

The wizards of ODZ



Ghajn Żejtuna.

Despite the numerous messages by local politicians and commentators on the need to safeguard remaining Outside Development Zone (ODZ) sites, one occasionally reads a tortuous piece by a correspondent who gives the impression of having misgivings about this.

The piece by Michael Falzon ('ODZ is ODZ, or is it?' *The Sunday Times*, July 6), in which he adapts the famous phrase uttered by the Prime Minister at the height of election fever ('For me, ODZ is ODZ', March 4, 2008), is a case in point.

Falzon argued that some degree of ODZ development is untouchable, including areas of an agricultural, animal breeding and utility network nature. So far, so good. Then however, Falzon commended the siting of stables in ODZ areas by virtue of recently introduced legislation and also listed (as if condoning) the presence of hotels and discos in ODZ areas.

While the ODZ siting of some hotels is often necessary, it has left an unsavoury legacy for us to address. In fact, if all the proposed extensions to the hotel at Melliha were to be approved, the Ghadira nature reserve would be hemmed in from all sides.

What about hotel facilities in ODZ areas that are no longer viable? Will the land footprint they occupy be restored or will real estate move in, as has happened already in at least two cases in Gozo? While one fully acknowledges that stables are incompatible with residential areas, we are currently experiencing a deluge of stable applications - 14 were submitted over the March-May period. The sudden surge in interest in horses could be real or else a newly-discovered ploy to occupy undeveloped land.

Just as the siting of discos in residential areas would lead to conflict, so would locating one in a Natura 2000 site at Mistra. While the categories listed by Falzon might have a legitimate claim to be ODZ, the presumption in a country with such a dearth of open spaces as ours should be against development.

The momentum for banning ODZ development for non-agricultural purposes should not be allowed to stop: provisions should be entrenched for sacrosanct ODZ developments. However, these should not prevent halting other, galling ODZ applications.

The matter should not be allowed to bog down much-needed ODZ reform. An uncanny analogy is the proposed rent reform which risked floundering as a result of unfounded fears over tenants' rights. Will fear prevail over resolve? The Prime Minister should reiterate emphatically the famous words he uttered barely four months ago.

Environmental liability legislation

A possibly landmark piece of legislation (LN 121 of 2008 - Prevention and Remedying of Environmental Damage Regulations, 2008) under the Environment Protection Act (EPA) was approved earlier in the year. This warrants a closer look.

The purpose of this legislation is to establish a framework of environmental liability based on the 'polluter pays' principle and to prevent and remedy environmental damage. Article 7 of this legislation stipulates that 'Where environmental damage has occurred, the operator shall, without delay, inform the competent authority of all relevant aspects of the situation and take all practicable steps to immediately control, contain, remove or otherwise manage the relevant contaminants, or any other damage factors in order to limit or to prevent further environmental damage and adverse effects on human health or further impairment of services, and the necessary remedial measures'.

In turn, Article 9 states that 'the operator shall bear the costs for the preventive and remedial actions taken pursuant to these regulations and that the competent authority shall recover the operator who has caused the damage or the imminent threat of damage, the costs it has incurred in relation to the preventive or remedial action taken'.

Activities that fall within the remit of this legislation, possibly resulting in environmental damage, include: Waste management operations, including the collection, transport, recovery and disposal of waste and hazardous waste; all discharge into the inland surface water; all discharge of substances into groundwater; the discharge or injection of pollutants into surface water or groundwater which require a permit, authorisation or registration; and any deliberate release into the environment, transport and placing on the market of genetically modified organisms.

At first glance, this legislation greatly bolsters enforcement officers' clout - time will tell if it's put to good use after all.

Jellyfish nonsense

Jellyfish blooms seem to become the pet subject of many correspondents in summer, who try to provide an explanation for this increase.

While the local press has reported several reasons for these blooms, such as the decline in marine turtle populations and global warming, the phenomenon might actually be a cyclical one: According to Mills (2001) 'In the western and central Mediterranean Sea, population peaks for *Pelagia noctiluca* have occurred on average every 12 years between 1785 and 1985, with each peak enduring over several years - eight population highs, separated by seven low *Pelagia noctiluca* periods, have been reported during this period. Researchers have concluded that climatic factors between May and August including low rainfall, high temperature and high atmospheric pressure appear to correlate well with *Pelagia noctiluca* blooms, these factors occurring during the reproductive period for this species and likely influencing it, at least indirectly'.