

## Three years on



An application to develop a site in Triq it-Tonn, also known as Ghar Ghasfur, was originally submitted on August 16, 1999 (PA 04286/99). Planning permission was refused by the DCC on March 20, 2000. A reconsideration was filed on June 8, 2000, but was dismissed. An appeal was then filed on April 5, 2004 (092/2004), which is now due for hearing on April 15. Although the site falls within the Temporary Provisions Scheme of St Paul's Bay (TPS No 6), it is outlined as a scheduled area in the North West Local Plan in view of its ecological importance. It is designated as a Level 2 Area of Ecological Importance as part of the coastal cliffs along St Paul's Bay coastal shore. The site lies in an area where several cultural heritage properties exist. In fact cart ruts that qualify for Class B protection were identified. Hence, the MEPA Appeals Board should uphold the DCC's decision.

This column is three years old - the first ever "Green Whistleblower" article was published in The Sunday Times of March 27, 2002. In the 60 articles published since then, no fewer than 250 cases have been highlighted. Some ask why I persevere, seeing that the rampant rate of development, especially in ODZ sites, knows no respite. Being an incurable optimist, I do believe that the column has helped to raise public awareness about our environment and to keep authorities like MEPA, government ministries, architects, contractors and the like on their toes.

### Evasive answers

The second contribution by Architect David Pace (president, Chamber of Architects) carried in this newspaper on March 6, is yet another failed attempt at public relations.

Mr Pace yet again avoids my direct queries. He states melodramatically: "With the kind of prohibition Mr Deidun envisages, there would be no camping site, no rural structures (a revised policy for agricultural buildings and stables has just been issued for public consultation by MEPA), and Hagar Qim would not be able to have a protective structure to preserve it..."

Mr Pace should be well aware that these are certainly not the ODZ developments I was referring to in my column of February 20. I specifically highlighted the fact that 11 ODZ applications had been filed with MEPA in just three weeks within the month of January.

I painstakingly reviewed each and every ODZ application and none of these referred to proposed changes to a bird sanctuary, or to a prehistoric temple or an observatory or the development of a camping site which Mr Pace alludes to. Rather most of these proposals refer simply to construction of apartments, villas with pools and the lot in ODZ sites!

The Structure Plan, as Mr Pace states, does not cater for a blanket prohibition on ODZ development, but it certainly does not condone the wanton proposed ODZ villa construction witnessed on a regular basis. At the same time, it is indeed intriguing that he chooses to refer to the Structure Plan as his bulwark since, on many occasions, architects on DCC boards have overturned Planning Directorate recommendations, going against numerous Structure Plan policies in the process.

Mr Pace has yet again bypassed my queries, such as the following, which I will conveniently list once again for his perusal, besides adding fresh ones:

"A DCC member said that in a case such as ours it would be very probable that the developer would win his case at the appeals stage... One member of the DCC gave us hope and a

breath of fresh air in expressing his opinion that developments such as ours are good for the economy - this is the common sense that our country needs" - I reported such statements from a previous opinion snippet published in this newspaper (Mr Alex Montanaro, February 1). Does Mr Pace consider this to be a shining example of ethical behaviour by the DCC member since it was witnessed prior to a decision being taken on a particular case?

Does Mr Pace think that the three per cent of all granted permits constituted by ODZ sites all refer to licit farm-related additions? Is he so naïve as not to realise that what starts as a farm sometimes ends up a plush, state-of-the-art dwelling? Is the recent growth of former hamlets, like Bidnija, Manikata, Bahrija, Wardija, Limbordin, etc., all due to a recent upsurge in the farming population? If Mr Pace wishes, I can report a number of cases where an ODZ permit for a fully-fledged construction or complete alteration was given the green light even though the applicant was not a full-time farmer (or even part-time, for that matter!).

Does Mr Pace judge the decision recently taken by the DCC at Triq it-Turretta, cheek by jowl with Dingli Cliffs, to allow the conversion of a military barracks site into a villa with pool on the justification that a similar permit had been granted on site as an example of 'behaviour by architects which goes against the proper practice of the profession or the interest of the community'? Doesn't Mr Pace believe that this case will set a dangerous precedent?

I thank him for informing me that one of the DCC boards specifically deals with ODZ site applications, but I was very well aware of this fact - one detail that he might have overlooked is that the chairman of the same DCC Board he mentions has submitted in the past, on behalf of her client, an application to develop an ODZ site in Gozo, l/o of Munxar. Again, doesn't Mr Pace see any conflict of interest here?

Why did Mr Pace take such umbrage at my comments, and did not counter Minister George Pullicino's comments, in thinly-veiled terms, that most architects are not worth their salt?

Rather than regurgitating verbatim from rule books, such as stating that architects are bound by a code of ethics, Mr Pace should answer my queries to gauge for himself the yawning gulf that exists between words and facts. To a certain extent, I do not blame Mr Pace since he has become so institutionalised that he would still continue to harp on the 'code of ethics' and other obsolete statements in 20-30 years' time, when all the inhabited centres of Malta have been linked in one large metropolis, oblivious to the rot around him.

Architects should seek to reform the system, a flawed system in which every ploy is as good as others to develop an ODZ site. Mr Pace is free to brand my statements 'allegations' since proof of any subterfuge is hard to get in broad daylight but the end results of DCC Board decisions and architect submissions, such as a mushrooming of former hamlets, are all too visible for everyone to observe.

## **Major parties deserve wooden spoon**

Despite all the catchphrases and condescending talk, the two major political parties certainly merit the wooden spoon when it comes to the environment. Their façade is certainly green, with both political parties making sure that the word ambjent is featured in every single message.

However, some combing will reveal that their green notions stop at waste management, with no brave, barnstorming proposals at curbing ODZ development.

The reason is dovetailed: waste management is the largest vote-catching green argument (but alas, not the only one) and speaking out against over-development, ODZ applications and the lot would certainly put them in an untenable position, to use an understatement. In fact, MPs from both side of the fence are directly or indirectly involved in ODZ applications themselves as well as in construction projects, a malaise which can only be staved off by the publication of the names of political party sponsors/patrons.

To be politically correct, I will mention two recent 'green' misdemeanours, one attributed to each political party.

The MLP was accused by the PN of proposing to tax second homes/properties (summer residences). To buttress their argument, PN apparatchiks even interviewed a local property dealer who stated that this was not judicious since most of the families who had such seaside second homes were 'working class'.

The things they say! Such a hilarious statement is vaguely reminiscent of the impromptu protests by boathouse owners in the early 2000s, brandishing placards with statements to the effect that they basically were working-class families. And what about the lavish way such boathouses are furnished, such as satellite TV receivers, and with the latest sports car parked outside?

By the same argument, people who can afford a second home are not exactly paupers, but in the contorted political reality of our country, we even manage to turn a sacrosanct truth into a piece of rocket science.

On the other hand, local councils with an MLP majority have not exactly expressed their green credentials. In fact, the Zejtun council raised more than one eyebrow when it announced that it was seeking to block EU funding (Lm7.3 million) for the sorely-needed upgrading of the Sant'Antrnin waste treatment plant. In addition, some Labour-led local councils have opposed the introduction of bring-in sites within their locality, even though this is one of the cornerstones of waste separation at source.

### **More vintage houses down memory lane**

Despite the ongoing pillage of Gozo's heritage houses, especially in Nadur, there seems to be no end to such a sad phenomenon, even on Malta.

A case in point is PA 5743/04, which refers to the demolition of a vintage house in the old village core of Naxxar along Triq Castro, very close to the village square. This could well serve as a showcase to illustrate my points to Mr Pace - in fact, the architects representing the developer include the chairman of the DCC board Mr Pace alludes to - i.e. Division A.

In addition while the same architect, in a meeting of the DCC 'C' Board held on January 24, insisted that only part of this house will be demolished, the architect responsible for the square embellishment project appears to have inadvertently revealed that all the house will be demolished in a Naxxar council consultative meeting with residents held at the end of November, even though no application had been received by MEPA for the demolition of this second part of the vintage house. Apparently, the second architect is a member of the same DCC 'A' Board.

Even in the absence of any 'allegations' from my side, how can anyone involved in the planning process hope for any generous treatment by public perception in view of such events? Is there any chance for the public of crisp information about planning applications when so much contradiction is evident?

### **'Spill-over' effect of new roads**

Hats off again to Mr Joseph Pirota for lamenting on the environmental impacts of the unsustainable road projects currently ensuing in our country.

A case in point is the new Birguma bypass which has created further inroads and which will inadvertently raise speculation in the surrounding environs. As a result of this road opening, the development momentum on the outskirts of Naxxar has regained new vigour and it will not be long before the buffer of land separating the village from Gharghur is swamped.

Locally, road construction unfortunately appears to be still a powerful benchmark in people's minds when it comes to choosing which party to vote for. Hence, a mentality shift is needed... when will someone wake up to the cold reality that no more roads or ODZ constructions are needed in these islands and stand up to the insistent clamouring of construction tycoons?

### **Mgiebah case update**

As regards the Mgiebah illegal building case, which risks entering the annals of planning history for the temerity shown by the culprit, an appeal against enforcement ECF 493/04 still stands.

While I appreciate that MEPA is currently bogged down by such a proceeding on behalf of one of its ex-stalwarts, one cannot fathom how our legislation can allow this to happen in the first place.

How can an advocate find it in his right state of mind to defend a client who has illegally built a structure and tarnished a beauty spot for the rest of the population? Does he expect MEPA to sanction such an illegality? Absurd though this might sound, it could very well happen.

### **The Times' helping hand**

The Times has certainly not shied away from its commitment towards the newly-fledged Ramblers' Association by posing the question: "Should government ensure that all public areas are accessible to ramblers?" on its Website, [www.timesofmalta.com](http://www.timesofmalta.com) As at the end of last week, almost 600 people had voted, with over 83 per cent stating a resounding yes.

### **Silver linings**

A substantial number of 'green' initiatives were announced over the last few weeks, albeit none refer to a much-needed curb on construction in ODZ sites. A quick kaleidoscopic view through such a list reveals:

The licence for the first-ever organic farm in the islands was given.

KSU (Kunsill Studenti Universitarji) embarked on waste collection, tree-planting and electric car promotion campaigns on the University campus.

Bank of Valletta employees planted over 40 oak trees at the Ta' Qali park.

Two HSBC employees prepared a number of posters and pamphlets for Nature Trust's Marine Rescue Team.

As from next May, a pilot project for the collection of waste cooking oil from 16,400 households distributed in six localities for the production of biodiesel will be launched by WasteServ.

As part of its ongoing 'One World' series, MEPA is prodding the public to post their complaints about any MEPA misdemeanour. While such a development is certainly to be lauded, MEPA risks being inundated through such an initiative!

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