



13<sup>th</sup> March 2018  
36/2018

## WORRISOME DECISIONS BY PLANNING AUTHORITY AND ENVIRONMENT RESOURCES AUTHORITY

### STATEMENT BY THE CHURCH ENVIRONMENT COMMISSION

The Church Environment Commission (KA) is one of the entities who was in favour of the splitting up of the Malta Environment and Planning Authority (MEPA) into two separate authorities<sup>1</sup>, to ensure that environmental interests would take priority over other interests which do not contribute to the improvement of the quality of life of all citizens. On the other hand, the KA has also expressed its concern on the way such a split has been implemented resulting in the creation of the Planning Authority (PA) and the Environmental Resources Authority (ERA). The KA feels that it could have been carried out in a more effective manner. This would have prevented certain 'bizarre' decisions that raise doubts about the running of the authorities themselves<sup>2</sup>. Such decisions include those mentioned hereunder.

### Development at Fortina Hotel in Sliema

The ERA felt that there was no need for an *Environment Impact Assessment* (EIA) to evaluate the impact of an additional 5 floors on a 17-storey tower, the demolition of existing structures

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<sup>1</sup> Opinion papers by the KA:

- *L-Awtorità Maltija għall-Ambjent u l-Ippjanar (il-MEPA), l-Iżvilupp Sostenibbli u r-Responsabbiltà Politika* <http://thechurchinmalta.org/files/2009/09/2008-42.pdf> (28<sup>th</sup> March 2008)
- *Opinion on the consultation document on MEPA's Reform* <http://thechurchinmalta.org/files/2009/09/85-Kumm-ID-Ambjent-on-MEPA-REFORM.pdf> (27<sup>th</sup> July 2009)

<sup>2</sup> Opinion papers by the KA:

- *Reazzjoni tal-Kummissjoni Interdjoċesana Ambjent (KA) għad-Dokumenti li ħareġ il-Gvern dwar l-oqsma tal-Ambjent u l-Ippjanar* [http://thechurchinmalta.org/files/article/42\\_KA\\_REAZZJONI\\_MEPA.139825747943.pdf](http://thechurchinmalta.org/files/article/42_KA_REAZZJONI_MEPA.139825747943.pdf) (21<sup>th</sup> April 2014)
- *Reactions to the three bills related to the MEPA demerger* <http://thechurchinmalta.org/mt/posts/51546/reazzjoni-tal-kummissjoni-ambjent-ghat-tliet-abbozzi-ta-ligi-dwar-il-qasma-tal-mepa> (11<sup>th</sup> August 2015)

and the construction of a 15-storey block of apartments. Such a decision has been taken because the ERA felt that most probably this development would not have environmental impacts that would need to be addressed effectively in an EIA. As a result, the application would be evaluated on the merits of a *Project Description Statement (PDS)* presented by the developers themselves. This (according to ERA) satisfactorily addresses any environmental issues.

The KA believes that the fact that a site falls within an urban area does not imply that any type of development on it is justified, especially if such development will have a negative impact on the community. It seems that this decision has not taken into account one of the pillars of sustainable development – the social dimension. This shortcoming has already been highlighted by the Sliema Local Council, which has called for a Traffic Impact Assessment and a Social Impact Assessment for the proposed development. The PDS itself notes that the effect of the increase of traffic on air quality has not been sufficiently analysed.

The irony is that, concurrently to this decision, the ERA launched a set of new regulations aimed at strengthening EIAs by introducing new aspects to be considered for assessment such as personal health and climate change.

The need for such regulations has long been felt, and the KA is pleased to note that these include many of the suggestions put forward by the KA such as (a) that reports are written in a way that can be easily understood by the public (b) that the period of public consultation be extended (c) that proposals for large projects should not be fragmented in applications of a smaller dimension (d) that there should be proven impartiality of any consultant involved in such projects. (The KA had asked for the publication of the names of those involved – especially in the public consultation document).

However, the KA expresses concern when arbitrary exemptions to these regulations are introduced. Experience has shown that under **all** administrations there have always been persons who show great ability in playing about with the wording of the law and manage to find loopholes when the spirit of a regulation (that of protecting the citizen) would be to actually curb such abuse! Exemptions from rigorous scrutiny in the planning stage have led to the building of the hangar at Haywharf, a construction which is highly incongruent with the Bastions of the European Capital of Culture and of the public shooting range on land assigned to the local Police Academy at Ta' Kandja. It is now public knowledge that the real reason for this exemption was not for the Police to have a shooting range, but so that Malta can host an international competition. This is blatant abuse of the spirit of the law.

## **The approval of amendments on the site at Mercury House in Paceville and the megaproject at St George's Bay**

The KA fails to understand how the PA chooses to miss an opportunity to consider a development proposal in a holistic plan, and move on with a massive development in an area which, according to the authority itself, should be covered by a masterplan (on which work has already commenced). One questions: Can it be that those who voted in favour of the 31-storey project on the site were reassured by the fact that the project would include 4,000 m<sup>2</sup> in open spaces, and that the (miserable) sum of €50,000 was imposed on the developer as a contribution towards an artistic fund?

While the KA is satisfied to note that three board members have voted against the proposal in the application, it cannot understand how both the representatives of the Government and those of the Opposition voted in favour, while agreeing that the proposed development should have been presented in the context of a masterplan. One cannot help asking: What are political parties' priorities? Whose interests are they defending? Who will safeguard the interests of those citizens who hold the common good at heart and who are against overdrawn projects such as this?

In the case of the megaproject at St George's Bay, it is significant that while this project was being approved, the highest executive official at the PA was quoted as saying that it was a pity that there was no masterplan for the area.<sup>3</sup> Notwithstanding this, the project has been given the green light, and the KA believes that the cumulative impacts of all the projects at Paceville and St George's Bay will be felt in the long term. At the same time, the KA cannot but express its concern about various attempts by a number of developers at 'redevelopment' (a term which does not have the same negative connotation as 'destruction of architectural heritage') on sites of significant cultural and historic value in the heart of urban communities. For the past 20 years, we have been experiencing the construction of hotels taking the place of 19th century historic structures, and even a watchtower built by the Knights of St John being engulfed by a modern hotel. Furthermore, of little concern to the authorities seems to be the possible damage, as a result of construction, on protected sites such as Għar ta' Ħarq Ħamiam in St George's Bay.

In this context one questions the muscle of those entities constituted specifically with the aim of ensuring that the environment and, especially, the natural, cultural and artistic heritage, and the social fabric of our islands are given due priority. The KA shares the views expressed by the Commissioner for the Environment and Planning at the Office of the Ombudsman<sup>4</sup>,

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<sup>3</sup> <http://www.independent.com.mt/articles/2018-02-22/local-news/PA-Board-approves-major-development-in-Villa-Rosa-Cresta-Quay-area-in-St-Julian-s-6736185213>

<sup>4</sup> Report for the year 2016 presented in Parliament by the Ombudsman (pg. 91)

and reiterates what it has often said: that as long as the ERA and the Superintendence of Cultural Heritage do not have the power of veto in every controversial issue to be decided by the PA, then we shall continue to see decisions which do not give greater weight to the common good.<sup>5</sup>

Politicians often ask citizens: 'How would you like this generation to be remembered in the future?' In the light of the way these projects have been approved, the KA would like to propose this same question to all those involved in the formulation of development plans and policies and to whoever is in any way responsible for the decisions relating to development permits.

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<sup>5</sup> *Reactions to the three bills related to the MEPA demerger* <http://thechurchinmalta.org/mt/posts/51546/reazzjoni-tal-kummissjoni-ambjent-ghat-tliet-abbozzi-ta-ligi-dwar-il-gasma-tal-mepa> (11<sup>th</sup> August 2015)  
*Twenty Proposals to Political Parties for the 2017 General Election* <http://thechurchinmalta.org/mt/posts/69084/ghoxrin-proposta-lill-partiti-politici-ghall-elezzjoni-general-2017> (11<sup>th</sup> May 2017)  
*Planning for today for the few – not for tomorrow for everyone* – Message on World Town Planning Day 2017 <http://thechurchinmalta.org/mt/posts/73466/-ippjanar-ghall-ftit-ghal-lum--mhux-ghal-ghada-ghal-kulhadd> (7<sup>th</sup> November 2017)