

Environment

The Planning Authority ignores its own experts



Alan Deidun

A deafening silence has greeted the recent publication of statistics regarding the issue of planning permits in Outside Development Zones (ODZ), with the Planning Authority not batting an eyelid about the damning figures.

At the Planning Authority, the onus well and truly resides with the Planning Commission chair, architect Elizabeth Ellul, who in 2014 was instrumental in steering through the revised ODZ guidelines (the so-called 'Rural Policy and Design Guidelines'), which have opened the floodgates of development in the Maltese countryside. The writing had been on the wall for quite some time regarding this deluge of ODZ applications and permits, with all environmental NGOs united in predicting the detrimental impact that the revised policies would have.

But despite all the warnings, Ellul forged ahead, with almost 98 per cent of all ODZ permits granted last year being approved through short proceedings by the three-member Planning Commission she heads. And the mother of all ironies is that some of the voices of dissent in 2014 about the revised ODZ policies did not come from the usual suspects – namely the eNGOs – but rather from inside the Malta Environment and Planning Authority (which still existed at the time), specifically from the Natural Heritage Advisory Committee (NHAC) which had sent to Ellul a position document with a list of damning recommendations about the revised ODZ policies.

These recommendations, which had been endorsed by all the members of the NHAC panel, irrespective of their political leanings, and had the ultimate aim of curbing the abuse that the new policies would invariably usher in, were almost entirely shot down by Ellul.

As a result, the vast majority of the recommendations were shelved and did not even make it to the public domain, despite the NHAC's protestations that the committee's statute dictated that all NHAC positions were to be published on Mepa's website.

Mepa was evidently keen on avoiding at all costs a damaging fallout from the publication of the NHAC's position statement, which would have exposed the internal opposition within the authority itself to the approval of the revised ODZ policies. Mepa's excuse at the time was that the NHAC's position

statement was merely "internal discussion". Mepa's selective interpretation of the law at the time was embodied in the following response to the NHAC at the time: "Any member of the public wanting to see the NHAC document can ask for a copy of the relevant NHAC minutes". In this way, Mepa basically divested itself of any responsibility to place online internal criticism of its revised ODZ policies. This flies in the face of the obligations that Malta should grant access to information and transparency under the Aarhus Convention.

In its critique of the revised rural policies, the NHAC touched upon all the proposed new policies in a methodological fashion. This is an excerpt of its recommendations on just two policies:

"Policy 6.2C concerns the redevelopment (not rehabilitation) and change of use of existing buildings ODZ. This policy, especially the part relating to disused livestock farms, can lead to undesirable developments in rural areas. The policy should therefore be amended in order to include watertight conditions concerning such redevelopment and change of use.

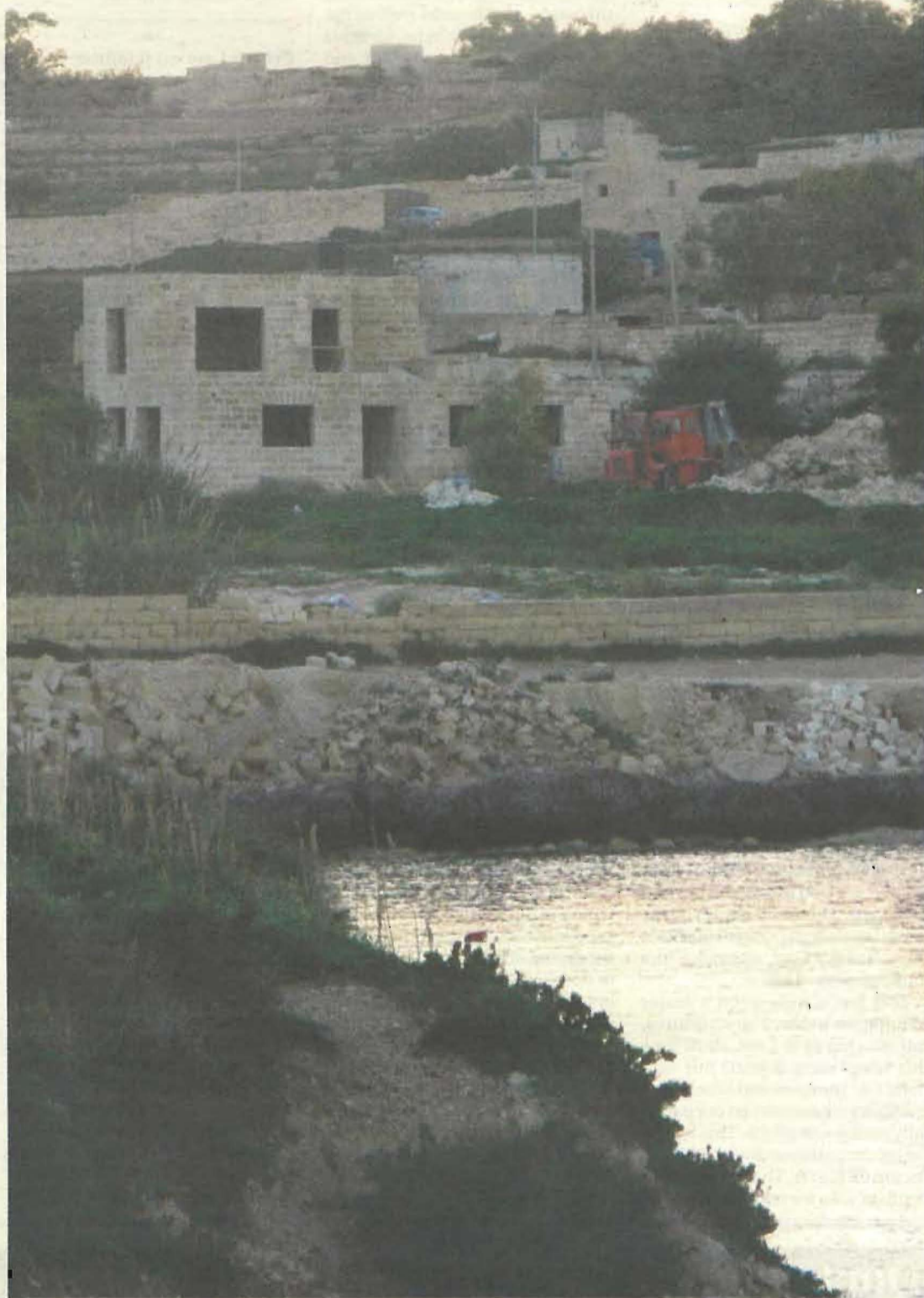
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"Policy 2.5A permits the construction of a building (or an extension to an existing building) for farming facilities intended for sustainable farming. This policy is acceptable provided that the listed conditions are complied with.

"It is conceded that the large number of so-called agricultural stores (aka tool rooms) existing in the Maltese rural landscape, especially following the proliferation of such structures after the approval of the 2014 Policy and Design Guidelines, has had a grave



Is this illegally-extended farmhouse at San Tumas set for an approval under the infamous revised ODZ policies steered through in 2014 despite internal objections at Mepa?

negative impact on the Maltese countryside and landscape. In many cases the structures built according to this and previous policies are not being used for storage related to agriculture but for leisure-related activities.

"The existing agricultural stores should therefore be considered sufficient and no permits for new stores should be issued. Policy 2.5A should therefore be deleted."

It is a real pity that Mepa, and Ellul in particular, did not heed this wisdom at the time. So besides eNGOs, NHAC panel members can today walk tall and can direct their 'I told you so' to Ellul and company, as they had

anticipated the rampant development in the Maltese countryside that the new ODZ policies would usher in.

Keeping the ERA in the dark... again

An utter disregard for the Environment and Resources Authority's important consultative role on environmental issues is glaringly evident in the way the Office of the Prime Minister failed to consult the ERA during its ongoing motor-sports racetrack site selection exercise, thus depriving the environment of a say in the process.

The results of this exercise are expected to be published imminently and pundits have already hinted that given its nature the facility will be sited in an ODZ. It only stands to reason to expect that the ERA should have been consulted from day one in the selection of potential sites to host such a large development in an ODZ area, rather than lumping the authority with a *fait accompli* and expecting it to lead a compromised Environment Impact Assessment process on the selected sites. The analogy with the Zonqor university site selection process could not be more faithful...

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