

## While everyone is at the beach...



A construction that should have been a reservoir in Bingemma ended up as a fully-fledged residence complete with a 'room with a view'. Mepa is taking enforcement action.

We are right in the middle of summer, a period associated with a more lethargic working pace and an emphasis on various forms of leisure, courtesy of the warm weather. But it seems not everyone rests in summer.

In fact, the summer and Christmas holidays are marred by a surge in illegal development. There may be two explanations for this. The perpetrators of these infringements may have more free time on their hands and thus work round the clock, especially under the cover of darkness, to create a *fait accompli*. They may also decide these are the best times to take such a gamble based on the assumption that there is a higher probability they will not be detected given the general air of slumber in the country.



The cases of illegal development featured in this column, which are probably a fraction of the full enforcement workload under which staff at the Malta Environment and Planning Authority must heave, support the theory that infringements soar during holiday periods .

The first two cases concern the mostly-illegal boathouse shanty town at White Tower Bay (Ramla tat-Torri). As if the construction of boathouses on public land wasn't poker-faced enough, some of the boathouse owners even decide to go a step further by adding extensions to their abodes.





Someone used the best example of sand dune remnants on mainland Malta at White Tower Bay as a dumping ground. The area should be cordoned off once again as it was in the past.

For instance, complaint CMQ 1591/15 was filed regarding the illegal extension of a boathouse by adding a tent at the front and on the roof of the boathouse. Mepa enforcement was alerted and intervened, and the owner removed the structures.

In the same illegality-riven bay, some smart aleck decided to dump a mound of inert waste on the best preserved sand dune remnants on mainland Malta, which has since been removed by Mepa enforcement. In view of their ecological importance, these remnants are recognised as a Site of Scientific Importance (Level 1), an Area of Ecological Importance (Level 1), a Specially Protected Area and, most significantly, they form part of a wider Natura 2000 site as a Special Area of Conservation of International Importance.



The above photo shows an addition (highlighted in red box) to a boathouse at White Tower Bay. After Mepa was alerted about the case the owner removed it and returned his abode to its original state below.

Such is their importance that in 2003 Nature Trust and I had worked to have a chain-link fence, supported by funds from Unesco, erected around the sand dune remnants in order to prevent cars from parking and camping activities on the remnants, which was common at that time. But over the years, most of this fence has been systematically cut off and whisked away, such that cars once again have unfettered access to the dune remnants despite repeated calls over the years for Mepa to take concrete action to safeguard this important site.

Perhaps even more brazen is an enforcement case from Bingemma, where a permit for an underground reservoir for agricultural purposes has been spectacularly abused. Development application PA 0840/09 in fact only made reference to the proposed construction of a reservoir in an Outside Development Zone agricultural area at Tat-Tafal, l/o Mgarr. The Mepa case officer's report regarding the application recommended that the permit be granted subject to the following condition:



"The reservoir is to be constructed completely underground and covered by at least 0.75 metres of soil. All required ancillary infrastructure, both to and through the site (if any), is to be located completely underground, and shall be confined within the footprint of existing legal roads/tracks or (where this is not possible) under existing legal soil areas that can be readily reinstated upon completion of the required trenching operations. No overhead wiring, ancillary poles or above-ground cabling or pipework are to be installed, and no trenching on rocky land is to be allowed."

The case officer's legitimate recommendation was based on the fact that the Policy and Design Guidance on Agriculture, Farm Diversification and Stables of December 2007 explicitly stated that applications for reservoirs and pump chambers will only be favourably considered if

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they do not detract from the character and scenic value of the rural area in question. Such reservoirs should not exceed a total height of 1.7 metres above ground level and should be completely underground and covered by soil in areas enjoying some form of protection. The policy has been overhauled in recent years by a revised policy which favours more farm-related development in rural areas, although such a flagrant departure from the permit conditions should never be condoned, whatever the policy.

As one can observe from the accompanying photos, what should have been a largely underground structure has morphed into a fully-fledged above-ground residential development, as can be seen by the partitioning of the footprint into separate rooms.

Mepa enforcement was alerted to the case and enforcement notice 164/15 was issued as the development did not adhere with the approved plans. This is an understatement given the blatant development on site. Daily fines have also been imposed.

In view of the rural context of the site one hopes that Mepa will not rest until any of the structures not covered by the original permit are completely removed.

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