

Silver linings

Throughout my campaigning I have developed a love/hate relationship with the behemoth that is MEPA, with debatable decisions taken laced with positive ones. However one must give Caesar his due.

▫ A welcome victory for the environmental (and reasonable planning) movement in these islands was achieved with the refusal by MEPA board of application (PA) to construct a tourist village on the coastal cliffs at il-Minzel tal-Majjiesa in Ghajn Tuffieha, limits of Mellieha.

The application is suffused with such poker-faced cheek that the MEPA Board was presented with an emphatic 10 full pages of justifications as to why the application should be rejected outright and, in fact, no EIA nor Traffic Impact Study were requested since the application was objectionable in principle to the North West Local Plan (NWLP) which seeks to protect scheduled areas from development.

The extensive list provided by the MEPA Directorate include the following:

- The site lies in an ODZ and is therefore governed by Structure Plan policy SET 11.
- It contains listed (Class E) megalithic remains and cart ruts (both within the site and outside to the north boundary).
- The site contains a number of rubble walls (protected by LN160/97).
- The area is also a Level 2 and Level 3 Area of Ecological Importance (AEI) scheduled area for Coastal Cliffs, harbouring pristine boulder scree and garigue communities with ecologically important species like the endemic *Euphorbia melitensis* and forming part of In-Nahhalija valley system.
- The proposal also spans a High Landscape Value site and is a Rural Conservation Area.
- The proposed development does not qualify in any bracket of permitted development for ODZ and Rural Conservation Areas.
- There is no tangible justification as to why the development should be sited on the earmarked point and why it couldn't be sited in an alternative place.
- The proposal ran counter to a long list of MEPA policies.

In addition, the proposal (which commits a staggering 152,000 sq. metres) abuts on a proposed Marine Protected Area (MPA) and the construction involved would certainly have a detrimental effect on the surrounding sea quality.

Having combed through such a list, one wonders how such an absurd application could have been made in the first place. The applicants even had the cheek to argue that the site was granted on lease to Air Malta (as parent company of the Hal Ferh Holiday Co Ltd - applicant Louis Grech, chairman) by a parliamentary resolution in 1997. This was duly rebutted by MEPA since parliamentary resolutions do not supersede the law - so, did they really believe that parliamentary fiat was enough to grant them such an ecological jewel for their own business interests?

Such parliamentary resolutions are dangerous unilateral steps - Parliament should first look into all the issues concerning a particular site before granting it to third parties. Did Parliament know of the high ecological value of the site? Or about the full-time farmer leasing the land at Tal-Balal, before granting it for the construction of a school? Some more in-depth research would be desirable here!

A loophole which could be exploited by the applicant could be that the NWLP allocates the eastern side of the site for the development of a holiday village subject to a number of conditions.

However, besides receiving the accolades, MEPA's knuckles should be rapped regarding enforcement ECF722/99 (dumping of material on site without permit) which has been pending direct action for a long time and which refers to the site adjacent to the applicant's. Such dumping could act as a smokescreen to pave the way for development - hence, MEPA should act decisively on the direct action cases.

▫ MEPA's DCC rebuffed an application (PA 02959/02) to construct an old people's home at Triq il-Mosta, corner with Triq Preziosi, Lija, which would have sounded the death-knell for several mature olive trees protected by LN 12 of 2001. In the flurry of watertight reasons provided by the DCC, one can also discern the fact that the site lies in a Rural Conservation Area and that the proposal does not comply with Structure Plan policy RCO 2 which states that no urban development can be permitted within such areas.

Also, Structure Plan Policy SET 11 does not permit urban development outside existing and committed built-up areas. For the layman, the proposal would represent unacceptable urban development in the countryside.

As an afterthought, one can add that these two decisions could still run the potential gauntlet of an appeal by the developer/applicant - hence, all this work could be undone by the Appeals Board.