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**K A M R A** T A L - P E R I T I

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## **Review of the Rural Policy Design Guidance (2014) (Phase 1)**

PUBLIC CONSULTATION PROCESS

COMMENTS BY KAMRA TAL-PERITI

15 NOVEMBER 2019

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## PUBLIC CONSULTATION PROCESS

### COMMENTS BY KAMRA TAL-PERITI

Government has guided the Planning Authority to carry out a review of the 2014 Rural Policy Design Guidance. The Authority issued a set of proposed objectives for public consultation, which it stated will guide the revisions to this policy.

The proposed objectives are:

1. To establish whether the scope of the current policy has had the intended effect;
2. To identify those provisions which might be outdated, confusing or require clarification;
3. To ensure that the amended policy has clear goals and objectives which meet the aspirations of the Strategic Plan for the Environment and Development as well as the National Rural Development Programme;
4. To ensure that the end product is consistent, effective and in line with the spirit of the Strategic Plan for the Environment and Development as well as the National Rural Development Programme rural objectives;
5. To ensure a smooth transition into compliance when the new policy takes effect.

The following are the comments of the *Kamra tal-Periti*, spread over six Sections as follows:

1. The Rural Area
2. The Strategic Plan for the Environment and Development (SPED)
3. Redefining Territory
4. Development Typologies in the Rural Area
5. A Landscape Plan
6. Public Consultation and Policy Review

## 1. THE RURAL AREA

In 2007, the *Kamra tal-Periti* had published “**The Urban Challenge – Our Quality of Life and the Built Environment**”. In this seminal publication, the *Kamra* was clear in its vision for the Rural Area:

*Given Malta’s size, and the scarcity of land as a resource, supreme efforts need to be made to preserve the remaining countryside and to include it in any long term vision for the Maltese environment. The value of the countryside, whether for agricultural production or as an outdoor amenity space increases in significance as urban densities grow while housing sizes shrink and developed land increases. Investment in orientation centres, appropriate management structures and educational resources to ramblers, walkers, cyclists, climbers, etc, will go a long way to enhance the public experience of the countryside.*

*The importance of our environment, of our tranquil fertile valleys, our harsh windswept hills and cliffs, and our stunningly diverse shores, in the formation of our national cultural identity ought not to be underestimated.*

*It is critical that land is not allowed to be controlled by sectarian interests. The temptation to allot further land or heritage buildings for development, to allow prime tracts of unspoiled countryside to be developed for tourism or other purposes or to allow individual interest groups to take over the countryside must be resisted at all costs. Serious consideration should also be given to the introduction of schemes permitting the acquisition by central government of countryside sites of strategic value which, if left in private hands, risk being developed.*

*The same may apply to sensitive sites which, at a time when Malta’s economy needed nurturing, had been assigned to the construction of (mainly tourism related) projects then considered necessary for economic progress. In today’s global realities, where the balance has shifted to more desirable leisure destinations, the opportunity should be taken to re-acquire these lands, to reuse or dismantle the no longer serviceable properties and preferably to reclaim these sites for public advantage.*

*Our natural environment is our common heritage and deserves to be safeguarded for the enjoyment of future generations.*

*The role of agriculture in the preservation of the landscape has to be understood and internalized in our policies. Although the further development of agricultural activity is to be encouraged, the impact of the sector on our limited water resources and on our water table, the choice of crops and the industry’s production methods, not forgetting the increasingly widespread occupation of open land with ‘greenhouses’, all ought to be evaluated and balanced with the need to safeguard our natural environment. Similarly, the process to relocate our dairy, poultry and swine farms away from our residential areas to newer, more*

*sanitary facilities on undeveloped land, built to meet the required standards should not be undertaken at the expense of the natural beauty of our open countryside.*

The *Kamra's* position as outlined above has not changed. It is important that we consider our Rural Area as an important asset which needs to be safeguarded to ensure a sustainable future for our islands.

## 2. THE STRATEGIC PLAN FOR THE ENVIRONMENT AND DEVELOPMENT (SPED)

The Objectives established for this current consultation process include ensuring that the amended Policy has clear goals and objectives which meet the aspirations of the SPED, and ensuring that the end-product is consistent, effective and in line with the spirit of the SPED.

The SPED was approved in July 2015, and in its own words, *“replaces the Structure Plan for the Maltese Islands which was published in 1990 and adopted in 1992 and provides a long term spatial strategy for the environment and development with 2020 as the first milestone for review, complementing Government's strategic policy time-lines.”*

A thorough review of the RPDG (2014) is urgent, yet it would be more beneficial for the amended policy to be aligned with an updated SPED, which is itself up for review within the next 12 months. At the time of the public consultation process on the SPED, the *Kamra tal-Periti* had noted that the lifespan of the SPED (2015 – 2020) *“is a very short time in planning and in the life of a city”* and that therefore *“the document must be seen as a foundation stone for a longer term vision (most cities have effected their transformations over periods of say 30 years) to transform the Maltese urban and rural environment. The manner in which these objectives will be taken forward is critical.”*

Sadly, the SPED was not translated into urban and rural governance which is action-oriented, and has remained a set of Objectives with little to no tangible results on the ground.

The *Kamra* strongly urges the Authority to commence the SPED review right away, and to run the review of the Rural Policy in parallel.

It is nevertheless pertinent to keep in mind the SPED statement that the *“Maltese landscape is a cultural landscape, and the surviving structures show its continued use, and are testimony of the country's past”*. A revised Policy should acknowledge this and should base its principles on the realisation that our rural environment has an intrinsic value which exceeds by far its monetary worth at any one moment. In an amended Policy, further emphasis should be placed on the need for our authorities to invest in the rural environment for the benefit of the country. They ought to be made to shoulder their responsibilities in terms of Article 9 of the constitution of Malta, namely that *“the State shall protect and conserve the environment and its resources for the benefit of the present and future generations and shall take measures to address any form of environmental degradation”*.

### 3. REDEFINING TERRITORY

The first step is to establish those areas to which the Policy, and its proposed revision, is applicable. The current Policy includes the following definitions:

- **Development Zones:** *Designated areas where urban development is permitted. Also referred to as ‘urban areas’. This excludes rural settlements.*
- **Outside the Development Zone (ODZ):** *Areas located outside the designated areas in the Local Plans where urban development is permitted, excluding rural settlements.*
- **Rural Settlements:** *As designated in Local Plans.*
- **Urban Areas:** *See ‘development zones’*

One of the principle defects of Malta’s planning policies is the use of misleading and poorly defined terms such as those above. Such terms give rise to unrealistic and unfocused planning goals, contradictory policy objectives, and a sense of distrust and bewilderment of the public directed towards the Planning Authority as an institution.

A clear example of this incongruence can be found in one of the Rural Policy objectives aimed to “*support development that is essential and genuine to the needs of sustainable agriculture and rural development*”. It follows therefore that this policy is intended to promote a specific type of development, not ban development altogether. In the Section titled ‘Scope’, it is stated that “*The spirit of this document is to allow **whoever genuinely needs** {emphasis added} to upgrade or redevelop an existing building or to construct a new one outside the development zone, in conjunction with its use.*” It is evident, therefore, that the term *Outside Development Zone* is wrong and misleading. The construction of a rubble wall is development; the construction of a road is development; the construction of a farm is development; the quarrying of rock is development; the dumping of waste is development.

The *Kamra tal-Periti* had stated the following with respect to the Rural Area as outlined in the SPED:

*Even though the document refers to rural areas, the urban areas (and urban activities) in Malta are substantial enough to influence the surrounding agriculture. For this reason, the European Union’s Common Agricultural Policy had defined Malta’s countryside as peri-urban rather than rural. This is a fundamental concept that needs to be rethought since it affects the strategy being suggested within the document. In addition, the fact that agriculture is the predominant land cover, at 51%, does not necessarily mean that it should all be placed at an equal value.*

Section 2.24 of the SPED reinforces this observation, and states that *“Malta's increasing urbanisation together with intensification of agricultural practices and abandonment of agricultural land have also accentuated pressures on soil.”* Value considerations are central to the discussion and should thus be incorporated.

The definitions of urban, rural, coastal and marine areas in the SPED need to be seriously rethought in order to include the peri-urban area and the urban fringes, which have often become distinct entities that are very different in nature to the inner workings of the individual settlements.

Malta’s planning policy makers need to revisit the development of planning on these islands, and in so doing retrace its British origins. The British legal and planning tradition of *“town and country planning”* is clear and unambiguous. It is necessary that such clarity be established in the Maltese planning regime.

The territory of the Maltese Islands needs to be classified into two broad categories: Urban Areas and Rural Areas, which broadly identify the character, identity and acceptable development typologies. These broad categories should in turn be further subdivided to hone into more specific urban and rural typologies. An example of possible territory classifications is shown in Table 1 below.

**Table 1** Proposed Territory Classification

	Urban Area	Rural Area
<b>Typology examples (non-exhaustive lists)</b>	<ul style="list-style-type: none"> <li>• Urban Conservation Areas</li> <li>• Central Business Districts</li> <li>• Urban Centres (including public amenities such as parks, gardens, promenades, etc)</li> <li>• Industrial Areas</li> <li>• Suburban Areas</li> <li>• Peri-urban Areas</li> </ul>	<ul style="list-style-type: none"> <li>• Countryside, classified by:               <ul style="list-style-type: none"> <li>· Level of protection: AHLV, AEI, SSI, Natura 2000, etc.; and</li> <li>· Type: Valleys, woods, beaches, cliffs, etc.</li> </ul> </li> <li>• Agricultural Areas</li> <li>• Rural Conservation Areas (Villages and Rural Settlements)</li> <li>• Green belts</li> <li>• Quarries</li> <li>• Non-Urban Civil Infrastructure (transportation network, sewage and waste treatment plants, airports and ports, power generation, desalination plants, etc.)</li> </ul>

Hereunder are further comments that elaborate on some of the above Classifications.

### 3.1 Countryside

One of the main deficiencies of the ODZ designation is that it conflates natural pristine areas with land taken up by agriculture. The separation between the two needs to be clear and distinct, both in terms of classification and policy.

The importance of protecting our natural environment is well-understood. The positive effects the natural environment has on addressing climate change, air and water quality, biodiversity, social well-being, and to national and local identity are expressed in various policy documents, including the SPED. Nevertheless, this awareness is poorly translated into effective planning policy.

It is the *Kamra's* considered view that this is, in part, due to lack of focus and adequate terminology which fails to effectively grant Countryside protection of varying degrees, ranging from high levels of protection only allowing forms of development which serve the purpose of conserving and protecting it, for example beach and coastal erosion projects, to low intensity sensitive forms of residential development which are responsive to their context in areas with low level of protection.

### 3.2 Agricultural Areas

Agriculture contributes significantly to the character and identity of our rural landscape. Moreover, it is essential to safeguard local traditional food produce and to ensure at least some element of food security. Agriculture, however, has become an industrial activity in its own right with its environmental impacts, including groundwater depletion, ground contamination, and erosion of biodiversity.

It is therefore necessary to ensure that Agricultural Areas are identified and developed to promote the strategic objectives set out in the *National Agricultural Policy (NAP) for the Maltese Islands 2018 – 2028*. It is also necessary to ensure that incompatible land uses and development within Agricultural Areas are not allowed and existing ones ideally reversed to make certain that the NAP objectives can be reached, and to reduce risks to health and safety. Incompatible uses need to be adequately defined, but would include as a start several forms of commercial and industrial activities. Agricultural Areas require a focus on agricultural development similar to that currently afforded to industrial development in Industrial Areas.

The impact of dispersed pockets of more urban activities in the Rural Area and the resulting pressures for more public accessibility, has in fact made it far more difficult for a more sustainable agriculture, and for the preservation of more traditional means of practising agriculture. The result has been the growth of intense farming methods both for produce and livestock, which in turn has produced invasive, intrusive and incompatible development uncharacteristic of the traditional rural environment, from greenhouses of dubious quality and design to unsightly livestock farms of insufficient quality and unsanitary condition. And significantly the design of these new developments ignore, with the Planning Authority's consent, their rural environment.

The rapid increase in pollution, the rampant use of insecticides and artificial fertilisers, and the unstoppable encroachment of incompatible uses on agricultural land has made



it almost impossible for any area to be dedicated to organic or high-value farming, an obvious solution to help ensure the differentiation of local produce (from imported goods), the strengthening of this vital economic sector, and the economic viability of farming as a career of choice.

Moreover, particular provisions and policies should be adopted to prevent the contamination of Countryside areas by Agricultural Areas to mitigate the latter's impacts on the natural environment. Indeed, it is also recommended that further subclassification of such areas be introduced wherein only organic and sustainable forms of agricultural activity can be allowed particularly along those areas bordering Countryside. This would enhance the protection of biodiversity in Agricultural Areas, minimise impacts on the natural environment, and render it safe to accommodate genuinely related development such as low intensity residential, agri-tourism and recreational buildings and facilities.

### **3.3 Rural Conservation Areas**

Villages and hamlets have for decades been designated as Urban Areas. This is incorrect.

Villages form an integral part of rural landscape and identity. The urbanisation of rural settlements has brought about an exasperating urban sprawl, the effects of which can be witnessed through the out-of-control air pollution and exponentially problematic traffic generation. The main planning instruments that led to this degeneration are the 1988 Temporary Provision Schemes, the 2006 Local Plans, and the subsequent rationalisation schemes.

The result of these reckless planning policy decisions, driven primarily by short-sighted speculative interests, was a loss of local identity through synoecism processes that saw individual villages join into a single conurbation characterised by poor quality and soulless construction, completely disregarding the rural identity of the villages they sprawled out of.

It is therefore necessary that villages, hamlets and rural settlements (as defined in the Local Plans) be classified as Rural Conservation Areas, and strategies, policies and action plans be put in place to protect and conserve their rural identities. Research and discussion must also take place to determine how to best address the defacement caused by ill-thought urbanisation in rural settlements over the past 30 years.

### **3.4 Green belts**

Green belt designations have been successful in the UK and other countries across the world in controlling urban sprawl. "Green belts" is a land use designation defining tracts of undeveloped land in which natural habitats are allowed to flourish. They are normally located on the periphery of an Urban Area and serve to delimit its confines. It also helps establish a safe distance between residential and commercial uses and agricultural uses, and to also separate populated urban areas from noise and other forms of pollution caused by industrial development.

#### 4. DEVELOPMENT TYPOLOGIES IN THE RURAL AREA

The term '*genuine needs*' in the Policy Scope cannot, by any stretch of the imagination, include unadulterated speculation on open land, nor can '*in conjunction with its use*' justify the development of, for example, business 'parks' (in the form of rows of unsightly garage type properties or otherwise), which are more compatible with urban settlements than the rural character.

The current policy provides opportunities for the creation of new residential units within the Rural Area subject to a number of criteria. It also similarly allows for the upgrading and renovation of 'existing buildings' (as defined in the policy document) including 'dwellings'. The result of the policy's interpretation however is for a more permissive attitude to the creation of new residences and a far more restrictive approach to the improvements to rural buildings (dwellings). These legitimate residences and their occupants may also play a part in preserving the cultural landscape. At times occupying parcels of land of cultural or scenic importance, some with significant gardens, these properties also form the character of our landscape, and no authority would seek to remove them. With sufficient safeguards and carefully drafted policies, their presence may be congruent with the rural character of their setting.

Little effort has been made by the authorities and no incentive has been given to the public to intensify the rural and green nature of the rural environment. This may also be due to the emphasis given to economic factors in the *National Rural Development Plan*, which sets off on the premise of limited funding available for the rural environment and seeks to offset this through the promotion of private investment. The approach should be amended. Our rural setting is as important, culturally, economically and socially as are our urban centres, our built cultural heritage, and our natural resources (which themselves are over exploited to the point of their rapid depletion).

The three-week consultation period allowed is not enough to permit the *Kamra* to submit proposals in this regard which are studied, researched and carefully considered, and it would be irresponsible for the *Kamra* to do so at this stage. It is therefore submitted that a separate consultation process focussed on residential use within the Rural Area is undertaken, and that this has to be undertaken in parallel with a review of the SPED as already stated.

Further to the above, it would be remiss of the *Kamra tal-Periti*, as a representative body of design professionals whose primary objective is the achievement of high quality architecture and civil engineering in the interest of the community, not to comment on the requirement found in RPDG14 that all "*proposed development is of high quality rural design and must respect the rural context*". This phrase is interpreted by planning officers and decision-makers that only buildings designed in a style mocking vernacular architecture would be acceptable.

High quality contemporary architecture by its very nature should be responsive to its context, be it urban or rural. It would not otherwise be of high quality. Many of civilisation's highest architectural achievements are found in natural contexts. The

interplay between built and natural forms and materials provides for far more exhilarating cultural expression than false vernacular architecture.

It is pertinent to point out that vernacular buildings were built at a time when rural construction was crafted by artisans making best use of locally available materials and tools to address the most basic needs of shelter and utility. They are indeed an important part of our cultural heritage and are best respected by not being mocked or falsified.

## 5. A LANDSCAPE PLAN

The Maltese Islands are in dire need of a Landscape Strategy for the Rural Area, which is site specific and which is studied to the extent that it takes a holistic view of this important asset which our country has, rather than adopting the all too common piecemeal approach which is entirely dependent on the whims of certain developers and their ability to buy out existing buildings in order to maximise on financial benefits elsewhere.

Landscape policy planning involves the assessment of landscape on a broad regional, or national scale, and the mapping out of potential landscape change scenarios, such as might occur with population growth, land-use activity changes or infrastructure projects (such as wind farms or roads). The Rural Area is a policy area in its own right, and it should therefore have a clear Landscape Plan (akin to a “Local Plan” for this area), which outlines what is acceptable, where and according to established sets of criteria.

Reference is made to the Strategic Plan for the Environment and Development (SPED) and to Rural Objective 3, namely:

***Rural Objective 3:** To guide development which is either justified to be located in the Rural Area in approved Government policies, plans or programmes, or is incompatible with urban uses and where alternatives are not possible, to the Rural Area away from protected areas and areas of high landscape sensitivity, preferably on Areas of Containment, previously developed land or existing buildings while ensuring the improvement of the quality of the rural environment by:*

- 1. Setting out a policy framework to control the location and design of such development and guide appropriate environmental measures*
- 2. Safeguarding existing Areas of Containment and identifying further Areas to accommodate incompatible urban development*
- 3. Controlling the cumulative effect of such development*
- 4. Requiring compensation measures to enhance the rural environment*

The proposal for a Landscape Plan is completely in line with Rural Objective 3 (particularly points 1 and 2 thereof), and is the only means to truly achieve a sustainable approach for the future of our Rural Area. It is also imperative that this Plan gives special attention to the peri-urban areas and the areas which directly abut onto what is currently referred to as the “Outside Development Zone (ODZ)”, since these are very sensitive transition areas that are almost invariably overlooked.

One provision of the Plan should require that the design of public projects carried out in the Rural Area should be procured through an open design competition, especially where it concerns large scale infrastructure.

Afforestation should become the norm, and targets need to be set with regular periodic milestones, for the government and authorities to meet. Any type of development in

the Rural Area, which is for whatever reason, permitted, even if for factories, industrial parks, commercial use, infrastructure or for animal husbandry, as may from time to time be considered necessary, should be of a design, quality and scale that respects the rural setting, with as much green as possible. Over development should be prohibited with strict densities specified in advance to disincentivise land speculation.

Existing or new roads or other forms of infrastructure should similarly understand the terrain through which they cross and should be made to account for and compensate for their impact. Lack of funds, or more utilitarian concerns should never be allowed to take precedence over the quality of the rural setting, should not be an excuse for inadequacies.

Only in this way, will we help ensure that our rural environment is safeguarded, that it is not allowed to degenerate, but that it is in fact enhanced, and that it will be enjoyed also by future generations, not only residents on the islands, but also visitors and guests. It is not possible to overstate the interdependence of the state of our rural environment with the health of our economy, the benefits to tourism to the island, our own personal health and our quality of life.

## 6. PUBLIC CONSULTATION AND POLICY REVIEW

The *Kamra tal-Periti* cannot but note with concern the manner in which the current consultation process is being undertaken. Despite the setting up of an *ad hoc* committee to propose changes to the *Rural Policy and Design Guidance 2014*, none of the work of this committee appears to be reflected in the current process.

The “*objectives*” posited to the public are vague, and in some cases pointless, as outlined below:

- **Objective 1:** *To establish whether the scope of the current policy has had the intended effect*

While it is important to establish this, the primary objective at this stage should not be to take stock of the situation (which is an exercise that should have been carried out by the Planning Authority, not by the general public), but to establish whether the scope of the policy needs to be changed or not. The latter can only be done on the basis of a thorough assessment of the actual effects of the current policy, and in the absence of the relevant data and information being made available to the public it is submitted that this current consultation process is inherently flawed.

- **Objective 2:** *To identify those provisions which might be outdated, confusing or require clarification*

This Objective is possibly the only one which merits consideration. It is however submitted that before proposing changes to the individual provisions of the current policy that require amendment, the overarching direction and scope of the Policy needs to be established. In the absence of this, it makes no sense to comment on the detail.

- **Objective 3:** *To ensure that the amended policy has clear goals and objectives which meet the aspirations of the Strategic Plan for the Environment and Development as well as the National Rural Development Programme*

While in itself this Objective is positive, it would have been worrying had the Objective been anything but the achievement of the aspirations of the SPED and the NRDP. It is submitted that, in addition, the Policy must also meet the goals of the National Agricultural Policy for the Maltese Islands.

- **Objective 4:** *To ensure that the end product is consistent, effective and in line with the spirit of the Strategic Plan for the Environment and Development as well as the National Rural Development Programme rural objectives*

Same comments as above.

- **Objective 5:** *To ensure a smooth transition into compliance when the new policy takes effect*

This is *sine qua non*, and primarily an administrative issue.

In view of the above, it is therefore submitted that Phase 2 of the review process should consist of the establishment of the overarching Objectives and Scope, and a consultation process undertaken on such Objectives and Scope, and that as stated above this is run in parallel with a review of the SPED.

It is also important that the SPED review, the Rural Policy review and the establishment of a Landscape Plan are undertaken by appropriately qualified experts in the field, who can ensure that the ultimate established aims are achieved, and that our Rural Area is not compromised further.

The *Kamra tal-Periti* has already had occasion to state that public participation (as opposed to consultation) and the engagement of suitably qualified persons with the appropriate academic and technical knowledge to take on board such a vast and important task must also be part of this process, even prior to setting the Objectives.