

With ODZ applications, devil lies in the detail



Sequence of works on a site in Siggiewi. The applicant has been granted a permit for an ODZ terrace with a view in the middle of fields, on the back of a number of dubious pretences. Architect: Robert Musumeci.

The jargon used on planning applications is as innocuous sounding as it comes. For instance, PA 00268/15 proposed the “Extension of rubble wall. Maintenance of reservoir; Introduction of access between split levels; Reconstruction of deteriorated rubble wall. Relocation of trees from location approved in PA 3212/13. Construction of pump room.”

Those regularly screening ODZ applications, most notably environmental NGOs, may be forgiven for overlooking such a benign-sounding application which fits the bill, at least at face value, as your run-of-the-mill agricultural development.



But the devil is in the detail, and no one, not even those paid a salary precisely to do that, has the time, it seems, to investigate in detail whether each and every granted permit is being complied with or is being abused. Even Siggiewi local council only took a cursory look at the application in question, it seems, dishing out a non-committal “...the council is contending that the application should be assessed on the basis of the relevant policies and the council reserves the right to appeal to the final decision...” – something that it never did.



It's bad enough that the revised ODZ policies of 2014 have ushered in a renewed commercial and residential interest in ODZ areas such that ODZ permitting rates are currently at unprecedented highs. But it's tragic to see how some planning applications, like the one featured in this column, add insult to injury by even going against the very same permissive ODZ policies and the ultra-permissive Strategic Plan for the Environment and Development (SPED), and still end up being approved by the infamous Planning Commission.



In fact, the case officer explicitly spells out in his report the fact that the Siggiewi application goes counter to Policy 2.9 (Land Demarcation, Walls and Gate) of the 2014 ODZ policies in view of the height of the proposed boundary walls, and to Rural Objective 4 of the SPED, since it fails to protect and enhance the landscape and traditional components of the rural landscape. No wonder the case officer recommended a refusal, which was shunned by the three-member Planning Commission.

The photos accompanying this column give a timeline of how the rural fabric of unbroken fields along Triq Patri Ġuże Delia in Siggiewi has gradually unravelled over the past five years.

The applicant and his architect, Robert Musumeci, argued in favour of the permit being granted since high boundary walls (and the last photo of the timeline shows the sheer height of the eyesore boundary walls currently on site) were needed to surround an existing reservoir/well and for soil retention purposes.

The claimed prior existence of the reservoir was contested by both the Planning Directorate's enforcement officers, who found no reservoir on site and who duly issued an enforcement notice, and by the Environment Directorate, who were even more scathing in their criticism of this application.

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In fact, the former EPD stated that: "Further interventions on site including the introduction of new walls, increase in rubble walls height, access between split levels, etc., are objectionable given that these would result in the further formalisation and fragmentation of the site and introduction of extraneous material which is not compatible with the rural context."

Wise words falling on deaf ears, as always. The case officer's report also denounced the lack of visual screening of the development by trees as a mitigation measure, with the applicant arguing for a decrease in the number of trees he was bound to plant according to the first permit granted.

The end result of the obscene permit granted at the Siggiewi site is that a former field has been roofed over and soil cover has been lost, under the presumption that an existing reservoir was being restored, when in actual fact there was no such reservoir according to enforcement.

The applicant is left with a terrace with a great view of the Salib ta' l-Gholja promontory. Furthermore, the applicant has connected the property to the sewerage system, raising more than an eyebrow about the real motive behind the development. Neighbours also allege that the applicant is paving the way for the opening of a door on the back, accessible through a passageway leading from the installed gate.

In light of all this abuse, do staunch defenders of the revised ODZ policies, including Deborah Schembri and her consultant Mr Musumeci, the architect on this case, still feel assured that these policies are best serving the interests of farmers and of the rural environment on these islands? Don't they realise they are leaving a legacy of concrete in Malta's rural areas that is scarring some of its last remaining open spaces?

In view of all the deviations from existing policies, this permit should at best be withdrawn, and the Planning Authority should ensure that no further extensions of this property are permitted in the coming years.

The planning history of this development permit in Siggiewi aptly exposes the way the system is being worked to a tee by applicants and their architects alike, courtesy of the revised ODZ policies introduced in 2014. Why is it that neither Joseph Muscat nor Simon Busuttil, in their electoral green pledges, have seen the need to completely overhaul these policies which have led to such flagrant abuses?

Pledges made by both parties to respect ODZ areas by pegging future large-scale developments to a two-thirds parliamentary majority are nothing but a smokescreen, since the lion's share of ODZ permits are being granted on the back of highly permissive ODZ policies in perfunctory sittings of an unrepresentative Planning Commission.

The indirect PN-PL collusion not to tackle head-on the ODZ rot is eloquently shown by this Siggiewi ODZ permit, whose first chapter was written in February 2013 under a PN administration, and the second chapter was written in October 2016 under a PL administration.

This leads me to conclude that the status quo will be maintained in terms of ODZ permitting rates, irrespective of who's at the helm after June 3, and that neither of them can be trusted with the protection of ODZ areas, despite the spiel.