

11<sup>th</sup> October 2021

## **BUDGET 2022 RECOMMENDATIONS BY THE ENVIRONMENT COMMISSION**

### **FULL SUBMISSION**

Should we be surprised at the Maltese Islands' degradation of the natural and urban environment? The plain answer is 'no'. Recommendations and warnings that have been issued over the last years by various NGOs as well as by the Interdiocesan Commission for the Environment (KA) as part of a myriad of public consultation processes have been largely habitually unheeded. The message that the economic model that the country was adopting was detrimental for a small country like ours that has one of the highest population densities in the world has been repeatedly discarded. To make matters worse, policy-makers and decision-makers conveniently resorted to concepts that are anathema to planning, such as 'legitimate expectation' and 'precedent' to promote the status quo and throw overboard all sense of proper planning that should safeguard the public interest.

### **Hope from the Pre-Budget Consultation Document 2022?**

Will this budget be a turning point? We really hope that this will be the case in so far as sustainable development is concerned. Recent statements by the Minister for Finance, that the economic model that has been adopted so far has to change, are heartening. At a global level, we just have to start immediately to reduce greenhouse gas emissions to save our common home. Likewise in Malta, we need to take immediate action to seriously address the real causes of the degradation of the natural and urban environment before we lose more of what should be saved<sup>1</sup>.

The KA notes that in line with the emphasis on promoting wellbeing (as envisioned by ERA's National Strategy for the Environment 2050<sup>2</sup>), the Pre-Budget Consultation Document 2022 states that "the physical and mental well-being of the population is not only dependent on the effectiveness of a country's healthcare system, but it is also

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<sup>1</sup> See also <https://economicvision.mimcol.com.mt/wp-content/uploads/2021/06/A-Future-Proof-Malta-Final.pdf>, p. 42

<sup>2</sup> [https://era.org.mt/wp-content/uploads/2020/07/NSE\\_Wellbeing\\_First\\_Vision.pdf](https://era.org.mt/wp-content/uploads/2020/07/NSE_Wellbeing_First_Vision.pdf)

dependent on the quality of the country's rural and urban environment."<sup>3</sup> Who would not agree with such a statement?

### **Addressing the 'uglification' of the country**

The Pre-Budget Consultation Document 2022 also makes a daring commitment. It states that "the Government is committed to increase the need to address the issue of 'uglification' and incentivise comprehensive development and green buildings, through significantly increase budgets of green planning. The lack of greenery and heightened urbanisation needs to be addressed through green projects and landscaping efforts. In this regard, in the coming years, various projects of roofing and urban greening will be implemented".<sup>4</sup>

The KA believes that hand in hand with increasing budgets of 'green planning', the major focus should immediately be devoted to ensuring that the country benefits from rigorous, unequivocal, loop-hole free development plans, planning and environment policies and their enforcement. Such plans and policies need to be applied by decision-makers who are adequately abreast with such plans and policies while also honestly taking into consideration representations from the public. There should be no more room for decision-makers who are puppets of others and who cannot stand on their own two feet. Ensuring a rigorous planning process has been the consistent appeal made by the KA since it made submissions in 2015 as part of the public consultation in the drawing up of the Development Planning Act, the Environment Protection Act and the Planning Review Tribunal.

Over the years, the KA made various submissions as part of the review of various planning and environmental policies. These submissions have been largely ignored. The KA has repeatedly pushed for the review of the local plans. However, the authorities have opted for various piecemeal revisions without considering the impact that such revisions would have on the greater local plan area in which such revisions were made. The studies underpinning the current local plans were carried out around 20 years ago. Overwhelming demographic, economic, and social changes have occurred over the years that should have justified the update of such plans years ago. The KA had insisted for a master plan for Paceville, one of the areas in Malta that is subject to development initiatives. The authorities' lack of will to come up with a masterplan for the area meant that in the absence of a dedicated vision for the area, developers stepped in where the Government failed to give direction. The result is a 'wow' of high buildings which render the appearance of the country anything but aesthetically pleasing. It had been amply predicted, but the authorities chose to look

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<sup>3</sup> *Pre-Budget Consultation Document 2022*, Government of Malta, Ministry for Finance and Employment, Sep 2021 p. 75

<sup>4</sup> *Ibid.*

the other way. Claims that the only solution for the country is to go upwards so that ODZ land is not taken up do not hold, since high-rise buildings have appeared concurrently with developments of residential units in ODZ areas through the now-infamous Rural Policy and Design Guidance 2014 and the Rationalisation Schemes of 2006. Planning mistakes are still being carried out by the continued deferral of the long-overdue revision of the local plans.

### **No 'green-washing' please**

'Green planning' cannot come before planning for and effectively protecting the 'green' spaces, that is the ever-shrinking unspoilt countryside that the country still enjoys. We cannot afford to have yet another round of terms, namely 'green buildings', 'green developments' and 'green projects' misused to justify buildings in contexts where they should never be situated. A green building on an unspoilt protected area or in an urban context with which it jars can have various shades of green attached to its promotion. However, aesthetics and whatever efforts are made to promote such building as eco-friendly are not enough to redeem a building in a context where it is not suitable to be located.

### **Review of the Rural Policy and Design Guidance 2014**

The review of the Rural Policy and Design Guidance 2014 is simply taking too long to be finalised and approved by Government. The full process of this review started in 2019, with the second phase of the public consultation on this draft revised policy ending in August 2020. Is there a deliberate strategy to drag feet on the approval of this policy so that current applications and new ones that were submitted after the publication of the revised policy would be decided by the current discredited policy of 2014?

The review of this policy is fundamental to give credibility to the budget's noble commitments on the safeguarding of the environment. Developing ODZ land through this policy continues unabated in spite of frequent parallel messages that the development zones have not been extended. The development zone boundaries have been leapfrogging through the Rural Policy and Design Guidance 2014. The KA had submitted detailed comments on where and how this policy should be addressed to avoid the continued urbanisation of the countryside and the abuses it allows. Actions speak louder than words. The lack of timely action may reveal other agendas. It is utterly unacceptable that villas and swimming pools crop up instead of existing mounds of rubble. The KA, therefore, urges Government to immediately approve the revised policy which hopefully, through the amendments made, will safeguard the Maltese countryside and genuine farming needs.

## **Protection of farmers' livelihoods and encouraging young people to be farming entrepreneurs**

The KA fully shares the concerns of farmers in Malta who are being evicted, following a recent Court decision, from the land that they have tilled for generations. This is a national emergency since the country just cannot afford to abandon more agricultural land than it has already lost to building development over the last decades. Government is expected to act fast. Agricultural land and its continued use as such should be given the highest priority. Agricultural practice in Malta has fundamental contributions to food security, stewardship of the environment (when the appropriate agricultural practices are adopted) and the safeguarding of the cultural and natural heritage. The KA therefore suggests that steps are taken to consider granting Maltese agricultural land a special protection status as a strategic resource. This status would apply both to land which is currently being tilled as well as other land which has not been used for agricultural produce for years. This protection status would guarantee the use of such land for agricultural purposes only. At the same time, the KA appeals to Government to carry out a review of all government policies (including planning policies) that may encourage landowners to evict farmers.

It is really heartening to see young people being attracted to farming and applying entrepreneurial skills to this way of life. The KA appeals to Government to assist such young breed of farmers and address policy issues that affect them, in order to give them the peace of mind that they will not be evicted from the fields.

The KA also sincerely hopes that current planning applications to develop solar farms on agricultural land in Mġarr (even though branded as ancillary to greenhouses) is refused. The solar farms policy is expressly against such solar farms on agricultural land.

The KA appeals to the authorities to carry out a review of what makes one a part-time farmer, especially when such farmers hardly ever touch a hoe and still benefit from EU funds that would otherwise be available for other genuine farmers.

In its submissions to the review of the Rural Policy and Design Guidance in 2020, the KA had maintained that this policy on its own will not save the Maltese countryside landscape or the farming community. The KA had also proposed the following:

- **Carrying out the necessary reforms in the wholesale market for fruit and vegetables** (Il-Pitkalija) so that farmers' activities become more economically viable and exploring the introduction of an insurance cover for farmers not to be left wholly unprotected in case of adverse weather conditions. After many years of promises of a reform there are encouraging signs that this is finally taking off. We augur that this reform will lead to a better appreciation by the local consumer of Maltese agricultural products.

- **Revising the Strategic Plan for Environment and Development (SPED)** to limit to the barest minimum what can be developed in the countryside.
- **Delineating areas in the countryside where absolutely no development of any sort can take place.** This is the only policy measure that can save some of the remaining national landscape assets of the country.

### **Revision of the Development Notification Order (DNO)**

Since 2015, the KA has been insisting on the need to revise the Development Notification Order. This subsidiary legislation lists the types of development that do not require a full development permit application. When being assessed, developments allowed by the DNO are not subject to public consultation and bypass a rigorous planning process.

This legislation has become an abusive vehicle through which Government entities avoid going through a full development process. Infrastructure Malta has largely benefitted from such legislation. The extension of the DNO to other specific Government entities (including the Ministry for Home Affairs) have shown that at the end, the aim was not for some national interest purpose, but short-term interests that had nothing to do with national security.

The country cannot afford to have a complex of around 85 small-and-medium enterprise (SME) units in Xewkija Gozo (*see photo 1 and 2 below*) being developed outside the framework of a rigorous planning process. While a small residential home requires a full development permit, an SME complex like that does not.

The building of this complex has been allowed through a series of DNOs<sup>5</sup> which means that an application for a full development permit was not required. Had a proper planning process been applied to this project one would have revealed the aesthetically jarring components of the building. It is useless that the authorities speak about the need to have aesthetic buildings when at the same time conscious decisions are made to prevent certain developments from being rigorously vetted by the Planning Authority officials.

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<sup>5</sup> The series of DNOs includes DN/00462/18 to construct SME Industrial Park amending DN1182/17



**Photo 1:** The SME complex in Xewkija Gozo (as seen from its North side) did not require a full development permit (Photo: Daniel Cilia)



**Photo 2:** The same SME Complex as seen from its South side (Photo: Daniel Cilia)

## **The disfigurement of Gozo's ridges**

In the 1980s and 1990s, insensitive development disfigured ridges in Gozo (Żebbuġ, Xagħra and Nadur). After recognizing belatedly the damage done to such ridges, the Development Control and Design Guidance was changed and the surviving ridges were spared further onslaught by rapacious developers. In 2015 however, this policy was changed again and the ridges, especially those at Xagħra Gozo, are yet again being destroyed by insensitive developments with the blessing of policy and decision-makers who should know better. It beggars belief that the mistakes from misguided and ill-advised policies of the past are not learnt.

The issue is not whether policy and decision-makers are aware of the impact a change in a policy would have. All evidence of the possible impacts of a change should be amply clear. The issue is that the authorities consciously choose to satisfy the narrow interests of individual developers to the detriment of the natural and cultural heritage of the island. This is also to the detriment of the national interest which has to contend with the privileged influential access that some developers seem to have to the powers-that-be.

It is indeed ironic that while the solar farms policy does not allow solar farms on ridge edges or sites with considerable breaks of slope and maquis, the current Development Control and Design Guidance gives the go-ahead to multi-storey buildings that destroy maquis, the age-old contour of Gozo's hills and underground watercourses that affect the irrigation of fields.

## **Transparency in the justification of policy changes**

The KA expects more transparency in the justification for a change in planning or environment legislation, development plan or policy. The resounding absence of published monitoring data when a policy is being reviewed is conducive to stakeholders believing that the outcome of the process is pre-determined. Speculation on the motivations for changing a policy would abound, and rightly so.

In its submissions to the PA, as part of the 2019 public consultation on the objectives of the review of the Rural Policy and Design Guidance, the KA had invited the PA to publish the following:

1. Any report relating to the monitoring of the policy as had been expressly required by the current policy.
2. The number of development permissions that had been issued under the policy classified according to their use (e.g. 'farming', 'residential', 'swimming pool').

3. The number of pending applications that were to be determined by the application of the policy classified according to the use.
4. Maps of sufficient scale which show the site location where such permissions were issued, coded in colour to show the classification mentioned in (2) above.
5. The number of development permissions that were issued on the basis of the existence of 'ruins'.
6. The number of development permissions that were issued by the Planning Board/Commission against the recommendation of the case officer.

When the Draft Revised Policy was published in 2020, the KA expressed its disappointment that besides the lack of any comment by the PA in its response to this suggestion, the published draft policy did not present any of these facts or make reference to the monitoring report as required by the same policy.

The KA had also requested the publication of data justifying the revision of the fuel stations policy. Its suggestion was, likewise, not heeded.

When one experiences such total disregard for comments submitted during a public consultation one wonders whether the only alternative to have public opinion heard is to pitch tent and make lots of noise. Reacting to public opinion should be done honestly and not carried out only when the form of expression of public opinion becomes an embarrassment to the authorities.

In proper monitoring of policies, policy-makers need to compile the facts about where the policy was successful and where it failed. What were the negative impacts? What were the unintended consequences? Was the policy abused by applicants and decision-makers? If so, in what way? How is the new policy addressing such shortcomings? Different administrations and ministers come and go, and each time powerful interests seem to take hold of the administration of the day be it for a short or long period. Sometimes, the main concern seems to be "How many voters are we going to serve?" irrespective of any long-lasting damage to the natural or urban heritage and the common good. We live in an age where we have access to a multitude of monitoring and forecasting tools. However, the fundamental issue seems not to be the effectiveness or otherwise of the tools, but whose particular interests are going to be served to the detriment of others.

The KA appeals to the authorities to be more transparent when changes in planning and environmental policies are being made. We appeal to the PA to upload on its website all legislation (main and subsidiary), development plans, and planning policies that have been superseded. In this way, when a review of legislation, plan or policy is being carried out, NGOs, professionals and the general public can refer to such

instruments to see what had worked and what had not, and what may be revived from such discarded planning instruments.

### **Is the Planning Authority's core function of planning being eroded?**

The KA is particularly concerned that the authorities chose to issue and award a services tender for the provision of Consultancy Services for the Preparation of Demography, Employment and Housing Studies for the SPED review. It is incomprehensible that such a function, which is the core function of the PA, is not being carried out in-house when it should have been carried out continuously and monitored for the last years by the Planning Authority. Why has the PA reached the stage where it is not able to carry out studies that are at the heart of its *raison d'être*? Is the PA being divested of its core function of planning? It seems that the PA has also disbanded the Transport Planning Unit that is supposed to review projects that are carried out by Infrastructure Malta, when the latter actually applies for development permits. Will the dissolution of such an important planning function give a free hand to Infrastructure Malta in its projects? The KA appeals to the authorities for the PA to be adequately funded to carry out its core function of planning and not just react to development initiatives which, if not channelled in the right direction, might result in undesired outcomes.

### **A national property study to inform the planning function**

In December 2015, the KA had invited Government “to fund a long overdue and truly national study on the demand and supply of Maltese properties, and the fiscal and economic environment that has a bearing on them. The terms of reference for such study should be issued for public consultation and should enjoy the widest agreement possible by all stakeholders. Such a study affects the whole nation and should be treated as such, and, when finalised, should be published entirely. Its implications for planning purposes, the safeguarding of the environment, and affordable housing are widespread. This study, when completed, should be updated regularly and be an important source for the Strategic Plan for Environment and Development and the Local Plans. Otherwise, decisions related to the built environment are not going to be informed as they are expected to be especially in the case of a densely-populated country like ours.”<sup>6</sup>

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<sup>6</sup> Proposals by the Interdiocesan Commission for the Environment (KA) inspired by the encyclical *Laudato Si* of Pope Francis on Care of Our Common Home, Dec 2015

Over the last six years, the KA been insisting on such a property study. The funding of such a national study and the methodology required to serve the national interest require the clear ownership of the authorities.

In a letter to the Finance Minister on 27<sup>th</sup> September 2017, as part of the 2018 budget consultation, the KA had stated that “we are reaching a situation where we would like to turn back the clock because we would not bear the ugliness of the country that we would have created with the blessing of the authorities. But then, unfortunately, it would be too late”. The following year, as part of the 2019 budget consultation, the KA wrote again to the Finance Minister expressing its “reservations on the promotion of Maltese property in other countries as a Government strategy and with Government assistance (through the Property Malta Foundation). The KA feels that this practice does not augur well for the sustainability of the property market that really has at its heart the social and environmental fabric. The KA urges Government to protect the same environmental fabric of the Maltese Islands through an economy that grows in a responsible manner and not allowing unsustainable development to dictate the economic policy of the country.” This reservation still stands. Through this strategy, a demand is being sought in order to address the oversupply of property that is being built. Otherwise, there would be no need for Government assistance. The success of a property market cannot just be measured exclusively by how much property prices (both purchase and rental prices) rise, but also by how affordable the prices are (selling or renting and whether commercial or residential) and how significant is the contribution of any property in question to an effective increase in the quality of life of the users of such property and that of the local community.

### **The scandals at Comino and Ħal Ferġ and the transparency of land deals**

It is outright scandalous that land that was granted as a Government concession for tourism use is having such use changed to a residential one so that dwelling units can be developed for sale. The part-conversion of areas designated for tourism purposes to residential areas was already opposed by the KA in the case of the Ħal Ferġ redevelopment. Now it has transpired that residential units in the area will also be sold. Such sale of land in the most scenic spots of Malta makes one wonder whether the so-called up-market tourism industry in Malta can stand on its own feet given that, it seems, such tourism projects in prime scenic areas cannot be financially sustainable on their own unless such land deals are being used to finance other operations of the developers.

Parliament is duty-bound to provide all the information for the reasons behind such changes of use and the transfer of land. It is Government that had originally asked the

Planning Authority to start the process for changing the use at Ħal Ferġ. <sup>7</sup> So the Planning Authority cannot be portrayed as the one that set the ball rolling out of its own initiative.

The same change-of-use seems to be happening at Comino, a Natura 2000 island. KA is baffled at the possibility that bungalows that were developed on Government land for tourism purposes are now being suggested to be sold as private residences as part of the redevelopment of the Comino Hotel. The change from 'tourism use' to 'residential' and the subsequent sale of such property on what was once public land in a protected area does not conform to official talk about sustainability. Apart from this scandal, Comino has had its fair share of irresponsible environmental interventions and land take-up including the so-called emergency works on the road leading to the Blue Lagoon, the take-up of the Blue Lagoon with umbrellas leaving little space for the general public to enjoy and the abusive pitching of semi-permanent tents in the designated camping site. The KA hopes that the remoteness that gives Comino its allure does not end up promoting an 'out of sight, out of mind' attitude by authorities who should have acted differently.

The KA appeals to Government to carry out a review of all its entities that manage or dispose of public land to ensure that the procedures adopted by such entities and institutions are indeed transparent, and are able to carry out any negotiations on behalf of Government which can be subject to full public scrutiny and all decisions clearly accountable.

In 2015, the KA had made the same appeal to Government. It had stated that Government should "ensure that the property under its stewardship is managed in a way that is transparent and does justice to the whole nation and to future generations. Its management should not be dictated by those who want to grab Government land or property for fast profits but by a sense that Government land is held in stewardship by its administrators so that the common good is promoted". <sup>8</sup>

### **Metro system and the Malta-Gozo tunnel**

The KA notes that there will be a 'national discussion' on a metro system. However, the metro system cannot be discussed in isolation from the current drive by the authorities to bore a tunnel between Malta and Gozo. The KA's position on the Malta-Gozo tunnel has been clear all along. Alternative options to the tunnel need to be implemented and allowed to be experienced by users before decisions continue to be

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<sup>7</sup> <https://www.pa.org.mt/en/consultation-details/partial-review-of-the-north-west-local-plan-and-the-hal-ferh-development-brief-phase-2>

<sup>8</sup> Proposals by the Interdiocesan Commission for the Environment (KA) inspired by the Encyclical Laudato Si of Pope Francis on Care of Our Common Home, Dec 2015

taken on such a tunnel. While Government has announced that the studies on the metro system will be published, we are still awaiting the full studies (in their entirety) that have been promised with respect to the Malta-Gozo tunnel for a number of years. Are there going to be different levels of transparency for the Malta-Gozo tunnel and the metro system?

The KA is disappointed that while one side of Government speaks of sustainable transport systems and climate change mitigation measures, another side pushes for a Malta-Gozo tunnel-for-vehicles option that does not fit well with the other talk of sustainability. Which talk is going to prevail?

The discussion on a national metro system cannot be embarked upon while at the same time carrying out projects that continue to accommodate the dominance of the car. The planned new road-and-bridge building in Msida is not what upgrading of the urban environment should be about. Msida is a town that cannot be dumped with an insensitive transport infrastructure project that would forever be a monument to the dominance of the car in Malta. If there is going to be serious talk of a mass transport system in Malta we just cannot continue going down the path of accommodating at the use of the private car at all costs and subjecting pedestrians and the urban fabric of a town to such dominance.

### **The (mis)use of data to justify projects**

The KA is concerned that there are instances where information to justify certain infrastructural projects is gathered during particular periods to inflate the need for such works. One such instance is the traffic data that is being used to justify the widening of the Rabat to Marsalforn road in Gozo. Using the traffic data that was collected during the Santa Marija period cannot justify a project that has various negative impacts, especially the taking up of land which is ODZ. The widening of such a road does not ring well with the other talk of addressing climate change issues or the so-called 'eco-Gozo vision' when such widening is being considered to accommodate peak traffic for just a short period in a year. Of course, there is no doubt that the mentioned road needs upgrading, as do other roads in Gozo. Upgrading is one thing. Devouring unbuilt land for no fact-based justifiable purpose is another.

### **Carrying capacity for certain activities**

The KA is concerned that the marina project in Marsascala will take up swimming areas that are enjoyed by the public. The Maltese Islands are really blessed with having top-quality bathing areas that give respite to people during the hot summer months. Indeed, these will continue to become hotter if greenhouse gas emissions

continue to increase. In order to safeguard such swimming zones, a stage will be reached when we will have to accept that the country just cannot afford to have more berthing areas for boats. The same applies to caravan sites. Geography is what it is. It is simply impossible for any administration to promise everything to everybody even though this is the standard practice when general elections start to approach. Moreover, dismissing and playing down public outcry over projects by government officials is a symptom of arrogance and disrespect for the common good of the public they have sworn to serve.

### **Doing our part to combat climate change**

We have to admit that Malta, like other countries, cannot on its own save itself from the adverse effects of climate change. Whatever Malta does is not enough to save it, especially given that it lies in a high-risk area, the Mediterranean basin. The KA supports all measures that are taken to tackle climate change and looks forward to seeing the country use more power from renewable sources. In the meantime, any extraordinary climate-change mitigation measures to store drinking water to be used in case of drought and providing water storage in or close to woodlands to be used in case of fires should be implemented. The incentivisation of retrofitting of buildings and sensitive redevelopment of existing buildings will create the required opportunities for the construction industry that needs to shift its business model from the one that has been used to for a long time. Some companies have already started making the change, but more incentives from Government are required if the construction industry is to be assisted in changing gradually its business model.

### **Teleworking and the resultant decrease in demand for office space**

This should be encouraged and if need be incentivised. COVID-19 made us realise that teleworking, or a hybrid of it, can work and can provide a healthy work-life balance to employees. The KA understands that this practice cannot be applied to everyone and everywhere due to certain work exigencies and because of household issues that would exacerbate a work-life balance instead of improving it. However, teleworking can result in less office space being demanded in the country with the resultant decreased pressure on land-use.

### **Conclusion**

It seems that there is widespread consensus that the natural and urban environment have been short-changed. We have squeezed them for too long with total disregard

to the long-term effects of our actions. We urge everybody (meaning every citizen of Malta, landowners, boards of directors of companies that are listed on the stock exchange, all businesses whatever their size, the Church and religious orders, Government entities, political parties, and politicians) to do some soul-searching on whether our actions or lack of them are contributing to safeguard the natural and urban environment of the Maltese Islands and to improve the quality of life of the people. However, the prime responsibility falls upon Government since it is ultimately the overarching driver and decision-maker in all policy making. We hope that the encouraging words in the Pre-Budget Consultation Document 2022 will be reflected in concrete actions. The first concrete action is to immediately publish the revised Rural Policy and Design Guidance that would truly safeguard the natural environment and genuine farming activities. The contents of its revision will be a determining factor to assess whether this Budget will be a positive turning point in the stewardship of the environment.