

Rendering appeals irrelevant

Wied I-Għasel development saga



As brick is laid upon brick, the relevance of the Tal-Virtu residents' appeal against the Seminary school extension is whittled away. Photo: Jason Borg.

The Association of Residents Concerned About Seminary School Expansion (Arcasse) have good reason to be concerned. As the works on the Seminary school extension plough ahead, the association's appeal to the Malta Environment and Planning Authority risks becoming irrelevant.

Just imagine if the permit is withdrawn at the end of a lengthy appeals process just as the school extension nears completion.

Faced with such a fait accompli, it is an understatement to say that it is highly unlikely that works on site would be reversed.

So as the clock ticks inexorably away and brick is laid upon brick, the appeal's relevance is whittled away.

The recently approved Mepa reform seeks to address such an incongruence – in fact, for those developments falling under Schedule 7, the law provides that from January 1, 2011, the execution of permits shall be automatically suspended for one month (the time limit for appeal).

This suspension shall remain in force if a third party appellant submits an appeal (which can only be made within this 30-day period) for a suspension of the permit, and the Tribunal upholds this in a partial decision given after it holds its first hearing.

However, since the Seminary school extension permit was granted last September, it pre-dates such provisions and thus works are steaming ahead.

A few weeks ago in this column I had mentioned the various comments made by the Mepa auditor regarding this way this development application was handled.

In a recent letter sent to the Mepa chairman by Arcasse's legal adviser, the residents' association filed an appeal in terms of Article 77 of the Development Planning Act.

The residents' group contends that the Development Planning Application report regarding the Seminary extension application was fraudulent as it provided false, misleading or incorrect information. This view was, however, not entertained by the Ombudsman who found nothing untoward in Mepa's processing of the application or in the DPA report.

According to Arcasse, environmental consultants say that the development, which envisages a tripling of the Seminary school student population from 260 to 710 (besides an increase in the staff complement), effectively doubling Tal-Virtu's population of 600, qualifies it for a Traffic Impact Statement (TIS).

Yet, in a recent statement on the case Mepa said "the (Mepa) board was satisfied that Transport Malta was consulted in full – not only did it not request a TIS but found no objection. Mepa cannot and should not enter into the remit of other authorities."

Arcasse says it is hard to believe how a Transport Malta official could have waived the need for a TIS.

It also says the DPA report misquoted the local plan policy NWRB7 governing development within the Seminary grounds.

I quote an extract from the policy: 'There is a presumption against further development within the grounds of the Archbishop's Seminary, unless it is an ancillary facility and there is a genuine need for the use... This policy is aimed at protecting the amenity of the residential priority area and minimising any impacts on the landscape while permitting only necessary and essential expansion of the Seminary itself.'

However, Arcasse says that the DPA report misquotes the policy by stating that 'The site is zoned within scheme as an area for future school facilities related expansion, subject to policy NWRB7 of the North West Local Plan.' Arcasse claims there is no Mepa policy document designating the area as such.

It also alleges that the DPA report blatantly skewed figures.

For instance, the report states that the total school site has an area of 45,600 square metres, with the area to be demolished and to be rebuilt having an area of 1,404 square metres and 6,000 square metres respectively.

Therefore, the impression given was that the proposed development involves only a minor fraction of the existing Seminary school building when, in actual fact, the 45,600 square metres includes the playgrounds, fields, landscaped land and buildings that have no connection with the school.

I reiterate that I have no hidden agenda in this whole issue and that I reserve the deepest respect for Church schools like the Seminary as educational models in Malta, having received my education and even worked within such a school myself.

Another contentious development currently grappling with an appeal process is the massive development in the L-Isperanza stretch of Wied I-Ghasel.

The appeal, originally submitted by Nature Trust in 2005, was heard last Thursday.

The appeal was lodged mainly (but not solely) on the grounds that part of the site is Outside Development Zone, that it abuts on an Area of Ecological Importance and a Tree Reserve, and that it was proposed as a walkway in the Central Malta Local Plan.

The development, consisting of the construction of 24 apartments and 26 garages, was originally given the thumbs down by the Planning Directorate in September 2007 after a recommendation for refusal by the case officer.

However, it was subsequently given the green light in January 2009 at reconsideration stage after fresh plans were submitted by the developer.

These fresh plans sought to address objectors' concerns – namely, the footprint was restricted to the 'within scheme' area, elevations were reduced to soften the development's visual impact, and landscaping with 27 olive trees was imposed.

One of the recommendations of the Environment Protection Department was that stringent monitoring be conducted to ensure no overspill of works into the adjacent valley area. However, the benefit of hindsight will cast doubt on the efficacy of such monitoring, and on the reinstatement of adjacent areas once these are compromised.

The EPD also commented that the rubble wall within the area to be developed could be removed subject to an environmental permit being issued, and that the trees in the area could be uprooted as they were mostly unprotected fruit trees.

It seems everything is disposable these days.

And in an ironic twist, the bank guarantee imposed on the developer to maintain the 27 olive trees being planted as part of a landscaping plan is a pittance – €1,165.

This is less than three per cent of the probable selling price of a single apartment being developed on site.

The bottom line is that despite all the make-up and window-dressing applied by the applicant at reconsideration stage to blunt objectors' arguments, Wied I-Ghasel valley is being further encroached upon by the urban fabric, at a time when Malta is already stifled by thousands of vacant properties.

If we are serious about giving the environment a new lease of life, permits such as this should never have even been granted in the first place.

No need for alarm over jellyfish

After a Portuguese man o'war was picked up last week, online blogs have buzzed with what can only be described as hysteria at the hidden hazards we will face in the sea this summer.

This jellyfish species is quite a rare occurrence in our waters, having been recorded locally just four times since August 2009 prior to the latest sighting.

Just compare this with the serious situation currently being experienced in Florida, where thousands of this species, also known by the nickname 'blue bottle', have washed ashore in the past few weeks.

Last year, along Spain's Costa Blanca, at least 700 tourists were stung, presumably by the Portuguese man o'war, where the species is collected by the bucketful during certain periods of the year.

So the message to tourists visiting our islands is – although our islands' waters do experience the presence of jellyfish – this is a global phenomenon and there is no cause for alarm.

So far, we have been spared the mass swarming events that have crippled tourism and fisheries in other parts of the Mediterranean such as Israel, as well as other areas such as Japan and the Black Sea.

Anyone interested in obtaining more information on local jellyfish sightings may visit www.ioikids.net/jellyfish.

The Armed Forces of Malta, members of diving clubs, professional fishermen as well as amateur anglers are among those who are regularly submitting jellyfish sightings reports featured on the said website.

Photos of jellyfish submitted until August will take part in the Spot the Jellyfish competition being organised jointly by the International Ocean Institute – Malta Operational Centre and Din l-Art Ħelwa.

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