

Environmental Impact Assessment

Screening according to Schedule III of S.L. 549.46

ERA Reference no.:	EA/00060/19
PA Reference no.:	PA/05783/19
Project Title:	Redevelopment & change of use of an existing permitted building approved in PA/02251/09 into an agrotourism accommodation Class 3A and ancillary facilities.
Location:	Furplay Rabbit Farm, Alley no. 2, Triq Hal Far, Zurrieq
Screening date:	December 2019

I. BACKGROUND

1. Outline of Proposal

- 1.1 The proposal is for an agro-tourism development at Triq Hal Far, Zurrieq. Part of the site area is currently a rabbit farm which consists of breeding units, food preparation block, administration block, and a visitor area (Figures 1 and 2). Part of the site also has a permit for a manure clamp through PA 02251/09, renewed under PA 03041/16, however it was indicated that this was not actually operated as a manure clamp. The proposal envisages the replacement of the said manure clamp with a two-storey accommodation building on the backside of the farm, together with the uptake of the remaining area for the development of a swimming pool and ancillary hard landscaping, as detailed further below (Figure 3):
- An underground basement level to be used for kitchen store, store area and three cesspits;
 - A ground floor which would accommodate five guestrooms, a reception, a breakfast and a dining area, and an outdoor swimming pool together with its ancillary facilities;
 - A first floor level which would accommodate another five guestrooms and another storage area; and
 - Two parking spaces and a space for a service vehicle.
- 1.2 The soil in the proposed area has already been cleared, and excavations together with other works related to the access and landscaping, and the construction of a retaining wall, have already taken place (Figure 4). Such change could also be noted from a

comparison between an aerial photo of 2016 and satellite image of 2019 as per Figure 5 below.

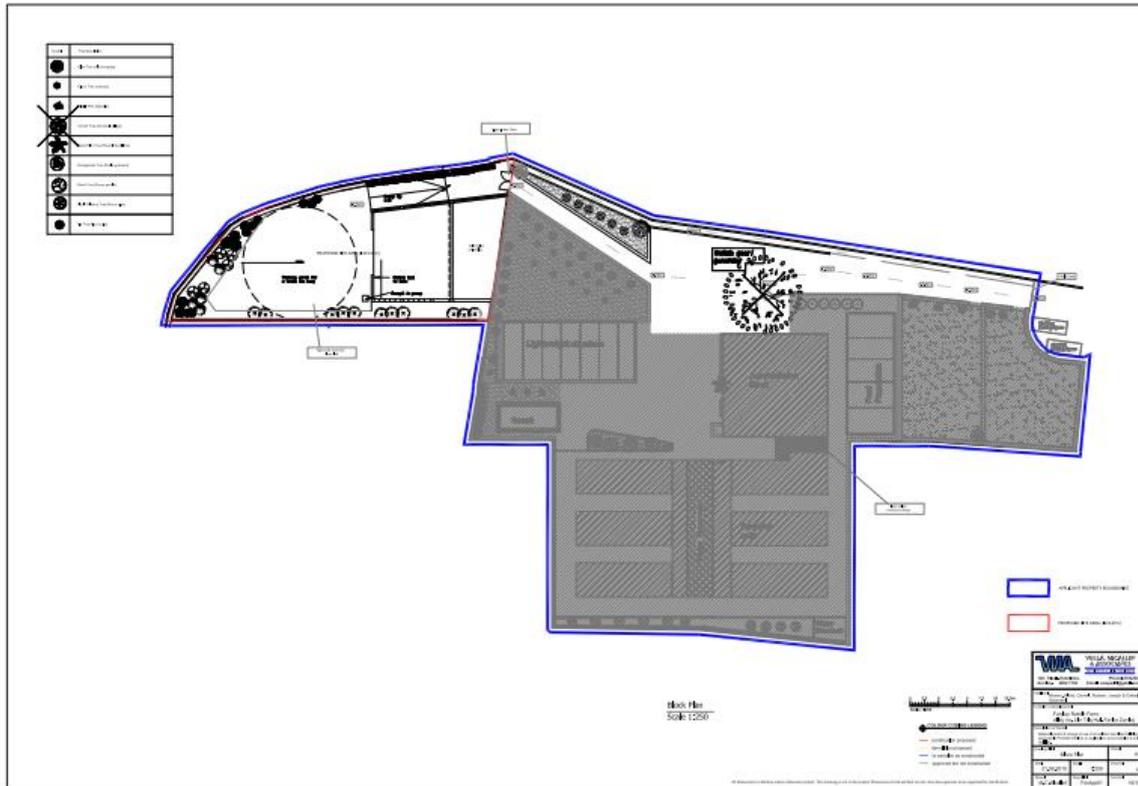


Figure 1: Block Plan (Source: PA 5783/19/7n)



Figure 2: Some of the current buildings (Source: PDS pg 7)

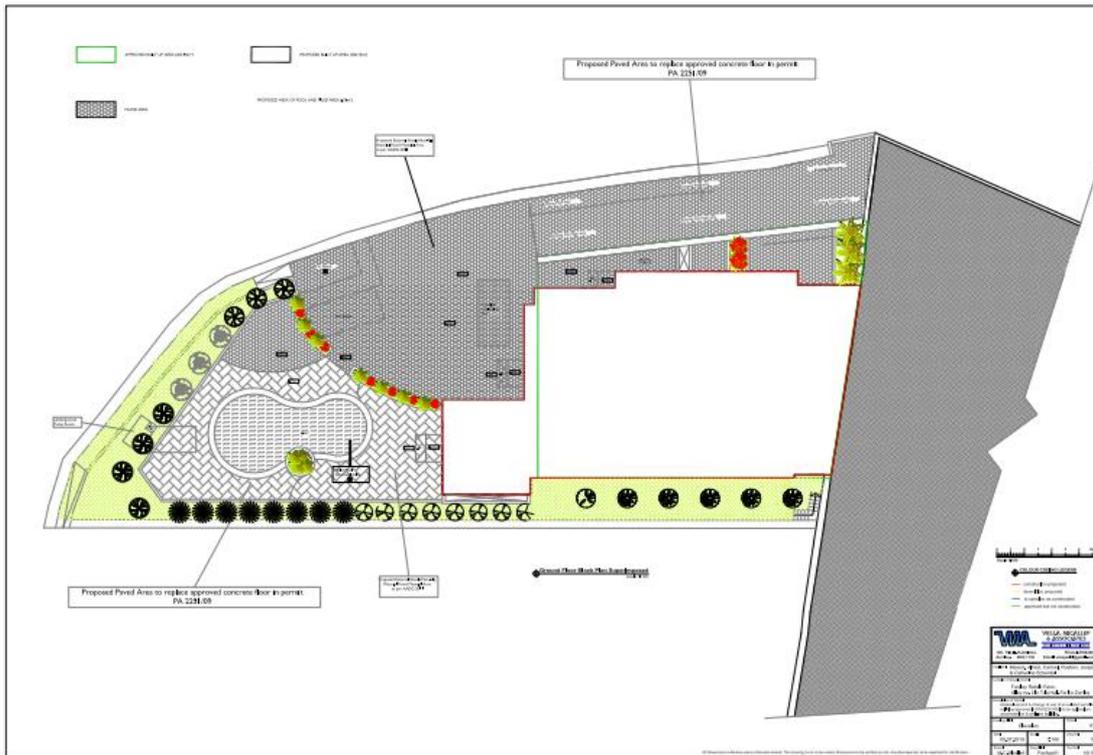


Figure 3: Proposed Ground Floor Plan (Source: PA 5783/19/7no)



Figure 4: Images showing ongoing interventions at the rear of the site (Source: PDS pg 7).

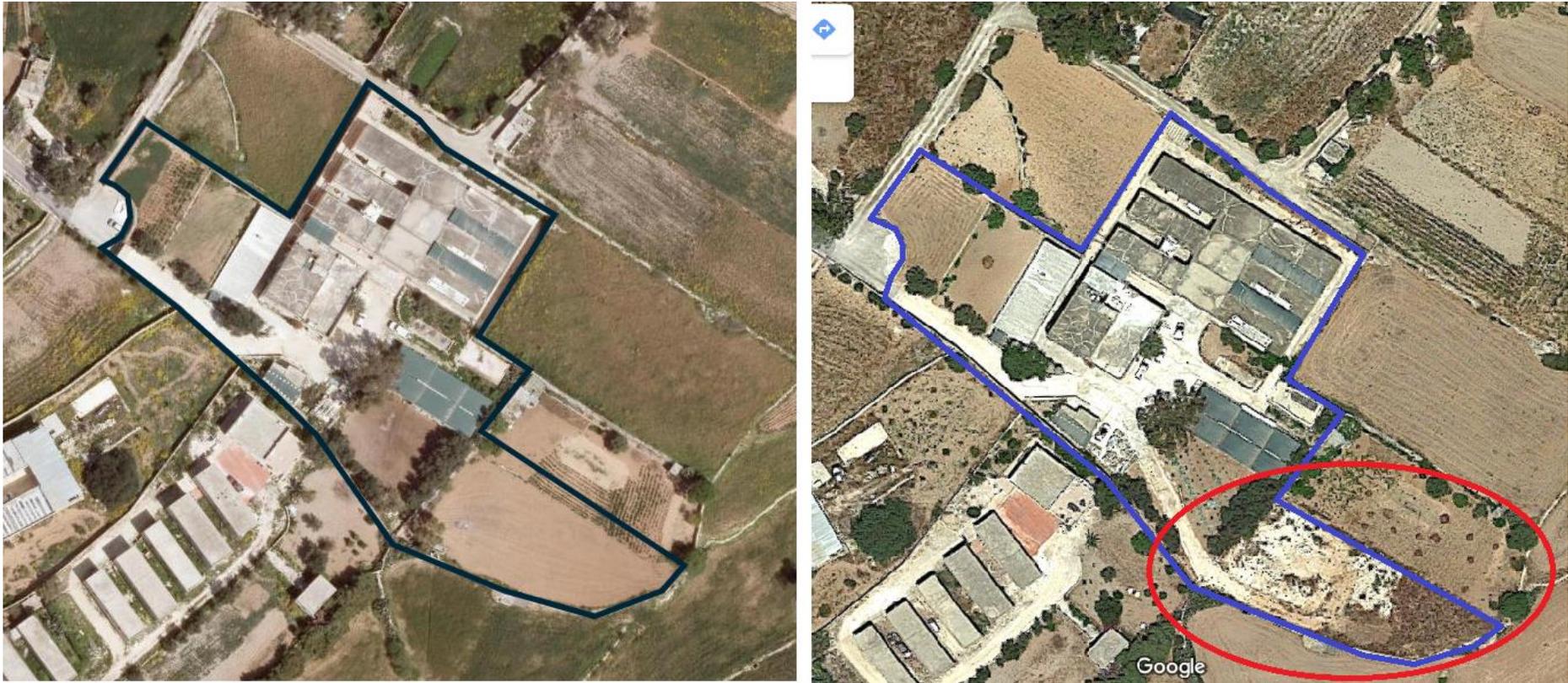


Figure 5: Left image shows the site in 2016 (Source: PA Geoportal, 2016), whereas the right image shows the site being disturbed in 2019 (Source: Google photos, 2019).

2. Site context

- 2.1 The proposed site forms an outward protrusion of a larger land parcel housing a rabbit farm at Furplay Rabbit Farm, Alley No 2, Triq Hal Far, Zurrieq. The site lies Outside Development Zone (ODZ) and has an area of approximately 6, 850 m², while the area being proposed for development is circa 1, 275 m².
- 2.2 The proposed site was an agricultural field, currently under development pursuant to the previously issued permits, and in this regard reference is made to the case history summarised in section 3 below. The surrounding area is characterised mainly by open agricultural land (vide orthophotos below), with the exception of two other rabbit farms which are located to the south of the site (Figure 6).
- 2.3 According the South Malta Local Plan, the site is an Agriculture Area (SMAG 01) and lies within the Valley Protection Zone (SMCO 07) as designated in MAP ZU 4. The site also lies circa 100m away from the 300m buffer zone of the Groundwater Safeguard Zone as identified by MRA under the Water Policy Framework Regulations (S.L. 549.100).



Figure 6: Aerial photo of the site showing the other two farms to its south (red circle) and the surrounding area which is characterised mainly by open agricultural land (Source: PA Geoportal, 2016)

3 Case history

The site was previously subject to the following planning applications:

- PA/2014/95 – To construct rabbit farm (outline application). **Application was approved.**

- PA/2591/96 - To construct rabbit farm (Full Development application). **Application was approved.**
- PA/1548/98 - To amend permit PA 2591/96 to include a slaughterhouse. **Application was approved.**
- PA/2251/09 - Extension to rabbit farm (approved in PA 1548/98 and PA 2591/96) to provide manure clamp in line with EU Regulations and sanctioning of changes to approved layout. **Application was approved.**
- PA/2505/16 - Alterations and additions at first floor Level to an existing rabbit farm, to include an area for promoting and tasting of local agricultural produce, including cooking on site and change of use of previously approved area from office to common entrance area and from toilets to preparation area. **ERA had objected to the said application but it was misquoted in the DPA report, which erroneously indicated that ERA had no objection and recommended an approval with conditions.** Application was approved.
- PA/3041/16 - Renewal of permit PA02251/09 [extension to rabbit farm (approved in PA1548/98 & PA2691/96) to provide manure clamp in line with EU regulations and sanctioning of changes to approved layout]. **This was submitted as a Summary Application and ERA was not consulted.** Application was approved.

4 Screening Criteria

4.1 EIA Screening

(citations refer to S.L. 549.46, except where otherwise specified):

The proposed development falls within the scope of the Environmental Impact Assessment Regulations (S.L. 549.46), notably in terms of the following Category II criterion in Schedule I: 7.1.2.2 - Construction or extension of hotels, holiday complexes, holiday villages, hostels, homes for the elderly, hospitals, or associated development, if located wholly or partly outside development zones and not covered by Category I. Therefore, the proposal was also screened in terms of the EIA Regulations.

5 Documents used for screening

- a. ERA's Consultation Reply to the PA at doc.PA5783/19/55a in e-apps;
- b. Project Description Statement (PDS), which was referred to ERA directly by the applicant's consultant on the 30th October 2019; and
- c. Other documents on e-apps (PA/5783/19/1a- 1e, 7b -7o, 43a, 47b-c, 51a, 54a, 57a, 58a-b)

II. ASSESSMENT OF PROPOSAL

6 Assessment of Impacts and Ancillary Considerations

(Screening in terms of Schedule III of the EIA Regulations, S.L. 549.46)

- 6.1 The single most important concern related to this application is the rural land uptake, resulting from the significant piecemeal intensification and extension of an ODZ development located in open countryside. The current proposal is the latest stage in a sequence of submissions, whereby a development that had started off as a rabbit farm is being progressively converted into a significantly more extensive and more urban-type development which (according to the current proposal) would also include an accommodation building, a swimming pool and extensive hard landscaping. The proliferation and enlargement of such ad hoc developments scattered in the countryside entails a major impact in terms of uptake of arable fields, impermeabilization of previously soil-covered areas, formalisation of the rural landscape, self-sustaining pressures for further expansion of established commitments, and overall cumulative urbanisation of the countryside. This concern is particularly relevant to the proposed development, particularly when considering the evolution of the site history and the sprawling layout of the proposal, which fails to make any effort to minimise the uptake of rural land and instead seeks to commit the entire tract of available land.
- 6.2 ERA has already assessed this application (doc 55a), indicating clearly that the proposal is objectionable from an environmental point of view. In its earlier reply, ERA also indicated that, whilst the proposal falls within the scope of the EIA regulations and would thus qualify for the submission of a PDS, such submission would not add value and would not help address the main environmental concern that was already clearly identified.
- 6.3 This position was also communicated to the applicant, whilst also recommending the re-thinking of the proposal whereby the proposed piecemeal sprawl would be replaced with a more compact redevelopment that exploits the under-utilised interstitial spaces between the existing buildings. Such development, as long as reasonably down-scaled and coupled with satisfactory restoration of the outer field to its pristine state (also including removal of the redundant manure clamp), would somewhat address the above-mentioned concern, and ERA would thus be in a position to consider the proposal more favourably.
- 6.4 In the light of applicant's insistence to submit a PDS regardless, the case was re-screened to take into account the nominally updated submission. Earlier observations are thus reiterated, since no substantial improvements to the previously assessed proposal were noted.
- 6.5 There are also additional concerns about the baseline commitments being claimed by applicant, which would continue to distort the case merits unless their context is duly clarified:

(1) The current site commitments emanating from previous permits include a rabbit farm, another building approved as a visitor facility related to the promotion and tasting of local agricultural produce, as well as a manure clamp and ancillary access and manoeuvring space. The manure clamp had been previously indicated as an essential infrastructure for proper operation of the farm, and was thus approved by the Planning Authority (together with an extravagant manoeuvring area supposedly ancillary to it) on the basis of such justification. On the contrary, it is now being indicated as an unnecessary facility which already commits the land on which the proposed development is envisaged, such that the proposed extension is being presented as a mere replacement of such structure on already developed land. In this regard, it is to be noted that the permit for the manure clamp includes the following safeguard against such malpractice (PA 3041/16, condition 3a): *“The structures covered by this permission shall be used for agricultural purposes only and for the uses as indicated on the approved drawings. This development permission does not imply that any buildings or structures hereby being permitted may eventually be allowed to be put to any use other than for animal husbandry. In the event that the approved development ceases to operate, all buildings and structures (including boundary walls and redundant ancillary infrastructure) shall be dismantled and the site restored to its original state to the Authority's satisfaction...”*

(2) ERA was not re-consulted on application PA3041/16, which was submitted as a renewal application that extended the validity of an earlier permit PA02251/09 (the original permit for the manure clamp, issued in 2011) through the Planning Authority's summary procedure. Thus, no updated environmental screening of PA3041/16 was carried out.

(3) With regard to the visitor facility approved through PA/02505/16, ERA had even formally objected to this application (vide document PA/02505/16/63a), however its position was misquoted in the final DPA report which incorrectly indicated that ERA had no objection to the proposal subject to conditions.

(4) ERA is also concerned about the piecemeal evolution of the site through a succession of fragmentary ad hoc interventions exploiting various ODZ policy loopholes, and about the latest ad hoc approvals issued in rapid succession.

6.6 As already mentioned in ERA's consultation screening reply on PA05783/19/55a, the proposed additional development within this site would have a significant impact on the surrounding rural environment. In particular, the proposed development would result in an unacceptable proliferation and intensification of associated extensive physical development as well as take-up of undeveloped rural land and site formalization within the countryside. Also, approval of this application would further consolidate development and residential uses which are not compatible with the area prompting future demands for additional piecemeal development.

Screening Outcome

From the above screening it has been determined that the issues raised by the proposed development cannot simply be adequately addressed through further EIA studies, and need to be addressed directly through refusal of the application by means of the mainstream development consent process, unless the proposal is significantly overhauled to address the above considerations. In this regard, ERA reiterates its objection to the said development.

7 Permitting Requirements

From the submissions provided it is unclear whether the proposal would also qualify for an MCP registration/ Nature Permit. Furthermore, in view that the proposal may involve interventions on protected trees, the proposed operation or activity may require to be permitted in line with the Trees and Woodlands Protection Regulations, 2018 (S.L. 549.123). However, such details are currently considered premature, in view of the overall objection to the current proposal.

III. ERA CONCLUSION AND RECOMMENDED WAY FORWARD

In view of the above, ERA continues to consider the proposal as being objectionable from an environmental point of view, as there is no valid overriding justification for the further loss of undeveloped rural land and associated environmental impacts to accommodate even further built development on ODZ land. ERA is also significantly concerned about the observed circumvention of proper holistic assessment through a succession of piecemeal applications, misuse of policy loopholes as stepping stones for pseudo-agricultural development (notably the sizeable 'manure clamp' building and ancillary interventions and their associated site degradation), and consultation shortcomings (as noted vis-à-vis PA 2505/16 & PA 3041/16 and explained further above). ERA is further concerned that development on site is following a wasteful sprawling pattern that involves an environmentally-insensitive uptake of the rural land parcel for built development and hard landscaping, whilst leaving vacant other already-compromised interstices that are enclosed by existing buildings within the site.

ERA would be in a position to consider an alternative, more compact redevelopment proposal whereby the proposed piecemeal sprawl would be replaced with a much more compact facility that replaces the under-utilised interstitial spaces between the existing buildings, and does away with the currently envisaged uptake of the outer field that protrudes outward into the surrounding countryside. Such development, as long as reasonably down-scaled and coupled with satisfactory restoration of the outer field (including removal of the redundant manure clamp) to its pristine state, would serve to address the above-mentioned concerns and largely avoid/mitigate the associated impacts, and ERA would thus be in a position to consider the revised proposal more favourably. In the absence of such improved proposal, a refusal of the application is recommended.

Without prejudice to the above, should the proposal be considered favourably by the Planning

Authority against ERA's objection, environmental-related conditions and environmental permitting requirements may be applicable, and ERA would thus need to be re-consulted accordingly. However, such details are currently considered premature and inappropriate, in view of the overall objection to the current proposal.

Screening Disclaimer

The above screening results, the ensuing conclusions and recommendations are without prejudice to any required changes or updates should the development proposal be eventually modified or should the information/assumptions provided turn out to be incorrect. Any deviations of the proposal from this submission would need to be re-assessed and the merits of this screening would need to be re-opened.