



P.L. 10067

**Petizzjoni pprezentata mill-Onor Leo Brincat fis-Seduta 486 tal-4 ta' Ġunju 2012**

**Lill-Onorevoli Speaker u Membri tal-Kamra tad-Deputati ta' Malta.**

L-Umli Petizzjoni tal-persuni indikati fil-lista annessa bhala dokument B

Juru bil-qima t-talba tagħhom kif spjegata fid-dokument A anness, u

Għaldaqstant dawn il-persuni li qed jagħmlu l-petizzjoni umilment jitolbu

li l-Onorabbli Kamra tagħkom jogħgobha tiegħu nota ta' din it-talba għar-revoka tal-permess għal-żvilupp fil-Wied tal-Mosta,

u dawn, kif huma fid-dmir, jibqgħu rikonoxxenti.



**CALL FOR THE REVOCATION OF MOSTA VALLEY DEVELOPMENT  
PERMIT NO. 05560/05**

1. The permit was issued in violation of the Local Plan 2006 (Mosta Environmental Constraints Map - MOM.7) and breaches several priority issues of Central Malta Local Plan (CMLP). It is also in conflict with Policy RCO 29 from the Structure Plan for the Maltese Islands:

No new physical development will normally be allowed on the sides of valleys and especially on valley watercourses except for constructions aimed at preventing soil erosion and the conservation and management of water resources.

2. The valley is a protected Nature Reserve and an I.U.C.N. CATEGORY III Natural Monument. The fields constitute the valley ridge and form an integral part of an Area of Ecological Importance (Level 2). The last standing Stone Hut (Girna) in any town centre and adjoining rubble walls, protected under LN 169 of 2004 give the area important rural heritage value and complement its intrinsic beauty/landscape value. The valley bed is also a Tree Reserve. This structure was not mentioned in the application, despite this being required by law.

3. The extent and depth of the excavations, as well as the replacement of soil cover by non-porous concrete built-up footprint, especially close to the valley bed proper, will be damaging to the entire eco-system and landscape. The development shall impact negatively on the amenity of the area and of existing adjoining uses constituting bad neighbourliness and overdevelopment hence conflicting with Structure Plan policy BEN 1 which seeks to protect the amenity of existing uses as well as DC2005 policy 2.7, and Ben 2.

4. Twenty-four residents have declared under oath that the MEPA notice was never affixed to the site for the period determined by law. This is in contravention of article 32 (4) of the Development Planning Act and deprived the residents of the opportunity to object to the Planning Application. The permit has also been issued in conflict to MEPA policies Ben 1 and Ben 2. Furthermore, the architects involved in both the outline and the full development permit were both appointed on MEPA boards at the time of the processing of the permit.

5. Evidence has been submitted to MEPA showing the intentional demolition

of very old rubble walls by the developers in person on a Sunday, without the required EPD permit despite this being a conditional factor to which the permit was subject. Despite instructions not to persist, the developers demolished the walls' foundations two days later. It is expected that legal action be taken for infringement of LN 169 and the permit be revoked since its conditions have been intentionally and maliciously broken.

6. Since commencement of works on site in 2009, the developers have on several occasions been reported to the authorities for not adhering to the conditions of the permit. Hasty workmanship and negligence have already damaged areas within the site that should not have been touched, and this includes serious damages to 3rd party properties.

7. Numerous reports were made to MEPA, always fully supported with photographic and other evidence, demonstrating serious acts of defiance such as damages made to the Girna and the partial destruction of a wall that forms an integral part of the protected structure. Despite public statements made by the authority regarding guarantees and imposed conditions along with a zero tolerance in case of non-adherence, work was eventually allowed to resume.

8. The relapsing & defaulting nature of the Developers is proven by at least two enforcement notices issued by MEPA since commencement of works in 2009. Regardless of severe breaches of permit conditions, the permit was not revoked leading to a lack of environmental justice and is contrary to the very spirit and mission of this authority.

9. The appeal proceedings due for termination in June 2012 are of no help nor significance if works are allowed to proceed, for the damage would have already taken place and the site would no longer exist. Due to the irreversibility of destroying live rock and natural habitat, and the practical impossibility of reverting the site to its original state, this is yet another miscarriage of justice. How can one be fighting to save something that has in the meantime been obliterated?

We the undersigned request that the Prime Minister instruct the relevant Authority and Planning Appeals Board to withdraw PA No. 05560/05 due to the above infringements and to preclude any further applications on the same site by scheduling the entire area, ensuring the permanent protection of the valley including its ridge, bed, environmental, ecological and rural heritage.

