

MEPA REWARDS ILLEGALITIES

18th July 2010

The environment NGOs Flimkien għal Ambjent Ahjar, Friends of the Earth Malta, NatureTrust Malta and Ramblers' Association of Malta are pleased to note that MEPA reform is picking up momentum; the MEPA Reform Act has now become law and the Environment Protection Department is being strengthened by an additional 45 staff members. Moreover an Environment Policy for the Maltese Islands is being drawn up to address Malta's environmental concerns by bringing the policies and actions of all Government ministries in line with the proposals of the environment document. If it actually comes about, this would be a welcome change from the present situation, where different ministries routinely violate environmental guidelines.

It is therefore dismaying to realise that MEPA's supposed "Development Control Commissions" – there's a misnomer if ever there was one - are still issuing decisions which contravene MEPA regulations.

The MEPA Auditor has published his report on the Mosta Wied il-Qlegha case, where a beautiful meadow has been divided into four plots against MEPA policy. Two owners gained permits to build reservoirs but abusively built two bungalows instead of reservoirs -see photos above.

The ENGOs brought this case to the attention of the authorities thinking that action would be taken to return the site to its original state. Instead of which one of the bungalows was sanctioned as stables in PA 7283/07. The Auditor comments thus: *"The site history is characterised by piecemeal illegitimate accretions to developments that have been approved. The inability to abide by the requirements of permit conditions is notable in the four cases, thus contributing to unjustified land take-up. This situation is of major concern to Environment Protection Directorate, and should not be rewarded through retroactive sanctioning."*

To which the Director of Environment added *"Noting that applicants have demonstrated an inability to adhere to approved specifications, the proposals are strongly objectionable in principle, and it is recommended that the cases are referred to enforcement unit for direct action, with a view to securing removal of all illegalities and restoration of the site to its original state"*

MEPA's Heritage Advisory Committee also strongly recommended that application to convert one of the illegal bungalows into stables should be refused. On what grounds therefore did the DCC grant the permit when all MEPA's departments urged refusal?

The Auditor further discovered a disparity in the height of the soil within the plot and concluded that the drawings submitted in connection with DN 447/06 are fraudulent and recommended that this permit should be withdrawn.

Furthermore, the demolition of the original rubble walls and replacement with walls of an illegal height as well as the splitting up of the land, required a full permit application and not just a Development Notification Order hence MEPA's acceptance of the decision was ultra vires.

The Auditor concluded: *"This is a classic example of how to reward a lawbreaker in his work to create environmental damage. Throughout the processing of the submitted applications the applicant was acting in bad faith"* - This raises questions on the architect's ethics in this case. Where does the Chamber of Architects stand on such cases? *"I recommend that the DCC Division A assumes its responsibilities for approving a permit contrary to policy and acts accordingly."*

The ENGOs state that the highest authorities were au courant of all the abuse in this case as were the members of the DCC Board when they approved this permit. If the MEPA reform is to have any

credibility, Government must go beyond presenting Dr. Mario Demarco as the acceptable public face on this issue.

The NGOs support the Auditor's implication that DCC board should resign and the permit be rescinded, however board resignations are no longer enough. The NGOs maintain that responsibility for the destruction of our countryside must be taken and disciplinary measures, preferably by the Courts, are called for. The public has looked on silently for too long while our heritage is destroyed by the very officials who are employed to protect it. Malta requires no less than legality NOW.