

Rampant development at Marsascala



A new construction in the middle of San Martin Valley, l/o St Paul's Bay. Will direct action finally be taken?

Application No. 07511/03 for the development of garages, flats and maisonettes at a site between Sqaq il-Harruba and Triq Frans Grech, Marsascala, is symptomatic of our lack of respect for the major features of our countryside - i.e. carob trees and rubble walls. We certainly have not learned anything from the airport development and the Kalkara Valley issue, among others, which have resulted in myriads of carob trees being cut down.

In view of the plethora of valid reasons as why the application should be turned down, the applicants should be fined for being so preposterous as to apply for the aforementioned site. A special thanks here goes to Stephen Borg and Annalise Falzon for supplying the information and for their tireless endeavour to save the area from development.

- The site owes its name, Tal-Harrub, to its 50-odd carob trees, the highest concentration in the Marsascala area. Carob trees are protected by LN 12 of 2001 Environment Protection Act (Cap. 348) Trees and Woodland (Protection) Regulations, 2001.
- It is also endowed with numerous rubble walls, which are protected by the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations, 1997.
- The site is very close to the old village core of Marsascala, which would be obliterated if the site is committed to development.
- The development would exacerbate storm-water flooding problems in Marsascala.
- Several scheduled properties are sited near the proposed area, including a World War Two elephant hut and a depth field post, the nearby Palazzo Apap Bologna and the chapel of Our Lady of the Rosary. All these would be severely visually degraded should these constructions be permitted, as would be the streetscape.
- Besides the scheduled buildings, several other unscheduled buildings are worthy of mention, such as vernacular-style farmhouses and several hand-cut wartime rock shelters.
- Sqaq il-Harruba is the single remaining unasphalted and undisturbed footpath (moghdija tar-rigel) shielded by dry-stone walls in Marsascala, still linking the main village square, Misrah Dun Tarcis Agius, to the depth field post and elephant hut, overlooking the harbour.
- As acknowledged by the SMLP (South Malta Local Plan) - Report of Survey (Vol. 1 - the whole south area of Malta still lacks a local plan), open spaces are rare in Marsascala, mainly due to the rapaciousness of developers and uncontrolled speculation. Approving such an application would go against the spirit of the same SMLP on the eve of its completion.
- By February 1, the application notice was ripped off from the site, thereby hindering those who had the right to object to this application.

More updates from the planning world (continued from February 1, thanking Sylvana Debono, MEPA PRO, for her help in compiling this section).

Marsascala seems to be riddled with notorious planning cases. One of these is the X-generation discotheque case, whereby Enforcement Notice ECF 333/03 was issued on June 24 last year for change of use of restaurant to a discotheque without permit. An appeal against enforcement was submitted and is still pending.

Right on the verge of the white cliffs at Mignuna Point, in blatant defiance of any planning acumen (and constructed in the sordid Eighties) lies a bungalow, still in shell form, for which an

application has been forwarded (PA 4353/00) to convert it into a luxury/rest house).

On the bright side, a number of constructions between Zonqor Point and Zonqor HOS will be demolished by the developer after losing an appeal against enforcement.

Bidnija

The site at Bidnija (more precisely, at Gebel Ghawzara, l/o St Paul's Bay) is subject to continuous horseplay on the part of the applicant. After an initial infringement (i.e. the demolition of a small and inconspicuous building), enforcement notice 00159/03 was issued.

The applicant responded by posting an application to sanction PA 2573/03, rather than conforming to the enforcement meted out. The application was adorned with eloquent architectural jargon, such as "to regularise changes in building configuration to achieve better outlook and remove dangerous construction".

After the MEPA board recommended the dismissal of this yet another ODZ application, the ball now lies in the DCC court, awaiting a site inspection, with the original stop/enforcement notice still operational. The way planning works in Malta is tailor-made for a developer to purchase a small 'field room', convert it to a fully-fledged luxurious dwelling at a panoramic spot and then applying, employing the right jargon (such as applying to eliminate enclosing terrace and replacing it with soft landscaping), to sanction it - if the Bidnija development is indeed sanctioned, yet another scar will have been etched, with Burmarrad branching out even closer to Bidnija.

San Martin bungalow

Notice regarding a dwelling in San Martin Valley l/o St Paul's Bay - ECF 987/02 - was issued on December 20, 2003 for the construction of a new dwelling without permit and was referred for direct action on March 21, 2003.

To date, the foxily-camouflaged construction is still standing - this case is especially galling since it involves the construction of a new building from scratch.

Illegal batching plant in Gozo

When relating a case from Gozo, one ends up slack-jawed at the slowness at which planning decisions are effected - the Grotta discotheque in Xlendi is a case in point. Yet another eloquent example is provided by the Rapa Blocks ready mix/batching plant/concrete blocks manufacturer at Ta' Xhajma, l/o Xewkija.

Enforcement Action ECF184/93 was issued on May 16, 1993 in view of a batching plant and tile factory without permit and the enforcement action is still pending at the enforcement officer's end. Enforcement Action ECF52/99 was also issued in view of the batching plant having no permissions on site. The case was referred for direct action on March 11, 1999 and yet again is still pending.

Application PA2430/94 for construction of batching plant, concrete blocks manufacturer, garage for vehicles, stores and offices and water reservoir was dismissed by the Appeals Board on October 30, 2000. Having exhausted all the bureaucratic avenues, what is stopping the direct action team from actually taking any action?

With the proposed cement plant in Siggiewi, in what has become a landmark event in our islands, a steering committee was born out of five local councils to vociferously oppose the development. Is it so far-fetched to expect Gozitan councils to do the same in this case to urge direct action?

More golfing nonsense

Panic seems to be gripping golf advocates on the eve of Malta's accession to the EU with another top exponent - former Tourism Minister Michael Refalo - sticking his neck out in favour of the pro lobby. His intervention came hot on the heels of that by Frank Salt and were aptly expressed at the Royal Golfing Club in Marsa where the former minister was made honorary president of the club.

Rather than highlighting the real problems afflicting tourism today - i.e. a deterioration of the natural and urban environment (too many buildings and cars) and of everyday manners, Dr Refalo and all those with a finger in the tourism pie are seeking to solve the sector's woes with a landmark gesture, such as the approval of a golf course site, rather than delving deeper into the problem.

They should take notice of the multitude of newspaper letters from foreigners pinpointing the real reasons why they wouldn't come back to Malta. Dr Refalo states that he "will not accept the not so secret, anti-golf prejudice harboured by some of (MEPA's) officials' and attacks "the administrative arrogance and dishonesty of certain MEPA officials".

He probably fails to realise that MEPA officials' anti-golf prejudice is probably born out of sound scientific facts which have been splashed on these very pages ad nauseam (such as the overt water and electricity consumption, the loss of agricultural land, the loss of rural character, the use of pesticides, the potential introduction of alien species, etc).

For the umpteenth time, golfing advocates draw comparisons with foreign lands - this time, Britain (white cliffs of Dover), after Bermuda and Portugal (to mention just two) were also thrown in the fray.

Can any of these advocates find a suitable semi-arid island with a population density of 1,200 persons per sq km, with ca. 20 per cent of the land surface which is built up and with a surface area of 315 square km with which to compare? Malta's problems are unique!

Golf course applicants show some cheek in the sites they earmark for their projects - the application for a golf course at Ta' Cenc, the authority said, incorporated an area already protected as a bird sanctuary as designated by LN143/93, and scheduled garigue and military buildings at Pembroke.

Rather than craving the Pembroke golf course, Dr Refalo should seek the real meaning of a Level 1 scheduled area (in terms of ecological and scientific interest). Does he know that the Pembroke garigue harbours some of the rarest orchid species in our islands? Why doesn't anyone from the golfing lobby suggest investing money in developing a golf course in a degraded site, such as Maghtab? We cannot afford risking another failed Marsa experiment.

I am not one to buttress MEPA so easily but the stance taken by the authority in the circumstances is to be lauded - i.e. to request in-depth EIAs for each and every proposal that does not go against any major planning tenet, such as the Pembroke golf course proposal.

One cannot surely expect to give a developer a staggering 77 hectares of Maltese soil for the Verdala golf course just with the stroke of a pen? And it's only natural for the developer himself to foot the bill of the commissioned EIA.

After Dr Refalo and Mr Salt, who should we expect now to hog the pro-golf lobby limelight as the dreaded EU accession date of May 1 approaches? Maybe someone from Cabinet to raise the stakes even further?

MEPA vis-à-vis Planning Appeals Board

I appreciate Ms Debono's clarification (The Sunday Times, February 8) regarding the distinction between MEPA and the Planning Appeals Board. However, quoting verbatim from the MEPA Website, regarding the Xlendi Grotta discotheque case, it states in tabular form that the 'Appeals Board Agenda Date: Wednesday January 21, 2004', followed by 'The Planning Appeals Board has scheduled a date for the hearing of the appeal on this application'... What conclusion should a person visiting the MEPA Website and being confronted with these details arrive at?

Re the Dahlet Qorrot case, quoting again verbatim (this time from my article of February 1) - "an application to sanction the infringements was submitted in PA 1376/01 and the MEPA Board twice refuted permission (February and October 2002). In what has become a hallmark U-turn, the application to sanction the additions was approved by Planning Appeals Board decision dated September 26, 2003 and permission was issued on November 14" - I trust I stated that the decision to sanction was taken by the Planning Appeals Board.

While I am somewhat familiar with planning procedures, the man in the street is certainly not. Hence, the distinction between MEPA and the Planning Appeals Board is nebulous in his mind, to say the least. So, one line of advice is for MEPA to harp more on such a distinction and making it clear to all and sundry, especially to people in the street, so that the authority's image is not tarnished by controversial decisions continuously being taken by the Planning Appeals Board. MEPA should also urge less disparity in the final outcome of the decisions taken by the two entities.