



Kummissjoni Interdjoċesana Ambjent

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Reactions to the three Bills related to the MEPA Demerger

Development Planning Act, 2015

Environment and Planning Review Tribunal Act, 2015

Environment Protection Act, 2015

Having proposed the idea of the demerger of MEPA in 2009 (before it was ever proposed as an electoral promise), the Interdiocesan Commission for the Environment (KA) submitted its reactions to the three Bills which aim to split MEPA into two Authorities, with the aim of further clarifying its position on the issue, thus clearing up any misinterpretation of its original stance. There are a number of Articles about which it has reservations, some of them very serious. It is on these articles that the KA has restricted its comments and which it believes should be changed.

The KA would like to remind all members of Parliament that serving their country is not equivalent to serving an interest group, which seeks only to reap fast profits by exploiting the natural environment or intensifying construction in urban environments which undermines rather than improves the quality of life of citizens.

In a statement addressed to political parties prior to the 2013 general elections, the KA had already expressed itself in favour of splitting the environment from the planning function so that the environment can be given greater protection since, in its view, MEPA was not being effective enough in protecting the natural environment. There would not have been a need for the demerger had MEPA functioned as it was supposed to function, i.e. actively and effectively protect our limited land resources. However, the KA sadly notes that beyond the rhetoric and the marketing efforts currently being made to portray positively the splitting of the environment and the planning functions and the setting up of two new authorities, the proposed Bills will make the environment a big loser due to the weakening of the development planning function that was introduced after years of environmental pillaging due to direct Ministerial involvement in regulating development in the country. The KA is disappointed that the Bills, as they currently stand, are a step backwards in proper development planning and do not guarantee the protection of the environment and cultural heritage.

We appeal to all members of Parliament not to shirk their responsibility and keep their conscience at rest by resorting to the reasoning that separating the planning from the environment functions was an electoral pledge. The KA sees the current proposals simply as the collapse of governance in the Planning Authority coupled with direct legally-sanctioned ministerial involvement.

The KA would have expected that, after a planning system that has been in place for many years, the reasons for including new articles or removing others in the Bills when compared to the Acts that they are replacing would have been clearly spelt out together

with the publication of the Bills. The weaknesses of the Bills are aggravated by the fact that the Strategic Plan for the Environment and Development (SPED) which has recently been approved by Parliament is itself a very weak document. Moreover, the changes to policies that have been carried out render development in Outside Development Zones much easier.

The KA is seriously worried that the Executive Council of the Planning Authority will have an Executive Chairperson who apart from the powers granted specifically to the holder of this post (instead of granting such powers to the Authority) will also be the Minister's puppet. This is emphasized by the proposal that such Executive Chairperson, who is to be appointed by the minister, "may be dismissed by the Minister at any time for a just cause and it shall be a just cause if the Minister determines that he has not achieved the targets and objectives set for him by the Minister". The proposal that the Minister has the choice of approving or rejecting the appointments of Directors heading the Directorates of the Planning Authority will demote the Planning Authority from an Authority to a private secretariat of the Minister where appointments of key, and less key, people are concerned. In fact minor appointments such as secretaries of advisory bodies to the Planning Board are also to be appointed by the Minister. The KA will continue to oppose such interferences as it has done in the past.

The KA is disappointed that the proposed Bill on setting up the Environment Protection Authority is one which provides no teeth, or even a jaw, for such an Authority that was supposed to provide greater protection to the land and sea environment than we have witnessed so far. The land environment is held in trust by Government for the needs of the current generations without compromising those of future generations. Government has to act as a steward of such a national treasure and not introduce lax procedures that undermine the protection of the land and sea environment.

In order for the Environment Authority to effectively serve the common good through environmental protection, the splitting of the planning and environment functions in two authorities should result in more effective, less cosmetic, co-sharing and co-responsibility in the decision-making process in the formulation of plans, policies and development orders and the granting of development permits. Failing this, the environment will be given a great disservice.

With the proposed competencies of members on the Environment and Planning Review Tribunal, the planning system in Malta is moving further towards a legalistic approach to planning which risks dispensing with a holistic approach to sustainable development. This situation encourages those who want to 'play the system' to discover ways of circumventing the law and continue unabated with their unsustainable plans.

The Kummissjoni Interdjoċesana Ambjent sincerely hopes the points raised in this document will lead to a healthy discussion prior to the debate at Committee Stage in Parliament. The KA strongly supports any efforts that will strive to amend the proposed Bills in a spirit of good sense for the common good and well-being of the population of the Maltese Islands through better governance in the management of the environment.

Tuesday 11th August 2015