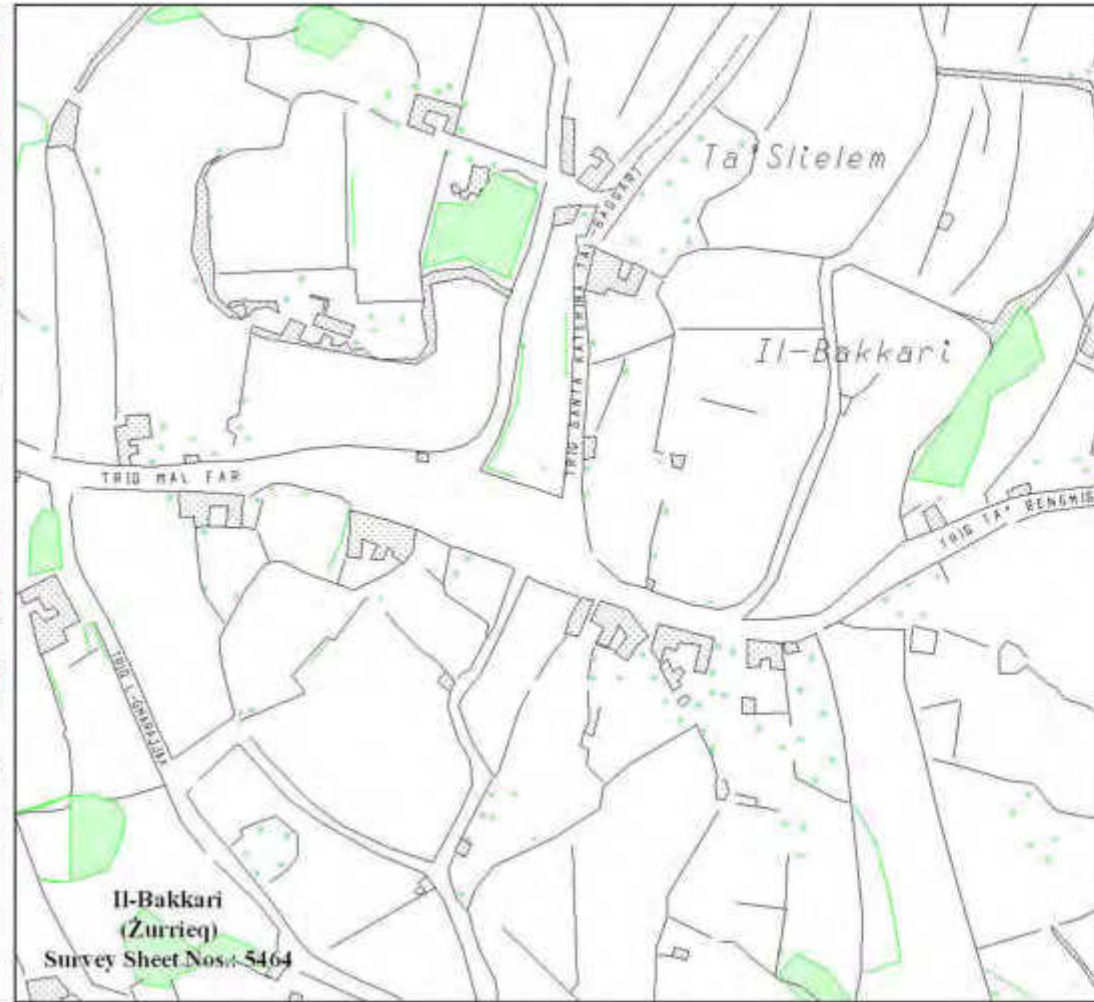
SOUTH MALTA LOCAL PLAN



L-Awtorita' ta' Malta Dwar l-Ambjent u l-Ippjanar  
Malta Environment & Planning Authority

Key

- SMSE 05 - Classification of Settlements ODZ
- SMSE 08 - Small Rural Settlements
- Scheme Alignment



Category 3  
Small Rural Settlements

Scale: <b>1:2500</b>	Date: <b>July 2006</b>	Map: <b>RS 8</b>
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