

## Din l-Art Helwa Comments on the draft ODZ Policy and Design Guidance document by the Malta Environment and Planning Authority

6<sup>th</sup> December 2013

1. Din l-Art Helwa objects strongly to the fact that this important planning document is being put forward in an information vacuum, without any supporting studies and assessments. This is piecemeal planning without any strategic or long-term vision whatsoever. The ODZ policy should not be approved until further information and studies on the current situation and requirements in the countryside are put forward for evaluation and discussion. Without the necessary studies and information, the policy is premature and superficial.
2. The policy makes absolutely no attempt to ensure that development in the countryside is sustainable. The idea of sustainability is hardly mentioned, let alone assessed, throughout the entire document.
3. Din l-Art Helwa contends that ODZ policy must safeguard and protect the rural environment as a precious resource, and counteract the urban sprawl into the countryside. More emphasis must be placed on the protection of rural landscapes, ecosystems and biodiversity. Malta's ODZ policy should highlight the conservation and restoration of all natural habitats in the countryside, and safeguard them against pressures from development.
4. Instead, the introduction to the draft ODZ policy states that "*the spirit of the document is to allow whoever genuinely needs to upgrade or redevelop an existing building or construct a new one outside the development zone, in conjunction with its use.*" The main emphasis of this document is clearly on finding ways to permit construction in ODZ areas, and not on the protection of the countryside. Din l-Art Helwa disagrees with the 'spirit' of the document and strongly contends that this should be completely revised.
5. From the start, this draft policy creates an enormous potential loophole for scheduled areas which undermines the credibility of the entire document. The introduction states that "*there may be particular circumstances where there is also a genuine need for more than the minimum thresholds and, conversely, where attention has to be given to proposed development in scheduled areas or areas proposed for scheduling. Proposals which are not addressed by this policy document may be considered on their own merits by the deciding body if it felt that the proposal will generate an improvement to the area where it is located.*"
6. The proposal to base important planning decisions on subjective and undefined "genuine needs" is superficial and flawed. It is expected that any potential "needs" must be properly assessed before proposals are put forward by the government. It is not enough to argue that "needs" may be 'genuine'. If MEPA is not in a position to define such ODZ "needs" objectively, then it

should go back to the drawing board as the document is premature and lacks depth.

7. The Environment Authority which is being set up should be specifically included in this policy as a central point of reference in the processing of planning applications within ODZ areas.
8. In conjunction with this Policy, MEPA is simultaneously drawing up separate policies for fireworks factories, photovoltaic farms, petrol stations and cemeteries, all of which may also have an impact on ODZ areas. Has the cumulative impact of all these policies together been considered? MEPA is requested to publish the conclusions of their assessment on the cumulative impact of these policies before approving this policy.
9. No information is provided on how many disused buildings in the countryside may be eligible to be redeveloped under these guidelines – this assessment should be provided for discussion before approval of the policy.
10. Proposals for the use of ODZ land for agritourism developments should be accompanied by supporting studies. How has the size of proposed agritourism developments been determined, and on what basis? Has the cumulative impact of parking requirements and access roads been studied and estimated?
11. MEPA fails to provide detailed supporting documentation to demonstrate how this ODZ policy will encourage the consolidation of agricultural development and discourage fragmentation in this sector. MEPA is requested to provide this information before approval of the policy.
12. The policy proposes a wide range of commercial uses in ODZ areas, such as wineries, buildings for the production of olive oil and honey, bee-keeping, agritourism accommodation, farm shops, stables, slaughterhouses, cold storage facilities, etc. Have the requirements and preferred locations of these activities been assessed? Why should slaughterhouses or cold storage facilities be housed in ODZ areas? MEPA is requested to publish an assessment.
13. The policy only refers to some types of protection/scheduling within ODZ areas – Class A or Class B Area/Site of Archaeological Importance, Level 1 or 2 Area or Ecological Importance/Site of Scientific Importance, Areas or High Landscape Value. MEPA is requested to provide a description of all other types of protection/scheduling within ODZ areas, including buffer zones, together with MEPA's rationale for including or excluding any proposed types of use within all protected areas.
14. Areas of High Landscape Value should also be subject to specific and very strict guidelines. These are the most scenic parts of the ODZ areas, and would be most vulnerable to negative visual impact. All uses not allowed in Class A or B Areas/Sites of Archaeological Importance and their buffer zones, Areas of Ecological Importance/Sites of Scientific Importance, should also not be allowed in Areas of High Landscape Value.

15. The policy states that “a 10% tolerance, as a flexibility extension, may be allowable.” This should be removed from the policy as developers and their architects are likely to immediately expect this as an automatic right.
16. The ‘coastline’ area should be defined in this document, and its relationship to this policy should be clearly described.
17. Height limitations should be clearly defined in the policy, with the aim of minimizing all visual impact in the countryside.
18. Policy 1.2B – Acceptable types of projects or research and potential areas must be clearly defined, and this information should be presented to the public for consultation and discussion.
19. Policy 1.2F – The Environment Authority should also be required to give its clearance for the clearance of water courses due to the environmental sensitivity of these areas.
20. Policy 2.2 – The policy states that due to ‘supervision requirements’ livestock breeders can construct dwellings up to 100m distance away from the boundary of the farm. This distance will encourage the sprawl of dwellings in the countryside with no clear advantages for agriculture – MEPA is requested to provide information on its assessment of the proposed distance required between farm dwellings and livestock, the type of livestock, and the parameters of such dwellings.
21. Policy 2.3 – Size and height of permissible developments should be clearly defined. This policy should not apply to scheduled areas including areas of high landscape value and relocation of farms in such areas should be encouraged. Farms should be guided to the least sensitive ODZ areas. Waste management measures must be addressed in all cases.
22. Policy 2.5B – This policy states that all storage facilities erected before October 1994 will be regarded as permitted development. Will this apply to buildings of any size? What has led to this decision to sanction? MEPA is requested to provide further analysis and evaluation of this point.
23. A clear definition of an ‘agricultural store’ should be provided.
24. No development should be allowed in ODZ areas if such development may be carried out within building areas. For example, no further schools, homes for the elderly, residences, social housing, open storage, or petrol stations should be allowed in ODZ areas.
25. The degradation of ODZ land should not be accepted as a justification for development on vacant land, as this encourages blatant abuse. This should be emphasised in the document.

26. Agritourism facilities must be limited to genuine farm-related activities and accommodation should be guided towards nearby villages and existing old farmhouse buildings, instead of constructing new buildings in the countryside.
27. Vernacular rural architecture and old agricultural features in the countryside should be protected, including their context.
28. ODZ policy should actively promote rainwater harvesting. MEPA is requested to clarify this point and associated measures.
29. Reservoirs and pump rooms should not be located in any protected areas.
30. ODZ policy should promote the removal of inappropriate or illegal development from the countryside, and actively discourage its use, re-development or sanctioning. More focus should be placed on enforcement measures.
31. More emphasis should be placed on the prevention of light pollution, including from roads. Din l-Art Helwa noted this point in its submissions on the ODZ policy objectives, however in its replies to the submissions MEPA notes that “light pollution will be dealt with after the public consultation of the draft policies” without providing justification. MEPA is requested to explain this position and to ensure that light pollution is taken into consideration in the ODZ policy.
32. ODZ policy should actively promote high quality design in all aspects. Din l-Art Helwa noted this point in its submissions on the ODZ policy objectives, but it has not been included in the draft policy.
33. ODZ policy should take into account all relevant measures from the National Environment Policy (2012) and the National Biodiversity Strategy and Action Plan (2012). Din l-Art Helwa noted this point in its submissions on the ODZ policy objectives, but it has not been included in the draft policy.
34. ODZ policy should actively encourage afforestation projects in appropriate areas. Din l-Art Helwa noted this point in its submissions on the ODZ policy objectives, but it has not been included in the draft policy.