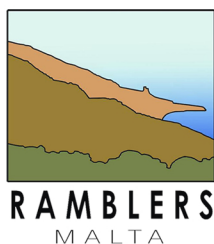




Din I-Art Helwa



Azzjoni: Tuna Artna Lura

Consultation Reply to

L.N. of 2022 DEVELOPMENT PLANNING ACT (CAP. 552)

Regularisation of Existing Development Regulations (Amendment), 2022 in ODZ

As a united front of NGOs and other organisations, we

Flimkien għal Ambjent Ahjar, BirdLife Malta, Din I-Art Helwa, Friends of the Earth, Nature Trust-FEE Malta, ROTA, Moviment Graffiti, Azzjoni: Tuna Artna Lura, The 'Grow 10 Trees' Project, Ramblers Association Malta,

object to the ratification of proposed L.N. of 2022 DEVELOPMENT PLANNING ACT (CAP. 552) as issued for public consultation on 08 November 2022 in the strongest terms, for following reasons:

1. Consultation period of 14 days for such an important Legal Notice is totally unacceptable.
2. Third parties cannot object to any form of sanctioning/regularisation.
3. No limit to amount of ODZ illegal use/development which may be regularised: there may be 1% in Development Zone and 99% in ODZ which may still be regularised.
4. This L.N. encourages/promotes law breaking – Construct now, sanction later.
5. L.N. does not safeguard or even mention Natura 2000 Sites, Sites of Scientific Importance, Strategic Open Gap etc.
6. L.N. stands in direct conflict with Point 336 in the Labour Party Election manifesto, which promised tighter controls on ODZ.
7. No mention of how Buffer Zones around encroachments in ODZ are to be treated: establishment of buffer zones must be made legally binding.
8. L.N. does not address government bodies/authorities decisions against commercial/private interests – government bodies take decisions without taking the expertise of NGOs on board.
9. Guidelines for Cultural Landscapes not addressed in L.N.: To protect/safeguard the integrity of an organically evolved (“traditional”) cultural landscape including the details of the impact of the changes/amenities on current fauna and flora. A detailed plan should be provided setting tolerable limits of change, and clear parameters and tolerances of such changes are to be defined.
10. L.N. does not address Aarhus Convention: “reasonable timeframes” are to be granted for such an important consultation. 14 days are not reasonable.
11. L.N. does not call for photographic surveys of encroachments on ODZ, detailing the impact of such encroachments on landscapes or vistas. These need to be made legally binding, should such regularizations even be considered.
12. Such a sweeping and extensive change to the planning system in ODZ must be subjected to a Strategic Environmental Assessment.
13. L.N. makes not reference to Development Control Design Policy, 2015 P6 Transition Design Solutions – Transition Design Solutions between DZ and ODZ – and how regularizations will ultimately violate this policy in DC15. Furthermore no indication as to how such amendments disregard SPED.
14. L.N. does not establish deadline for submissions of such applications, and therefore the L.N. opens the floodgates to this becoming an ongoing practice.

Yours sincerely, this day 20 November 2022,

Flimkien għal Ambjent Ahjar / BirdLife Malta / Din I-Art Helwa / Friends of the Earth / Nature Trust-FEE Malta / ROTA / Moviment Graffiti / Azzjoni: Tuna Artna Lura / The 'Grow 10 Trees' Project / Ramblers Association Malta