

The Green Whistleblower

Munxar... out of the public reach



The Agriculture Department appears to have a predilection for stripping trees of any foliage during its annual 'pruning' exercise. Besides providing shade in summer, such trees are also important shelter for sparrows. Signs for the sale of fireplace logs frequently sprout soon after such pruning exercises - when will the employees responsible for such exercises finally be briefed as to how the job should be properly done?

The Structure Plan solemnly promised that "public access around the coastline immediately adjacent to the sea or at the top of cliffs (including in bays, harbours, and creeks) will be secured. This will include taking shorelands into public ownership, Government acquisition of illegal developments and encroachments, and suitable construction works. In the few cases where this is not practical (for example where security considerations are paramount), nearby detours will be established.

All the coastline will be brought into public ownership within a specified period". Although this promise was made 16 years ago, the authorities have taken no action whatsoever to implement it - rather, they have hardly batted an eyelid as the 'privatisation' of our coastline continued apace.

The Structure Plan was moulded back in 1991 mainly on the template provided by UK planning legislation - no wonder that the second largest owner of the British coastline is the National Trust, which owns a staggering 1,130 km (or 11 per cent) of the UK coastline. In fact, the National Trust purchases, protects, manages and opens to the public large swathes of Britain's natural and cultural heritage.

Since unfortunately there is no Maltese counterpart of this foundation, the government should take it upon itself to purchase piecemeal swathes of the local countryside and coastline for public enjoyment.

The fact that Il-Munxar promontory, which leads from St Thomas Bay to Xrobb l-Ghagin, has been closed off to the public, has caused many pent-up feelings to surface, as testified by the numerous letters of protest in the newspapers.

One reader, Kenneth Bonnici, wrote (The Times, January 30): "Why don't we all just pack up and leave this island for the sole enjoyment of hunters and trappers? Or we could confine ourselves to our homes on weekends lest we are a nuisance to these people."

Ronald Bartolo wrote that in the UK the public gains inviolable rights over any pathway open to the public, even on private land, that has been used for a number of years. No private landowner is exempt, not even Madonna and Guy Ritchie, who have had frequent clashes with rambblers.

It has now transpired that the hunters are yet again behind this RTO affair. Lino Farrugia, secretary of the Federation of Hunters and Conservationists, writing in The Sunday Times last week, shied away from the main point - i.e. should the public be allowed access through private land in the form of a narrow passageway, especially when the foreshore is involved? He simply limits himself to regurgitating the fact that the land in question is private and that no hunting took place after 1 p.m.

Granted that the land in question is indeed privately-owned, yet authorities (I specifically refer to the somnolent Lands Department here) should once and for all painstakingly elucidate the protocol under such circumstances - i.e. should the public be allowed right of passage to breath-taking cliffs which it has enjoyed since time immemorial? Till now, in the absence of any definite answers, supposition has reigned.

In a landmark decision taken in Britain last August, the Countryside and Rights of Way Act opened up nearly 96,000 hectares of moor and heath in Devon, Cornwall and parts of west Somerset in south-west England. Do we dare hope for something similar here?

What raises many eyebrows is that when, in 1996, an application was filed by St Thomas Bay Development Company Ltd to develop a leisure complex at Munxar Point, all hell broke loose with both political parties, the Marsascale council, various NGOs and even the charismatic Fr Angelo Seychell from Zejtun drumming up public support to successfully oppose the project.

The fencing off of the area now by hunters is tantamount to the Lm30 million project being granted approval since the public has now been denied access to the area. So why is no action being taken on the matter? Only Dun Ang has stuck his neck during Nature Trust's ill-fated hike last November to negotiate with the landowner. However, there seems to be an air of complacency - is it because hunters are now involved and none of the big political guns want to lose any votes?

I only augur that in the close encounters with the public series currently being organised by the Prime Minister's office, a meeting solely dedicated to the environment will be pencilled in - I would take such an opportunity to grill the PM on the issue of foreshore access, why Lands is dragging its feet to pronounce itself on the matter and why the above recommendation in the Structure Plan has not been taken on board.

If the government was brooding over whether it had alienated voters in the Marsascale area over the Sant'Antnin hiatus, then it can rest assured that the Munxar access issue is considered as the last straw by many irate residents.

This might sound like a call to arms but this column wishes to rally all conscientious citizens to voice their disapproval regarding the matter to Dr Tonio Borg, Minister for the Interior, under whose portfolio the Lands Department falls, at tonio.borg@gov.mt, or to the Marsascale council at marsascale.lc@gov.mt, which, for some reason, has not reacted this time round.

Those interested should also consult the Ramblers' Association by visiting www.ramblersmalta.jointcomms.com. The government should intervene to prohibit the purchasing of massive swathes of land solely for hunting purposes - the public should be allowed access to such lands on Sunday afternoons, for example. Most of the Bahrija-Mtahleb-Dingli Cliffs and the Dwejra-San Dimitri Point stretches are already out of bounds for many ramblers.

Illegal gate at Ix-Xatt I-Ahmar

In a tiny country like ours, access to land and coastal resources appears to be high up on the agenda and yet another case which aptly confirms that the installation of a gate at Ix-Xatt I-Ahmar, Ghajnsielem, about five years ago was illegal.

After that gate was put up by one of the owners of the land, a farmer who also owns land on site is unable to till his land. After a saga of tortuous court cases, the aggrieved party managed to win the case against those erecting the gate, only for the latter to file an appeal with MEPA Appeals Board, which is currently pending.

In February 2004, after the gate was erected, the developer applied for 'full development permission outside scheme' - PA00103/04. The permission was refused in August and dismissed again a year after, in October 2005, with the developer losing the case for reconsideration, and being served with an enforcement notice.

The gate prevents the public from reaching the coastline at Xatt I-Ahmar, which can now only be reached through a protracted detour. Access to a coastal dwelling used by Church organisations in the past to hold activities for orphaned children has also been closed via the shorter route. The road to which access has been closed off was already extant in maps dating from 1934!

The same road was surfaced by the government and must lie within the public domain. In addition, the developer has realigned the same road further down the hill behind the gate, dumping rubble and smothering walls demarcating different land ownership schemes. Will the case make it to MEPA's Direct Action list once the appeal has been lost?

Meridiana vines in the shade

The story that Sign-It had purchased a huge tensioned structure (TFS) from a British company and intended to use it locally made the Times headlines on January 16. 'Huge' is quite a misnomer for the gargantuan structure, since this spans over 1.5 football pitches (150 m long), has a maximum height of three double-decker buses (18 metres) and takes 10,000 man days to erect. Hence, the fact that, despite these superlative statistics, the permit (PA 00758/05) to erect the structure at Ta' Qali was simply granted through a DNO is quite mind-boggling.

DNOs are simply development notification orders (2001) and usually apply for minor developments for which one need not apply formally for a permit.

Classes of development that are considered to be minor in nature and as such do not require formal planning consent include:

- ▣ the carrying out of works for the maintenance of any building affecting the interior of the building or not materially affecting its external appearance;
- ▣ internal alteration to a building which does not affect its external appearance;

- the use of land for the purposes of agriculture.

The DNO procedure legislates for the erection of tented structures (listed as class 20) but only on condition that these:

- Are not erected for more than six months in any one calendar year (it has transpired that about three months' work is needed to erect the huge structure - after such gruelling work, will it be dismantled after a few weeks only to satisfy the DNO requirements?)
- The use of the land covered by the tented structure should be ancillary to existing use of the land/building where it is to be placed - ancillary to the earmarked site for tent erection are 91,000 ten-year-old vines straddling over the 19 hectares of Meridiana estate. In addition, the site (straddling over the runway) lies within the Ta' Qali Nature Reserve (designed and approved in February 2000) which is locally prized as a recreational asset. The owners of the tent have already declared in the past the commercial timbre of their project, hence jarring with their surroundings. Even the sheer height of the structure will not resonate with the surroundings, being higher than any building in its immediate vicinity.
- That the tent is not placed on a highway used by vehicular traffic; and
- That it does not impair visibility at a road junction.

To rub salt into the wound, the tent erection will impinge on the integrity of the vines within the estate since it will deprive about a quarter of them of sunshine on the west side. The same tent is purported to straddle over rainwater culverts leading to the wine estate's reservoir.

As a result, less rainwater will be collected and flooding of part of the vineyard is a distinct possibility (this was already experienced in the past when the same culverts were closed).

While one acknowledges that Ta' Qali is amenable to the organisation of mass events such as parties, fairs, and rock concerts, one also appreciates that existing legislation should be followed when it comes to approving behemoth projects which will negatively affect surrounding amenities - an EIA study under the circumstances was more than warranted.

Mgarr carob tree-cutting

- no reply from MEPA

PA 04968/01 refers to the construction of housing blocks and maisonettes in Triq il-Karamelli, Mgarr, and this was granted on November 12, 2003. On January 6 this year, local residents witnessed the cutting down of three carob trees, a procedure which necessitates the issuing of a permit by the Agriculture Department.

Nature Trust (Malta) posted a query with MEPA on January 20; to date, no answer has been forthcoming. Ironically enough, the street was christened on the basis of the sweets derived from sap of carob fruit - long gone are the days of the karamelli tal-harrub!

Silver linings

MEPA recently embarked on the release of informative DVDs concerning contemporary issues in the country. Two such DVDs refer to the proposed MPA (Marine Protected Area) at Rđum Majjiesa and the hot potato that is GMOs. Such DVDs are ideal, since they water down the scientific rigour of arguments and make them more amenable to the public. Well done!