

Towards Sustainable Development Planning in Malta: Recommendations by Environmental NGOs

On Monday 27th October 2008, a coalition of environmental NGOs presented the Prime Minister with their submissions toward the MEPA reform process currently underway. The document represents the views of Flimkien ghal Ambjent Ahjar, Friends of the Earth Malta, the Gaia Foundation, the Light Pollution Awareness Group, the Malta Organic Agriculture Movement, the Ramblers Association (Malta), and the Save Wied Garnaw Action Group. It was drawn up on their behalf by Catherine Polidano.

The NGOs supporting this document maintain that the current planning process is unworthy of a member state of the European Union in the 21st century and urgently needs reform. The report makes 74 recommendations aimed at restoring credibility to and establishing sustainability in Malta's development planning system as well as creating a level playing field for all stakeholders in the interest of current and future generations.

Among other things the report recommends that policies governing development outside the development zone (ODZ), within urban conservation areas (UCAs), and in other protected areas should be made legally binding. It should no longer be possible for projects to receive approval in blatant contravention of such policies. The report also recommends that MEPA should start pre-screening development applications for compliance with policies. Applications that are found to contravene such policies should be rejected without going through the full assessment process. This would reduce abuse as well as saving time and money both for MEPA and applicants.

Development planning decisions often fail to give sufficient weight to environmental considerations because MEPA's Environment Directorate is understaffed and is given limited weight. The report recommends that the Directorate should be strengthened and given a greater say in decision-making. To eliminate overlap and fragmentation, the Malta Resources Authority and the Environment Directorate should be amalgamated.

Enforcement against construction abuse must be stepped up without delay and sanctioning of abuse, especially in protected areas, should immediately cease. Existing legal provisions should be enforced. Currently, developers who ignore MEPA enforcement notices can be fined or even imprisoned. However, these legal provisions have hardly ever been used even though there are over 6,000 illegal developments bearing enforcement notices.

Furthermore, in 2001 the law was amended to permit the imposition of a daily fine against developers who ignore enforcement notices, however, this amendment was never brought into force. The report recommends that the amendment should be brought into force forthwith and, indeed, that the daily fine should be increased.

To eliminate conflicts of interest, the report recommends that members of MEPA boards should be barred from undertaking work which would conflict with their role as board

members. Members of the Development Control Commissions (DCCs) and the Planning Appeals Boards should also be appointed on a full-time basis. The appointment of members of the DCCs should reflect a broader spectrum of society and given thorough training in MEPA regulations. The Appeals Boards should no longer be chaired by members of the legal profession as decisions need to be guided by strictly planning parameters. While still limiting frivolous appeals, the appeal charges on large projects should be reduced to sums that are affordable by objectors.

Development planning procedures also need to be improved. MEPA should ensure that development applications conform to sanitary laws, uphold third-party rights, and give due weighting to environmental and social impacts of proposed developments. The planning appeals process should be overhauled to make it less legalistic and to eliminate unnecessary deferrals.

Enforcement is vital, and to make this task more manageable the report recommends that district management teams be set up to monitor specific green areas and urban conservation areas. These teams would initiate immediate remedial action against illegal developments.

Finally, the report makes various recommendations aimed at strengthening public participation in the development planning process. Among other measures, it proposes that neighbours should be directly informed about developments that might affect them, and development applications should be given more prominent publicity particularly if they relate to protected areas. The public should also be better informed about their rights. Local Councils and NGOs should have greater access to the process and the objection period should be extended.

The NGOs which support this document are encouraged by the Government's willingness to reform MEPA. They will continue to contribute to the reform in the hope that it will put the citizen and the environment at the heart of development planning.