

Debate & Analysis

A brazen abuse of the planning system (2)



John Ebejer

In the first part of my contribution last week, I gave reasons why the Planning Authority should refuse the application for the ITS site development. I reiterate that there are enough reasons for the Authority to refuse the application outright.

Dr Ebejer is a lecturer at the University of Malta. He is an urban planner with extensive experience in planning. Between 1992 and 2008, he was involved in the Maltese planning system in different roles. He was involved in the drafting of numerous planning policy documents, development briefs and planning/environmental legislation.

Considering the p development in a

In this second part of my contribution, I discuss matters which I believe the Planning Authority should also consider when arriving at a decision.

Impacts on tourism

In Paceville and St Julian's, there is the highest concentration of hotels on the island. In spite of being an important tourism resort, it is greatly impacted by high levels of construction activity. A friend of mine who was staying at a hotel in Paceville posted on social media a photo of a building under construction as seen from her hotel room window. She sarcastically wrote that her travel allowance had not paid for the sea view! Some level of construction activity is to be expected in any place more so for refurbishments and improvements of hotels. It seems to me ill-advised however to commit a tourism resort area to many years of considerable and construction inconveniences, which are an eyesore, to produce luxury apartments for long-term investment of wealthy foreigners. Another negative impact on tourism is the greater difficulty for tourists to move around be-

cause of the increased traffic congestion in the road network around Paceville and Pembroke. Because of the ITS site development, the loss of time and the inconveniences of travel are set to increase for tourists staying in the area.

I was for a time consultant to the MTA on tourism product development. The creation of St George's Bay sandy beach, the new Pembroke Gardens and the Pembroke Garigue Park were three projects in which I am proud to have been involved. The thrust was to make the area more pleasant and to provide new facilities for tourists and for residents. In this, the Malta Tourism Authority was successful even if there is still more that needs to be done. The proposed ITS site development is now a major step backwards. The building is significantly disproportionate to its surroundings. It will be an eyesore and will make the area less attractive. For example, Pembroke Gardens will be cast in the shade for most of the day from October to March, making it less enjoyable to use. The impact that the proposed development will have on St

George's Bay is also a concern. This is the only sandy beach in the vicinity of Swieqi, Pembroke, Paceville, and St Julian's. In the summer, it is used by thousands of tourists and Maltese who live a short walking distance away. The beach is already compromised by the excessive developments that have taken place around it. The ITS site development will make it many times worse, largely because the building will be excessively out of scale with everything that surrounds it.

Allocation of public land and the planning process

In its decision, the Planning Authority should also take into account that this is public land. Public authorities should use public land to further social and environmental objectives, as well as sustaining economic objectives. Public land should be considered for uses that would benefit the various publics (the nearby residents, tourists staying in the area, the tourism and leisure activity in Paceville, etc.). Considering the various needs of the area, the government seriously lacked vision when it gave the ITS site away for speculative apartments and commercial development. And, to boot, an educational institution, the ITS, was forced to relocate, with all the disruption that this brings with it.

One fails to understand why the authorities allocated all the site and not just part of it. In particular, why was the public car park on the opposite side of Triq Walter Ganado also included? Is it possible that no one in government thought of the possibility of retaining this part of the site for some future social or educational need? It is a 'bad development', not only because the developer seeks to speculatively maximize the site beyond what would be reasonably permitted, but also because the authorities facilitate the excessively intensive development by allocating all the site down to its last square inch. For a site of this size and strategic location, the preparation of a development brief is essential. A development brief sets the parameters for the development, taking into account the economic, social and environmental needs of the area and of the country. A brief is based on proper research and consultations with stakeholders and with the public. It is only through a proper planning process that appropriate objectives for the site and the area can be derived. For a site that is publicly owned, the need for a development brief is even greater. The brief should be prepared before the site is issued in a competitive bidding



process. Moreover, the brief should be part of the bidding documentation so that the eventual successful bidder would be bound to adhere to the requirements of the brief. That is the way things should be done when dealing with sizeable public properties. The lack of a brief or any form of planning guidance has resulted in a development application that ignores the planning context and environmental and social impacts. If the planning process is defective, the end result will almost inevitably be a 'bad development'. No amount of tinkering with a proposed 'bad development' will make it good. In development control, it is essential that board members feel free to decide on an application taking into consideration relevant policies and information. For a credible planning system, board members should not feel that they are unduly pressurized. The impartiality of board members has already been compromised with the changes made in the planning law in 2016; changes that were evidently intended to increase the direct control of the politician over decisions taken by the Planning Authority. For this application, the board members will feel doubly pressurized because the government has committed itself to the development, first by signing the lease agreement and second by spending time and effort to force an education institution, the Institute for Tourism Studies, out of the site. This is not planning. This is the imposition of the politician's will on the Planning Authority to favour a speculative development.

What are the risks?

A recent article in *The Guardian* (13 March) reported how buyer-funded developments in Liver-



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Proposed ITS site in wider context



pool and Manchester was seen to be the way forward following the financial turmoil of 2008. A number of major developments across the two cities were actively promoted by government and city politicians. The target was buyers from Asia who wished to invest in property in the UK. Many of these developments have stalled leaving the cities scarred with abandoned building sites and a trail of angry investors from around the world. It seems that the financial model being adopted for the ITS development is the same – funding the development from deposits made by buyers. There is no suggestion that there is anything inappropriate in this approach but the fact remains that there is the risk that things can go wrong. If it happened in two major cities in the UK, it can also happen in Malta.

One leading estate agent (MT, 23 June 2016) warned that the property bubble can burst if there is insufficient demand for thousands of properties being proposed in high-rise towers. His main concern is that the demand is not there at present for the larger part of the nine high-rise earmarked for the St Julian's and Sliema area. He argues that unless Malta taps the international demand that exists for such property developments, the towers will simply result in an oversupply of properties. He calls for heavy investment to attract prospective buyers, by marketing the Malta brand abroad and improving surrounding infrastructure. It seems that his warnings are being ignored while the developers and the government bulldoze ahead with this disproportionately large development. It is us the public who will have to bear the brunt if the development is approved and then significantly delayed, or worse, if it

is abandoned. We will have to put up with a big hole in the ground for many years or even decades. Worse still, if the project goes wrong when the construction is well underway, we will have a massive, hugely ugly, shell building overshadowing St George's Bay. When deciding on the development application, the Planning Authority must factor in this risk in its considerations. In Malta, we have examples of major developments that have been stalled. Whatever the reason for the delay, the environmental and visual impacts are significant. One example that comes to mind is the Metropolis in Gzira. This has remained a big hole in the ground in spite of the inauguration by the Prime Minister in 2014 and in spite of assurances by the site owners that the development will be taken in hand the earliest possible. Another example is the former Jerma Hotel which closed in 2007. Eleven years later the abandoned building has become a huge eyesore along the Marsascula promenade, in spite of various plans by the owners to develop the site.

Disrespect to Pembroke residents and to the wider public
In last Wednesday's protest on the project, the first speaker highlighted the developers' lack of respect towards the residents, and I would also add the lack of respect to the wider public. The project was presented as a *fait accompli* many months ago in sections of the media. There was no attempt to seriously consult with the public, with interested stakeholders and with the residents. Everyone was ignored and the luxury apartments, as yet not covered by a permit, are promoted for sale with a commitment that they will be ready in 2020. The developers and government were disrespectful to the 750 students and staff of the Institute for Tourism Studies who were unceremoniously uprooted and relocated before the permit was issued. What happens if the application is refused? Will students and staff have been greatly inconvenienced in vain? Or are the developers so sure they will get the permit? The developers are also disrespectful to the Planning Authority as they have taken it for granted that the permit will be issued and that it will be issued in the way they have applied for it. When they realized that residents would not stand idly by while the development gets the go-ahead, the developers hurriedly organised a meeting for residents. It was the vociferous objections that made the developers realise that residents exist. The disrespect was also evident

in the meeting held on 14 May. The developers believed that by promising a few goodies they would win the residents over. They promised a tunnel and a grade-separated junction to St Andrews Road but they know very well that these will not happen, in part because the cost would be astronomical. The developers promised a green travel plan. If the developers show the same commitment to the green travel plan as they did to consultation, then it is guaranteed that the green travel plan will never happen. Even if implemented, it will barely scratch the surface considering the extent of traffic congestion in the area and the way this will increase because of the development. The developers showed a photo montage of the 'greenery'. They did not say, however, that half

the trees shown in the picture already exist in Pembroke Gardens while the other half are not likely to be planted because it would take away space from the surface car park of the development.

Apart from having several inaccuracies, the design statement prepared by the architects compares the residential tower to a "green waterfall" and the hotel to a building "cascading down in steps resembling a hanging garden". Even the name given to the development – City Centre – is misleading because that part of St George's is definitely not the centre of any city. All this misinformation borders on being offensive to the residents and to the wider public.

In the meeting with the residents, the developers repeated several times that everything

they are doing is according to law. If I live in a block of apartments, I could make life hell for my neighbours, and still keep within the law. That does not make it all right. It is the same with planning and development. It is not enough to keep within the law. A development has to be compliant with all the relevant policies and not just the ones that are convenient to the applicant. Being within the law does not give the right to the developer to cause endless inconveniences and hardships to nearby properties. A sensible planning system requires that a new development is respectful to its surroundings and respectful to residents and users of the area. I urge the Planning Authority to refuse the ITS site application, so that hopefully we get some sanity back into our planning system.



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