



## **BACKGROUND / PREAMBLE**

The largest cluster of remaining fields, right at the heart of the valley, contain various protected rural features including a rare square-shaped Maltese corbelled stone hut (Girna) and several rubble walls, all resulting in a beautiful scene of great value and aesthetic quality. Most of the area concerned is listed as an area of ecological importance by the local authority responsible for environmental planning (MEPA) and a world protected site, as shall be proven further below.

This area is furthermore made unique by the fact that no valley crosses through any other town or village on these islands. These fields are situated at the very heart of the valley, right at the spot closest to the town centre, directly in line with the magnificent Rotunda Dome. According to the Central Malta Local Plan the area has been indicated as being an integral part of a 'Primary Town Centre' This is the last remaining example of a town having a preserved green core, complete with several iconic features of Maltese countryside and its rural qualities.



First of all, HPM would like to refer you to parliamentary question 16584 of the 30.05.2000.

6584. L-ONOR. MICHAEL BONNICI staqsa lill-Ministru ta' l-Intern:  
X'possibilita' tezisti li dan il-wied jigi scheduled, kemm minhabba l-karakteristika tieghu kif ukoll minhabba l-preservazzjoni ta' ammont ta' sigar tal-harrub?

ONOR. TONIO BORG:

Il-Wied tal-Mosta huwa wiehed mill-iktar importanti fil-Gzejjer Maltin ghal ragunijiet ambjentali, ekoloġici, agrikoli, kulturali, kif ukoll minhabba r-rizorsi ta' l-ilma. L-Awtorita' ta' l-Ippjanar behsieba tiprotegi il-kumpless ta' widien li minnu jaghmel parti il-Wied tal-Mosta billi tiskedah hekk kif jigu ffinalizzati l-istudji kollha. S'issa, parti sostanzjali ta' dan il-kumpless ta' widien giet maistharrga.

L-eżercizzju ta' l-iskedar jiehu hsieb li jipprovdi protezzjoni lill-elementi kollha ta' importanza, mhux l-inqas lil hafna sigar tal-harrub u ta' tipi oħra li jikbru fil-wied.

Seduta 307  
05/06/2000

**Translation: Hon. Michael Borg asked the Ministry of the Interior:  
What possibility is there that this valley be scheduled, both because of its characteristics as well as the preservation of an amount of Carob Trees?**

**Hon. Tonio Borg: Mosta Valley is one of the most important valleys in the Maltese Islands for environmental, ecological, agricultural and cultural reasons, as well as due to water resources. The planning authority (MEPA) intends protecting the complex of valleys that form part of Wied il-Ghasel by scheduling it as soon as all the studies have been finalised. So far, a substantial part of this valley complex has been studied already.**

**The scheduling exercise is aimed to provide protection of all its important constituents including the large quantity of Carob, and other trees, that grow in the valley.**

Subsequently, in 2001, the central part of the valley was eventually registered within the World Database for Protected Areas lists as WDPA ID 174768 and given a Category III Natural Monument Status of international importance.

Since then, Wied il-Ghasel remains listed as a Nature Reserve within the:

**World Database on Protected Areas**

managed by the  
**United Nations Environment Programme (UNEP)**

& its  
**World Conservation Monitoring Centre (WCPA)**

It is also considered to be so by the

**International Union for Conservation of Nature**

(IUCN / The World Conservation Union)

In the  
**IUCN Management Category -**  
**'Protected Areas and World Heritage Programme'**

the definition of a protected area adopted is:

"An area of land and/or sea especially dedicated to the protection and maintenance of **biological diversity** and of **natural and associated cultural resources**, and managed through legal or other effective means "

It was classified as a CATEGORY III – Natural Monument: Protected area managed mainly for conservation of specific natural features:

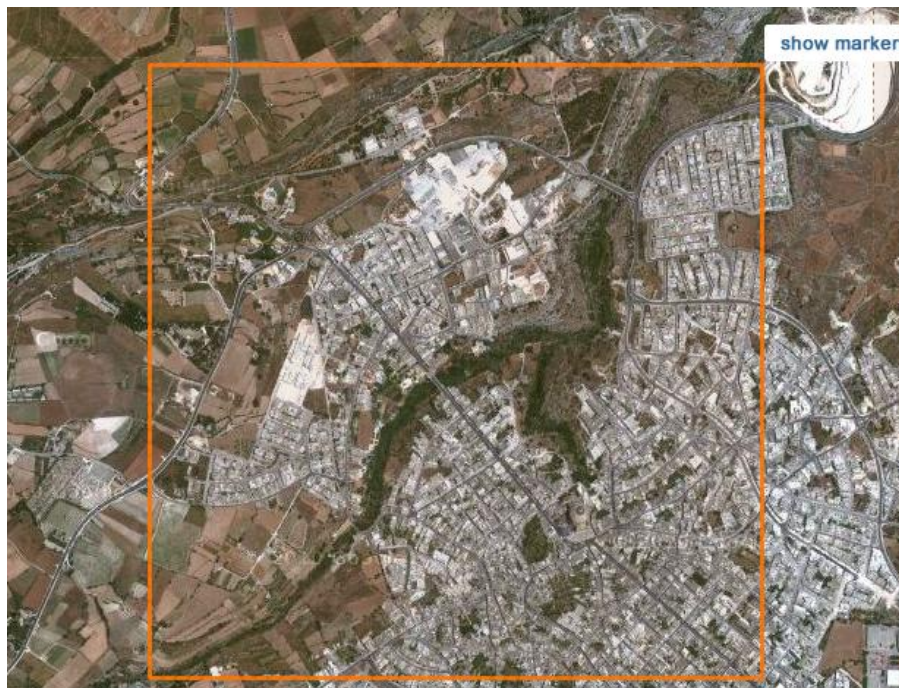
“Area containing one, or more, specific natural or natural/cultural feature, which is of outstanding or unique value because of its inherent rarity, representative or aesthetic qualities or cultural significance.”



This may be verified by opening the following link to the IUCN's Protected planet Database:

[Wied il-Ghasel: Category III Natural Monument & Nature Reserve Protected Area](#)

It shows a map-server which clearly illustrates the area of Wied il-Ghasel that is protected. Now the fields and valley ridge concerned are at the very centre of the protected area.



This is unquestionable evidence of HPM's persistent claims that this site enjoys international recognition and protection. There are another 154 such protected areas in Malta.

It is also unquestionable that the development has been approved on the very ridge of the valley, which shall be excavated and built up.

This is evidenced by the following extract from MEPA's own Case Officer's 2007 **refusal** recommendation:

"1 - The proposed development is **unacceptable** as it would result in a **deleterious impact** on the amenity of the area and of existing adjoining uses. It therefore constitutes **bad neighbour and overdevelopment** and so conflicts with Structure Plan policy BEN 1 which seeks to protect the amenity of existing uses and DC2005 policy 2.7."

"2 - The proposed building, **which is situated on a valley (ridge)**, does not conform with Development Control Policy & Design Guidance 2000 policy 2.7 (iv), that each floor shall be successively setback on the side elevations. The development would be unduly obtrusive and detract from the landscape, and so would be counter to Structure Plan policy BEN 2 and DC2005 policy 3.8(d)."

May we draw your attention to the highlighted text, constituting official and professional acknowledgment to our claims.

In face of this evidence, no person or institution may deny the facts as they stand, black on white, public, for all to see. This IS the valley ridge of an internationally protected valley.

HPM would now like to refer to a Press Release from 2011 issued by MEPA in relation to the permit in question.

Link:

[MEPA Insists it acted within the parameters of the law](#)

HPM would like to bring particular attention the following statement made by MEPA within this PR:

“It (MEPA) pointed out that this particular case was determined much prior to the coming into force of the new legislative and administrative procedures, which were intended to enhance and ensure that all decisions were transparent and subject to sustainable development principles.”

HPM would like to remind you that the first permit for an old people’s home was made in July 2002. A second permit was then applied for in 2005, under a different name. This eventually led to a final approval in February 2009, for apartments and garages instead. Since the DCC board approved the permit in 2009, the permit should have been issued according to the legislation then in force. And what about the following?

We hereby make reference to policy **RCO.29 of 1990**.

"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"

HPM cannot understand the meaning of this policy, and demands an explanation as to why it was not adhered to, in allowing an outline permit to be approved 12 years later, and yet another full development permit to be approved 19 years respectively after the regulation was made public.

The regulation contains a loophole of course, and such is the word ‘normally’. Normally is not permanently and thus in abnormal circumstances, this policy may be waived. Such an abnormality would perhaps constitute an application for something on the lines of an old people’s home!

It would not surely not constitute some 2 dozen apartments and nearly as many underlying garages. Or would it?

What is certain is that no appropriate assessment was carried out prior to the approval of the outline permit in accordance with the provisions of the **Flora, Fauna and Natural Habitats Protection Regulations (L.N.311/06)**

Back in 2002, the Planning Data Base Map (Co-ordinates: 47883/74518), shows that more than 60% of the site earmarked for the proposed old people’s home was already designated as being outside development zone (ODZ). This is also shown in the Temporary Provisions Scheme Number 23.

Furthermore, it should be noted that Policy Map 47 in the Central Malta Local Plan, (Policy Maps for Public Consultation), indicates that the limits-to-Development Boundary passing through the site is to be changed in a manner which would render most of the site ODZ.

We hereby refer to Area Policy Map M001 in the CMLP (General & Area Policy Proposals) and Map.A11 in the appendix A of the said CMLP (Policy Maps for Public Consultation). The yellow line in dashes is the old demarcation line. In 2002 MEPA proposed retreating the borders as not to allow any further developments directly adjacent to the valley. This is the Green dotted line.

Mosta Policy Map Recommended Change to Limits to Development at Wied is-Sir and il-Hanqa Area		
Scale :	Date :	Map :
1:2500	June 2002	A.11
INDICATIVE ONLY Not to be used for direct interpretation.		
Base Maps - 1988 Survey Sheets Copyright Mapping Unit, Malta Environment & Planning Authority		
12a10a11-3f		



HPM would like to point out that the concerned application PA/03882/02 was submitted on the 9th July 2002, while policy map A.11. was issued in June 2002.

For this reason, the applied-for development permission should not have been granted under the provisions of Structure Plan Policy BEN 4, whereby it is stated that:

“During the interim period between the commencement date of the Structure Plan and the adoption of any particular Local Plan, permission will not normally be given unless the Planning Authority is satisfied that such permission would be unlikely to compromise the objectives of the review forming part of Local Plan preparation.”

HPM would also like to bring to attention to the fact that approval of the second permit 05560/05 was approved by the DCA in February 2009.

This despite the ratification of map A.11 in the revised CMLP of July 2006, and the following policies found within.

### **Central Malta Local Plan (CMLP)**

#### 2.1.3

"Most of the urban areas in the CMLP localities are residential in character. The Local Plan's primary goal is therefore to improve the urban environment mainly by means of policies that protect the amenity of all residential areas. These policies safeguard residential areas against bad neighbour developments and from overdevelopment, promote residential rehabilitation projects, protect existing urban spaces and important streetscapes, restrain car usage, improve conditions for pedestrians and ensure the additional provision of open spaces. The remaining rural areas in the central localities also require protection and this is achieved by restraining further urban expansion, by protecting areas of conservation value and by designating strategic open gaps between existing settlements."

#### 2.2.4

"Certain residential areas have become unpopular to live in due to the establishment over a period of time of a number of commercial and bad neighbourly uses. As a result, a number of urban areas have been transformed into areas of mixed use. The importance of safeguarding the character of all residential areas cannot be overemphasised, and to this effect the objective seeks to improve the residential environment by controlling bad neighbour developments."

(relevant SP Policies BEN1, IND7)

(relevant CMLP General Policies CG07, CG08)



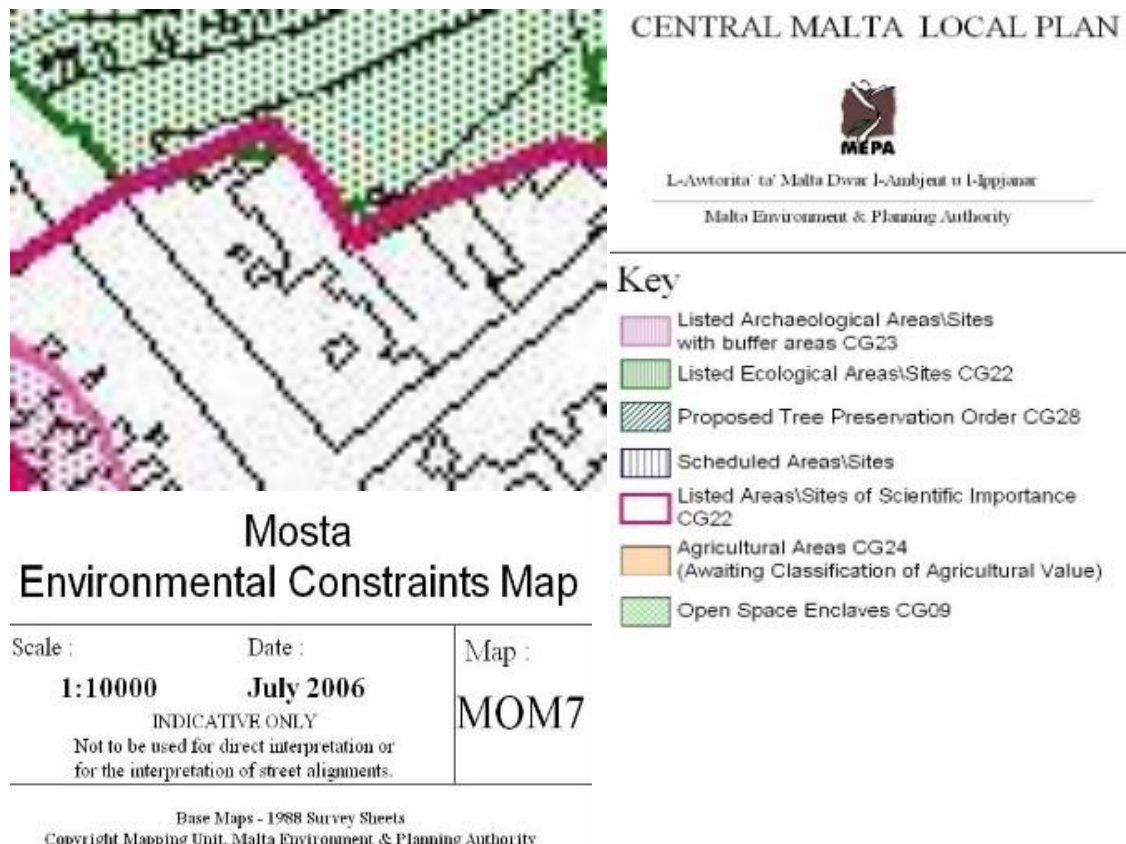
### 2.3.2

"The provision of public open spaces within the urban areas of the Central Localities is very limited. Policies are therefore required in order to ensure the protection of these important landscaped spaces. The progressive introduction of more greenery in strategic urban locations and the embellishment of public open spaces and squares, including enhancement of the character of town and local centres will gradually upgrade the public realm. Within the various Urban Conservation Areas, internal open space enclaves play a very important role in maintaining a very high quality urban environment."

"The plan therefore identifies and protects these open space enclaves. The conservation, protection and enhancement of existing public open spaces private open space enclaves and urban 'lungs' is an objective of the Local Plan for improving the urban environment."

(relevant SP Policies BEN18, BEN19, UCO4, UCO6, UCO12, UCO13, RCO32)  
(relevant CMLP General Policies CG09, CG11, CG18)"

The area concerned in Mosta was duly designated as  
The Mosta Environmental Constraints Map MOM7





## The Mosta Environmental Constraints Map MOM7

(which as the name suggests specifically designates which areas may be built and otherwise). It clearly shows that most of the area is a listed Ecological Area/Site (See policy CG 22). The approved plans were not issued according to these constraints and are fully in contrast with several DPA policies, more of which are hereby reproduced.

So it is clear that the development permit violates several of MEPA's own urban and rural policies.

And when it comes to the validity and meaning of constraints, let us take a look at MEPA's own website for the answers:

HPM would also like to share the following information taken from MEPA's website. Any comments, at this stage, are superfluous!

## LOCAL PLANS INTERPRETATION DOCUMENT

### **Vi. WHAT IS THE LEGAL STATUS OF CONSTRAINTS?:**

"Those constraints that have been adopted in the Local Plan, together with constraints made by MEPA or any entity within MEPA or the Planning Appeals' Board, are to be applied and interpreted as policies of the said Local Plan.

All other constraints made at the request of third parties, including government entities, are to be interpreted as a requirement for consultation, the outcome of which must be applied in accordance with usual procedure."

One also comes across this within the same document:

#### **1.1 Constraints:**

#### **How are constraints arising from constraints Maps to be interpreted?**

"Those constraints which originate either from the Local Plan or are based on MEPA decisions shall be the basis of determination of a development planning application. In cases where there is conflict between a previous MEPA decision (including PA and PAPB decisions) and the current Local Plan, the provisions of the current Local Plan should prevail."

HPM asks whether the approval of this permit can seriously be considered to be in line with all the above.

HPM would also like to know the meaning of a 'protected site' and asks WHO is responsible and accountable for the monitoring, protection and preservation of such sites?

HPM awaits clarification on why policy RCO.29 was clearly not adhered to, along with all the above quoted relevant policies and including Mosta's constraints map MOM7

HPM appeals yet again to all those with the authority and responsibility, and all those of good sense and will, to act and implement justice with immediate and absolute effect, by withdrawing development permit PA05560/05.

This in view of several factors brought to the authority's attention over the past 3 years, and including the persistent lack of adherence to the conditions determined in the reconsideration report.

HPM has presented ample evidence of these breaches, some of have already been verified and found to be correct and others which are still under investigation. This is no more than a repetition of what happened in 2009.

HPM would like to remind the authority that the decision was upheld subject to a number of conditions. The fact that these have not been respected by the developer on more than one instance and in several ways makes the party concerned a relapser.

This apart from the fact this permit should have never even been considered, due to its absolute contrast with all the relevant policies listed earlier and due to its protected status.

How is it possible that we are to rest our minds that the permit was issued with due diligence when in July 2011 a question put to the authority concerning the part of the building where excavation two floors deep will come to within less than a metre of the valley wall proper, with the near-surety that this will collapse?

So far, the only reply this particular concern is that it is currently being discussed internally and being looked into, or examined accordingly.

Since when are such fundamental issues concerning such an important site debated and considered AFTER the permit has been issued, and only after the insistence of

HPM and other NGOs for MEPA to do so? And why is this being considered over 2 years from the original commencement notice?

Going back to MEPA's own statement taken from the aforementioned PR:

"However, Mepa is an institution that is mandated to act within the parameters of existing laws and policies, and in this case it has acted entirely within these parameters,"

HPM asks whether the approval of this permit can seriously be considered to be in line with the above. HPM believes that laws are there to be observed by everyone, especially the same authorities who are supposed to enforce them.

We also believe in correctness and legality, and we certainly expect the institutions entrusted and paid by us, as citizens and taxpayers in a modern democratic EU country to assume the responsibility of fair government.

Above all, we believe that discrimination and lack of accountability should not be perpetrated nor supported by any such authority or institution.

It is in this regard that HPM would like to bring to your attention another application lodged with this same authority. We hereby refer to PA/06546/07 for a development just across on the opposite valley ridge.

The relevant case officer reports are being uploaded here (in part). In both case reports the permit was refused.

HPM would therefore like to point out the many policies and regulations quoted by the respective case officers in justifying their refusals, for what is an integral part of the site we are fighting to save.

It is crucial therefore that regulatory procedures be initiated and action taken immediately in order to safeguard our rural heritage and to curb this gross abuse.

The evidence presented above, shows black on white, that this permit was not issued in accordance to a considerable number of policies and regulations governing such applications and subsequent permits in such sensitive areas.

MEPA's own case officers' reports list with eloquent clarity the full list of these measures, several of which have been in place well before 2009 and as far back as 1990, ie 12 years before the first application of 2002. And what about the following?

# **STRUCTURE PLAN FOR THE MALTESE ISLANDS**

**DECEMBER 1990**

## **POLICY BEN 1:**

Development will not normally be permitted if the proposal is likely to have a deleterious impact on existing or planned adjacent uses because of visual intrusion, noise, vibration, atmospheric pollution, unusually high traffic generation, unusual operating times, or any other characteristic which in the opinion of the Planning Authority would constitute bad neighbourliness.

## **POLICY BEN 2:**

Development will not normally be permitted if, in the opinion of the Planning Authority, it is incompatible with the good urban design, natural heritage, and environmental characteristics of existing or planned adjacent uses, and is unlikely to maintain the good visual integrity of the area in which it is located. There will be a presumption against development which does not generally observe the design guidelines issued by the Planning Authority for built-up areas.

## **POLICY UCO 6:**

Within Urban Conservation Areas, the basic objective will be to preserve and enhance all buildings, spaces, townscape, and landscape which are of Architectural or Historical Interest, and generally to safeguard areas of high environmental quality and improve areas of low quality.

## **POLICY UCO 13:**

Wherever possible, by control or positive intervention, buildings of architectural, historical, and townscape importance, gardens, and other areas of architectural or historical interest will be conserved.

## **POLICY UCO 16:**

Public awareness of and interest in conservation will be promoted, as a means of assisting the realisation of conservation objectives.



PART 2:  
POLICIES

**15. CONSERVATION**

**Natural Resources in Rural Areas**

15.21

The countryside and the coast are recognised as being two of the nation's most valuable natural resources. Together, countryside and coast provide the backdrop and raw material for much of the country's industrial, commercial, agricultural, and recreational activities. The intensity of use of these resources, and the delicate equilibria operating within and maintaining them, necessitate very careful management in order to harmonise the various uses of the countryside and coast and derive maximum benefit from them without their deterioration.

Recognising this, the Planning Authority will rigidly control development of the countryside and coast in general, and particularly of aquifer recharge areas and other important water catchment areas, afforested areas,

**sites of ecological and scientific importance, sites of scenic value,**

coastal cliffs and sandy beaches, established and proposed bird sanctuaries, nature reserves, national parks, other types of protected areas, and of areas prone to erosion.

15.25

The limited land area and high population density result in strong pressure being exerted on the natural environment, particularly in areas which are relatively undeveloped. Many species, endemic and other valuable ones included, are threatened with extinction, while habitats are fast degrading. Some geological sites are in danger of complete obliteration, while many intrusive elements are spoiling the scenic value of the landscape.

15.26

The natural landscapes of the Islands are intimately related to agricultural activity. Both have to be protected from urbanisation, and conflicts between them have to be resolved.

We hereby conclude our own list of reasons, fully substantiated with fact and legal references, and demand that the required measures to rectify, and put a final end to this abuse be taken accordingly. HPM sincerely hopes that good sense and justice shall prevail, and that this unfair and undemocratic abuse of both nature and residential rights is curbed immediately.

Condensed from [www.it-tarka.com](http://www.it-tarka.com)

HARSIEN PATRIMONJU MOSTI