

## Kissing ODZ goodbye – 2



Will the public lose access to another part of the foreshore, this time at Ta' Ċenċ/Mġarr ix-Xini, beyond this gate? Mepa decides about this issue on Friday.

This is the second in a series of articles highlighting the implications of the proposed amendments to Outside Development Zone policies.

Policy 1.2B states that “any specific project... supported by an NGO and which is required for research and innovation may be permitted subject to clearance from the Department of Agriculture and any other department regulating such a proposal, with the project lasting for a maximum period of five years”. This is tantamount to approval by default, since no planning constraints are being placed on such applications, irrespective of whether the site is a scheduled area or not.

What happens once the five-year period is over? Will the permitted construction be demolished? This policy contradicts another ODZ policy in the document which states: “The use of buildings should be continuous and the creation of derelict buildings within their expected lifetime should be discouraged”.

Policy 1.2C states: “Any building permitted by this policy document which is not used for a period of three consecutive years within 30 years from the date of issue of the permit, and/or is not used for its permitted purpose shall be demolished”. This seems to be an attempt to halt the proliferation of vacant buildings in ODZ areas but its vagueness deprives it of any real clout.

For instance, the policy does not specify whether it is taxpayers or the applicant and his heirs who will be financially responsible for the demolition or how one can prove that a building has not been used for three consecutive years.

Policy 1.2D has the potential to usher in a new wave of ODZ structures with a detrimental visual impact. For instance, it states that “redevelopment involves the total demolition and rebuilding of an existing permitted or pre-1967 building or structure or the consolidation of scattered permitted or pre-1967 buildings or structures”, but the policy does not indicate how “scattered” the properties need to be.

This policy blatantly contradicts the previous policy 1.2C, which calls for the demolition of derelict structures, by promoting their re-development. Policy 1.2D will simply promote urban sprawl in ODZ areas by favouring larger buildings, which are much more difficult to landscape.

Policy 1.2G is also riddled with contradiction. For instance, this policy affirms that: “proposals which would damage and/or disturb any protected species of wild flora or fauna and/or any habitat of protected species of wild flora or fauna, whether man-made or natural, and including any important breeding, rearing or resting sites, will not be permitted, unless the authority is certain that all legal requirements and conditions of the relevant environmental regulations are satisfied”.

The two halves of this statement are diametrically opposed to each other – how can a proposal that ‘damages and disturbs protected species of wild flora or fauna and any habitat of protected

species' not be counter to environmental regulations and obligations, especially EU ones, which nowadays govern areas like Natura 2000 sites? Normally, the Malta Environment and Planning Authority's Environment Directorate screens applications which might potentially go against such regulations, but this policy fails to make reference to the directorate.

The coastal aspect of ODZ is conspicuous by its absence in Policy 1.2H, which refers to country pathways. The mind boggles as to why the coastline and sensitive issues such as public access to the foreshore are completely overlooked in this policy.

But possibly the most preposterous of all proposals are those in Part 2, referring to farm dwellings and agricultural buildings. For instance, Policy 2.2A states that all livestock farmers, not only cattle and pig breeders, but also poultry and rabbit farmers, will be able to apply for permission to build a single dwelling/residential unit in ODZ areas despite the fact that poultry and rabbit farmers do not need to reside on site for animal husbandry purposes.

This proposal would lead to rampant abuse, especially since poultry farms can be easily managed with very limited resources, thus undermining any justification this policy tries to give for permitting new ODZ residences. The same proposal provides scope for further soil removal by stating that "a separate entrance to the dwelling may be permitted".

But the cherry on the cake is yet to come. The same policy states that "permission may be granted for the construction of a single dwelling unit outside the boundary of an operational livestock farm but within a distance of not more than 100m from the boundary of the farm, provided that... the proposed site is not located within a scheduled Class A or Class B Area/Site of Archaeological Importance and/or Level 1 or Level 2 Area of Ecological Importance/Site of Scientific Importance... and the proposed building has a maximum floor space of 150m<sup>2</sup>".

Why is a leeway of 100m being granted? Will the livestock farmer be able to hear his animals from such a distance? Why shouldn't the permitted new constructions be right next to the livestock farm?

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This would simply lead to more concrete paths in the countryside as farmers would need to pave the 100m distance to their farms.

And what about other protected areas, such as Special Areas of Conservation, Areas of High Landscape Value, and so on? Why have these been omitted? And why is it that no other constraints have been placed on applicants, such as number of floors, absence of a washroom and swimming pools and private gardens, the need for landscaping, and so forth?

In summary, the weakest links in the proposed policies is that there is little or no cross-referencing to EU directives/obligations (for instance, Special Areas of Conservation are not even deemed a mention). The policies place the onus on the discretion of the agricultural and veterinary departments, whereas the Environment Directorate should play a more prominent role since we are dealing with ODZ areas.

Building heights are not specified while statements like "as long as they [the permitted constructions] respect the rural character" are too vague and simply an invitation for abuse.

Public submissions or representations in response to these proposals may be e-mailed to Mepa on [ODZpolicies@mepa.org.mt](mailto:ODZpolicies@mepa.org.mt) till December 6. Hopefully, the sobering scenarios depicted in this and my first article a fortnight ago will nudge concerned readers to make such a submission.

## **Throwing away the key at Ta' Ċenċ**

In August 2005, a number of environmental NGOs organised a walk at Ta' Ċenċ to protest against plans to develop a golf course on site. A similar onslaught, albeit of smaller dimensions but still of considerable significance, is being proposed at Ta' Ċenċ, although, judging by the deafening silence out there, this time there will be no protest marches.

Two weeks ago, Mepa's Environment Planning Commission deferred to Friday a decision on whether or not to allow the owner of Ta' Ċenċ Hotel to cordon off the private beach at Il-Kantra. Din l-Art Helwa rightly objected to the application, as is the Planning Directorate, which is invoking the right of public access to the foreshore, which is entrenched in the Structure Plan.

Il-Kantra at Ta' Ċenċ is an enchanting, stunning site, ensconced against a backdrop of sheer cliffs, a secluded miniature fjord (Mġarr ix-Xini) and ethereal blue waters.

While the entire site, right up to Ta' Ċenċ Hotel a few kilometres away, is in private hands, the mind boggles as to why such a site of outstanding beauty and of such gargantuan proportions is not in the public domain.

And why is access to the Kantra peninsula only granted to hotel residents or to those willing to pay the fee for a deckchair and umbrella, especially when it is the only access point to the sea in the Ta' Ċenċ inlet (unless one swims for several hundreds of metres from Mġarr ix-Xini)?

The peninsula is coveted by diving clubs, but reports suggest that only one or two such clubs are currently being granted access to Il-Kantra.

Let's all hope that Mepa and its commission takes the bull by its horns and enshrines once and for all public access to the coast.

If it does not, then all the platitudes in favour of granting public access through such sites would be nothing but hot air, and even drives to do away with illegal boathouses would sound hypocritical and hollow and would be a case of 'two weights, two measures'.

But if Mepa does take the right decision, then Friday will go down in history as a red letter day for public access to the foreshore.

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