

Finally, some positive decisions



A photo montage commissioned by concerned Qala residents, depicting the current (above) and expected visual impact if the proposed planning application PA07810/06 is approved.

Echoes of the smouldering tug-of-war at Baħrija between the Eliza Co. Ltd (the landowners) and farmers have recently surfaced again, with a court decision finally issued on November 28.

A court case (614/2003) was set in motion almost six years ago by the landowners of a swathe of land in Baħrija against the nine tenant farmers in the area known as ix-Xagħra tax-Xaruf. The salient points of the case and its proceedings are the following: Eliza Ltd had bought the land way back in 1997, for the sum of €2.5 million (Lm1.08 million), or €1,660 (Lm713) per tumolo.

Eliza Ltd was fully aware that the land was leased to third parties, namely farmers. The tenants had built structures such as beehives and hunting hides, and planted trees on the land.

It was shown in court that these structures had long preceded the purchase of the land. As a result, the court decided that Eliza Ltd's claims that tenant farmers had illegally built structures on their land were not substantiated and that consequently, their claims for compensation were not justified.

Eliza Ltd's court case comes against the backdrop of an injunction issued by the court back in 2002 (521/2002) to bar tenant farmers access to the land despite their livelihood depending on it.

This is a landmark decision, since it safeguards expansive views at Baħrija from the unadulterated greed of developers, intent on finding no obstacles when looking for prospective buyers.

Qala

Planning application PA07810/06 proposes the addition of facilities at first floor level, to demolish dwellings, to construct dwellings with pools and to construct basement parking at a site in Qala.

After being deferred a number of times, the case was finally refused by the Malta Environment and Planning Authority on December 2. The writing was on the wall as the case officer's report had vehemently recommended a refusal for a number of reasons.

The proposal extends beyond the limits for development as delineated by the local plan for Gozo and Comino, so it is located in an area which should remain undeveloped and open. The proposed development would run counter to the provisions of policy GZ-RLST-1 of the local plan, and would represent unacceptable urban development in the countryside.

The proposal also goes against the provisions of policy GZ-HOUS-1 of the local plan as new and extension to class 6 uses are not acceptable in residential areas. In addition, the proposed class 9 uses at first floor would increase the commercial floor space on site which is not acceptable as per policy GZ-HOUS-1 of the local plan.

The proposed development is incompatible with the urban design and environmental characteristics of the area. It would not maintain the visual integrity and so does not comply with Structure Plan policy BEN 2.

Structure Plan policy RCO 4 provides that areas of scenic value will be protected and enhanced. The site is located in an area of considerable scenic value, namely majestic views of the Blue Lagoon, Comino and beyond, and the proposed development would have spoilt this.

The residents of the area as well as Qala council objected vociferously to the application. The residents also contend that the permit PA1247/92/3928/91 does not legalise all aspects of the existing development.

Developers' tantrums

It is hardly surprising that building contractors are among the first to complain of the current economic downturn. The argument used, however, is disproportionate.

In fact, while the construction sector is responsible for just four per cent of the country's Gross Domestic Product, it has repeatedly asked for indirect assistance by, for example, calling for more capital expenditure.

A much more sustainable suggestion from their end would have been to propose ways and means to detach the country's economic development from the construction industry. They should look at how the industry can be restructured, with a view to creating alternative employment.

After all, developers themselves acknowledge the current glut in the property market. Against such a backdrop, it is not feasible to expect the construction industry to maintain its 25 per cent share of the employment sector.

Eighty per cent of respondents to a survey conducted by the Chamber of Small and Medium Enterprises (GRTU) complained that one of the major problems faced by developers is Mepa's delay to approve projects. What does the GRTU think about the property glut?

The same soundbites came from Azzjoni Nazzjonali a few weeks ago when they complained that the government was kowtowing to the environmental lobby as a result of measures introduced in the last budget. The same accusation has been made by members (or former members) of the political establishment in connection with the proposed Mepa reform.

After hesitantly embracing the environment, we are now hearing the first voices of dissent on the measures introduced.

alan.deidun@gmail.com