

# The Green Whistleblower

## Above the law



Workers and contractors should first be versed in environmental issues before embarking on works in fragile ecosystems, such as valleys. The use of heavy machinery should be avoided as much as possible and environment officers should be present at all times. Marram grass was lost from the islands during non-monitored bulldozing works at White Tower Bay in the late 1970s.

THE 6,000 pending MEPA enforcement cases are characteristic of the toothless enforcement in these islands. Going through each case, however, is even more irking.

Among the slew of poker-faced enforcement notices, one finds the one concerning La Grotta Discotheque, the flight of steps at Golden Bay, the hunters' hide at Mgiebah and Hola Beach at Marfa.

The La Grotta case should certainly take the biscuit for the most protracted planning case in our islands since enforcement notices have been issued against it since 1994! The site was first referred to Direct Action in 1997, action which has always been eluded, it seems.

Last summer, I criticised the deferring of the current (since previous enforcement notices have been archived) enforcement notice (00893/99) to September this year, since it conveniently warded off any action during the lucrative summer season. Surprise, surprise... the case has again been adjourned to February, after the festive end-of-year season! Although we are now in the European Union, it seems we cannot help some good old wheeling and dealing every now and then.

I blame MEPA's current bogged-down situation not on any form of subterfuge but on plain haplessness. After MEPA painstakingly convinced the perpetrator of the Mgiebah room infringement to demolish the structure, he failed to do so and MEPA officials had to finish the job.

The same person then decided to build a less obtrusive hunter's hide on the same hide but, to date, no action has been taken. Concerned residents in the area have even passed on the registration number of the car involved in the infringement to MEPA to avoid any further delay in enforcement. MEPA even claimed that the debris dumped on the once pristine garigue on site as a makeshift beaten track had been there for some time - quite a lame excuse, even if it were true. MEPA should have enough acumen to outwit the many spokes thrown into its wheels by the individual concerned. The country is watching.

The case concerning the flight of steps at Golden Bay is another one blemishing MEPA's track record, courtesy of lengthy procedures at the Development Control Commission (DCC) level. Between January 1 and February 4, 2002 MEPA had duly demolished the flight of steps constructed illegally over part of the sand dunes at Golden Bay, using public funds in the process.

The same developer subsequently had the cheek to reconstruct the steps and to lodge an application (PA 4066/02) to sanction his infringement against enforcement action ECF 566/2002. After the DCC rebutted this application on May 11 this year, the applicant appealed and the case is still waiting to be heard. Why are such lengthy procedures necessary? The DCC and

the Appeals Board should give assurances that cases would be heard within a month, for example.

Believe or not, illegalities also enshroud the much publicised Hola Beach in Marfa where permits were sought for the beach nourishment and palm tree exercises. In fact, a stop order ECF 255/02 was issued on this case by MEPA and ignored. The matter is being investigated by the Audit Officer.

The shoddy dumping of sand on site as part of the hasty beach nourishment exercise was clearly exposed during the first stormy weather of the season last month, when most of the sand was blown out, turning the sea into a murky cauldron (see photo). The gulf between Hola Beach and St George's Bay in this regard could not be more yawning.

## **The deluge continues**

Some might almost accuse me of paranoia but I will be underscoring all cheeky planning applications every month. This section is compiled with the help of Annalise Falzon of Nature Trust (Malta). The following statistics refer development applications as published in The Malta Independent on Saturdays.

September 4 - 11 ODZ applications, referring to sites in Wied Rini (Bahrija), Wied Bufula (St Paul's Bay), Kercem, Marsascala, Gudja, Nadur and Hal Farrug in Luqa (PA 4447/04).

September 11 - eight ODZ applications, referring to sites in Mellieha, Mgarr, Benghajsa, San Gwann, Santa Lucija, Gharb and Rabat.

September 18 - three ODZ applications for sites in Nadur and Victoria (Gozo) and Hal Farrug again (referring to the siting of a proposed boatyard).

Going through the list, one immediately observes that no site in the islands is sacred enough to be spared the developer's axe (not even SACs, Special Areas of Conservation). Also, one might expect the relevant bodies, such as the DCC, to stretch every sinew to contain the rot.

Reading The Malta Independent on Sunday of September 19, one gets a conflicting impression. On being interviewed, Sylvana Debono, MEPA's PRO, gave the following staggering figure: between January 1 and July 31, 511 applications were recommended for refusal by the MEPA Directorate and were approved by the DCC, 336 applications of reconsiderations were recommended for dismissal and upheld by the DCC, and two applications for reconsiderations were recommended but were dismissed by the DCC.

One immediately notices the disparity between what is recommended to the DCC and what is actually decided by the DCC members, especially when it comes to overturning recommended refusals (particularly with reference to sanctioning of illegalities).

The DCC seems quite oblivious to the current development trends in our islands, as highlighted even in the Structure Plan Review outcome - i.e. 3% of all granted permits pertain to ODZ (Outside Development Zone, formerly 'Green Area') sites, and many of these border on already committed areas and, "if this is left unchecked, it could lead to further urban sprawl", or that there is a gross oversupply on the property market or that a substantial amount of new developments remain unoccupied.

Ploys frequently resorted to in gleaning a much sought-after sanctioning include:

- complaining of political or plain discrimination;
- the need to demolish dangerous structures;
- carrying out extensions to existing structures, especially swimming pools, stables and boundary walls, and then applying for their sanctioning;
- carrying out site degradation (through dumping, etc.) before applying for a development permit;
- massive use of landscaping to mitigate the impact of full scale development.

And yet we continue to pay lip service to the buzzword 'sustainability' and continue to drum it into our children's ears and to invest time in such commissions as the NCSD (National Commission for Sustainable Development).

I, like countless others, am still waiting for some feeble pledge by any of the two political big guns in this country to iron out the ODZ and enforcement problem, since Alternattiva Demokratika is the only political force to consistently lash out at such ODZ concessions.

One reason that our two major parties fail to take the ODZ bull by the horns could be that both are embarrassed by members or supporters who have had brushes with MEPA over

development illegalities in the past.

## **Another botched valley embellishment campaign**

The ill-fated Save the Valley and Risq il-Widien campaigns of the Seventies and Eighties are still recalled by many since they sounded the death knell for any valley plant species and habitats due to the heavy-handed, machinery-backed clean-up campaigns they entailed. Memories of such campaigns have returned to haunt us, it seems, with shoddy valley clean-up exercises at Wied il-Kbir in Qormi, Ghajn Rihana and Salina in Burmarrad.

Despite boasting by our infrastructure authorities about the quality of the work carried out at such sites, the mounds of rubble and utter devastation witnessed on site raise many an eyebrow. I again call on the authorities to embark on the instilling of basic environmental tenets to roadside employees and contractors to avoid repeating past mistakes.

The Salina case is particularly of concern. This Special Area of Conservation of International Importance (INT 006), proposed as a Natura 2000 site, and one of the last remaining local marshland habitats, is protected by:

DPA/EPA - LN 257/03 GN 877/03

EPA - LN 041/03 - Bird Sanctuary

DPA - GN 402/96 - Scheduled as an Area of Ecological Importance/Site of Scientific Importance.

Parts of the saltpan areas are also scheduled because of their architectural value. The application to don the works with some legality (PA 3970/04) was given carte blanche even before it was published in the newspapers.

As regards the Ghajn Rihana site, the valley was identified as a Locality with Conservation Value (1987 report published by the Environment Division, Ministry of Education) and is known to have one of the richest aquatic vegetations as well as supporting many rare and also unstudied species of flora of high ecological/scientific importance.

Were MEPA environment officers present at any stage of the aforementioned works?

## **Gozo: planning Wild West**

A soft drinks brand represented in Malta is promising consumers an apartment in Gozo in order to promote its products. Such an initiative, embarked upon jointly by one of the three property tycoons in Gozo, is an excellent way of fuelling the development rat-race in Gozo and helps to depict accommodation in Gozo as a fad and status symbol.

A close analogy is the pegging of vehicle prizes to lottery draws when our roads are congested with traffic.

The same property tycoon is not new to such publicity stunts, even going as far as donating an apartment to charity drives last Christmas, making sure to splash its name on all TV screens at the same time. Yet another of the closely-knit Gozitan development trio is related to the top cheese in Gozo... within such a scenario, how can anyone hope to stem the flood?

One must applaud the courage of some Gozitans who manage to think out of the box and denounce white elephants planned for their island. A case in point is Mr John Attard of Xewkija whose letter (The Sunday Times, October 10) I fully endorse, especially when he concludes that the Gozo airstrip, advocated in front of the Prime Minister by the business elite of Gozo, is "a project that will be run by the few, ridden by the few and will benefit even the fewer" while consuming swathes of previous land.

Two planning cases from Gozo which merit mention concern Fontana and Marsalforn. In the former locality, an application (PA 3808/04) has been submitted for the development of a terraced house in an ODZ area known as Ix-Xaghri (garigue) in a site where two large carob trees sprawl. Carob trees seem to bear the brunt of development in this part of Gozo with yet another site closer to Victoria bearing the hallmarks of a heavy carob tree pruning.

It is feared that the owner of the land will eventually do away with the carob tree so as to pave the way for a full-fledged development. In what has become a recurring pattern in Gozo, enforcement authorities look the other way when top brass, as in this case, are involved.

As regards Marsalforn, 42 residents are livid at plans by a Gozitan entrepreneur to permanently close to traffic the part of Triq is-Sajjied adjoining Triq ix-Xaghra in Marsalforn, close to the chapel, to make way for the trademark stack of apartments and garages (PC 53/02). If such plans are given the green light, the already dire traffic problems in the locality would be exacerbated further.

## **Silver linings**

After my attack on MEPA's enforcement abilities, some mellow remarks are in order. Last month saw the demolition by MEPA of the eyesore Lay Lay property at Zonqor Point in Marsascala, with the same developer footing the bill. Such an expeditious duty call by MEPA after all these years is to be lauded.

ST Microelectronics, always a shining beacon when it comes to using sustainable options, was again in the vanguard when it announced that it was introducing the use of biodiesel for its vehicles and boilers.

The Nobel Peace Prize has been awarded to Dr Wandari Maathai from Kenya, for her leading role in founding the Green Belt Movement and planting 25-30 million trees all across Africa.

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