

Major development projects and the planning system

by John Ebejer

PARLIAMENT will be discussing legislative changes relating to the planning system soon. A contentious issue concerns Government's involvement in applications for Government developments and/or large developments.

The planning system currently in operation has come about partly as a reaction to the mistakes made in previous years — mistakes which were attributed to excessive involvement of ministers and other politicians. Malta has paid a high environmental price for these mistakes.

Decisions on applications for development are taken by the PA board or the Development Control Commission (DCC) and based on the Structure Plan which is approved by Parliament (or other PA policy documents approved by Government).

Hence, the underlying principle of the current planning system is that decisions are taken in an autonomous and impartial manner by non-politicians within a policy framework as set out by the government. The principle is commendable and an effective response to a culture prevailing in the Eighties and early Nineties.

Eight years of experience have, however, revealed some weakness in this approach. The Structure Plan approved by Parliament in 1992 reflected the priorities of the time, which mainly related to the environment. Today, the restructuring of the economy necessitates the creation of thousands of jobs. The environment is still very much a priority but this needs to be seen from the perspective of other national needs.

Hence, decisions on applications for development are taken on the basis of a policy document which reflects the realities of eight years ago. For most applications, this is not likely to be a problem. Large developments and/or government projects are more likely to have policy implications and hence this deficiency could be problematic.

There may be projects, which are considered high priority by Government. Government may consider the economic or social benefits of the projects to outweigh any environmental cost. The Planning Authority might not be fully sensitive to the benefits and consider the environmental impact as excessive. A refusal or excessive delay frustrates Government's intentions and efforts to abide by its electoral promises.

The current system gives rise to political pressure being exerted on the individual case officer and eventually on the PA board. A case officer is hardly likely to change his/her professional opinion due to pressures, just as a doctor would never change a professional opinion due to pressures. There may be however political or other considerations which in Government's opinion outweigh the technical arguments.

The ultimate responsibility for policy formulation is Government's which in turn is answerable to the electorate. Similarly, Government should also have a say in decisions on projects with policy implications, if it chooses to do so. In current leg-

islation, there is a mechanism which allows Cabinet to decide on a government project refused by the PA but the system is cumbersome and the delay involved would be unacceptable for more important projects.

Recent reports in the media refer to allowing Government the possibility of "calling-in" specific applications for development and taking the decision itself. Such a mechanism would be permissible for Government projects and "projects of national interest". Variations to this approach include decisions on "called-in" applications being taken by a Parliamentary House Committee or a Cabinet sub-committee of three ministers.

As part of Government's public consultation process, I was commissioned to carry out detailed interviews with some 20 politicians, PA officials, Government officials, architects, developers and environmentalists. The possibility of Government's involvement in major projects was discussed in some interviews. Some argued that vote-catching considerations may lead to abuse and/or mistakes being committed by politicians. Past experience was cited to highlight the risk.

Clearly, any changes made in this direction should include appropriate safeguards. One such safeguard is the democratic system itself. By "calling-in" an application Government would be focusing the public's attention on that application and would therefore be subject to scrutiny.

Government would have to have very strong reasons, first to justify calling-in the application and then to justify the decision itself. Also the political system in Malta has evolved over the years and voters are more discerning. It is not unthinkable for a party in government to lose votes because of a wrong decision on a "called-in" application. The type of application which may be called-in should be clearly defined and appeals against calling-in should also be permitted.

For called-in applications, Government could rely on its own architects and expertise to ensure that the quality of development is not sacrificed for the sake of expediency.

It is worth noting that our system is unique in that decisions on applications for development are taken by non-politicians. In England, for example, planning subcommittees, composed of elected members, decide on development applications. A planning system where Government has no legal mechanism to intervene effectively in a timely manner is somewhat extreme.

The "call-in" option would in effect give greater freedom to the Planning Authority. Instead of being subject to arm-twisting, the PA can publicly express its view on a proposed development and it will be up to Government whether or not to accept that advice. If the decision taken by Government is in any way unpopular (for environmental or any other reason), then it would have to shoulder the political responsibility.

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