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Rebecca Barbara
Support Services Office

“Our section offers support services to MEPA employees, mainly through day to day services, procurement of different items and overall maintenance of the place. Every organization of the size and stature of MEPA requires the back-up of a Support Services Office that is there to facilitate the day to day management of the authority.”
The Malta Environment and Planning Authority was established in 2002 through the merger of the former land use planning regulator, the Planning Authority, and the former Department of Environment. This merger was another in a series of steps taken in the direction of sustainable development, the first being the setting up of the Planning Authority in the early 1990’s together with the introduction of a fully fledged Department of Environment.

MEPA’s Vision

• To pass onto our children a better country than we inherited. It is for this very reason that we compare our environment to a treasure, something we place our energies in, to protect, care for and improve. The environment encompasses all - nature, cultural and architectural heritage, towns and villages, the countryside, the seas and air. We believe that together we should carefully plan so that our heritage, this gem which we treasure, will not fade away.

• To ensure that land use and the protection of the environment meet the needs of today’s society and future communities. We are working to ensure a quality of life that will be in harmony with the natural, cultural and built environment. In so doing we are seeking to implement sustainable development that safeguard the environment.

Strategic Goals 2009

• To develop and enhance internal and external communications structure and maintain the commitment to public participation.

• To improve delivery times on development planning applications and increase consistency in the decision making process.

• To assess and increase customer satisfaction with the quality of service offered.

• To monitor the environment, propose and implement effective measures to improve the quality of the environment and the quality of life.

• To protect the natural and cultural environment for the enjoyment and appreciation of present and future generations.

• To be the lead agency on environmental reporting and on land-use regulation so that the aims of sustainable development may be attained.
1. **CHAIRMAN’S OFFICE**

Report by the Chairman

DCC Secretariat

Complaints Office

Legal Office

Communications Office

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**Austin Walker**

Chairman

“One cannot approach the leadership of this Authority without a commitment to public service. MEPA’s role as regulator places it in a unique position to foster a culture of dialogue and transparency. MEPA is also the conductor which enables the public form and communicate its vision for Future Malta. This places an emphasis on teamwork both within the Authority and also with stakeholders such as Local Councils and NGOs. Dialogue gets us places.”
2009 has been the first full year I spent at MEPA and I can honestly say that it has been one, eventful year. It is my pleasure to put on record what has gone through at MEPA during this past year.

MEPA Reform

The secret of getting ahead, is getting started. Most probably everyone thought that the MEPA Reform was much simpler than in fact it turned out to be and given this assumption, it would be fair to say that the public expected things to move more swiftly.

While the MEPA Reform has from day one been led by the Government and personally by the Prime Minister himself, I throughout the whole process formed part of the team that led the consultation meetings, prepared the MEPA Reform Document and finalised the draft MEPA Reform legislation. It couldn’t be otherwise.

While it all sounds quite straightforward and most probably simple, I must say I for one was pleasantly surprised. The MEPA Reform proposition was received well by the public and the main reason for that is that it was based on a very wide consultation process involving all stakeholders, constituted bodies, employees of MEPA, NGOs and government entities. The consultations were carried out over the seven months between September 2008 and March 2009.

The MEPA Reform Document, published by Government in July 2009, was positively received. The proposed amended process is being discussed with the Kamra tal-Periti (KTP), MEPA case officers and practising Architects to ensure that everybody is on board prior to the implementation date.

A key measure adopted through the MEPA Reform will be that the members of the Development Control Commissions (DCCs) that are currently appointed on a part-time basis will also start deciding on Environment matters. For this reason the commissions have been changed to the Environment and Planning Commissions (EPCs). Members will now be appointed on full-time basis for a four-year term. To ensure as wide a representation as possible, even if the qualification requirements remain stringent, Government decided to issue a national call for members of the public who were interested in being appointed on these Commissions and the selection process is in its final stages, ready to be put in place once the new MEPA Act will be approved by Parliament.

As I already mentioned the development planning application process has been thoroughly studied. The proposed amended process is being discussed with the Kamra tal-Periti (KTP), MEPA case officers and practising Architects to ensure that everybody is on board prior to the implementation date.

While all this work has been happening on the Planning side, an assessment was carried out to evaluate the resources that are required to complement the Environment Protection Directorate. This exercise is nearing completion and in the coming weeks the process will commence for the engagement of the additional members of staff required in the various sections of this directorate.

To complement the other areas of the MEPA Reform, an Enforcement Directorate will be set up to cater for both Planning and Environment issues. This Directorate will be strengthened and equipped to ensure that policies and decisions are safeguarded and respected.

The Authority is currently also working on setting up a Customer Care Unit that will be directly responsible for all the interface customers have with the Authority.
Will the MEPA Reform be successful?

Now that a lot of ground work has been carried out and that the strategic direction and documentation is in place, everyone is asking the six million dollar question: Will the MEPA Reform be successful?

I have to say that besides the huge amount of preparatory work that has been done, the most delicate part will be the implementation stage. For one, this will bring about a change in the way the case officers, team managers and the decision making bodies work. We are here asking for a culture change within MEPA. The philosophy has to become customer-oriented were the applicant is given an efficient and effective service. This means that our service need to be of a high professional standard, within an agreed time frame and above all in excess of customer expectations. This is but just one aspect.

We also need a culture change within the Architectural and Planning Profession. In a scenario where the professionals compete for clients, it can no longer be acceptable that 75% of the applications submitted to MEPA are incomplete or deficient in some way.

We need a culture change to happen with the way NGOs and civil society operates. Confrontation should be a weapon retained for situations which are in extremis. Co-operation and collaboration will surely yield better fruit and will put Malta at par with development in other European countries.

We need a culture change within the media and the general public. It does not do any justice to our millennial culture when articles in the media both from media professionals and from members of the general public, misuse language, elasticise facts and do not paint a fair picture of a frequently all too complex reality. The general public should want and should expect better. Each sector has a role to play and each one is to carry its own responsibilities. Each sector has to assist in building a better MEPA and not damaging it.

I believe that the development application pre-screening exercise will bring about new disciplines. It will lay the ground for a sound understanding between MEPA, the applicant and the architect of what is acceptable on the site and what is not. It will give the case officer a sound platform for his processing and assist the decision making boards in their decisions. The pre-set time scales for the processing of an application will instil a discipline in the way we process files at MEPA. Adding to this the continuous development of policies and policy documents will make MEPA’s work more understandable, more consistent and transparent.

All this should help in getting MEPA to regain its credibility. Having a sound, robust and increasingly transparent Authority, which on the one hand, operates a fair and just processing system for all planning applications, while on the other hand being equipped with the best tools to safeguard the natural and cultural heritage, is in the interest of all the Maltese society.

The Audit Office

Much has been said about this office, whether it is necessary and what its future holds. The Audit Office has a very important function within the whole process. The functions of MEPA need to be constantly under scrutiny and the public needs to have the comfort of referring to an independent officer to verify whether the process and policies were transparent and fairly applied. A distinction needs to be made between cases were decisions are appealed against and cases where verification is needed to assess whether the planning process was clean or not. Contrary to the impression the media gave, during the past year, MEPA adopted a substantial number of recommendations made by the Audit Officer in his reports.

During 2009, MEPA has carried out no less than four internal enquiries to investigate claims the Auditor had made in his reports. Whenever the Audit Officer recommended that officers of the MEPA should be checked for criminal liability, MEPA has always investigated the statement raised by the Audit Officer. The procedure adopted by MEPA has been that before externalising the process and involving the Police, MEPA has to make use of all internal sources of verification. In none of the cases has it resulted that criminal investigations should be carried out. Other recommendations made by the Audit Officer have been taken on board and we continue to welcome such recommendations in the months to come to continuously improve the workings of MEPA.
REPORT BY THE CHAIRMAN

All said and all done, MEPA needs to have a strong audit function and the proposal made in the MEPA Reform Document, to have this function integrated in the Ombudsman’s Office, is a step in the right direction. The Ombudsman, on a national level has been accepted as an independent office. The procedures and methodology adopted by this office has proved to be sound and therefore, the current Audit Office, which is a solitary unit and requires support and assistance, will be strengthened once it gets integrated into the Ombudsman’s office.

The NGOs

I also believe that the NGOs have a very important role to play. Besides being generally knowledgeable in the field they operate, they can be a very important ally to MEPA. The trend in the last couple of years has been for the NGOs to go straight to the media to hit MEPA from all angles. On most of the issues MEPA and NGOs should be on the same wavelength. Therefore if the two sides come closer there is a lot to gain on all sides: for MEPA, for the NGOs themselves and most of all for the general public.

During the latter part of 2009, MEPA started to organise regular discussion meetings with NGOs, which have been fruitful for all parties and will continue throughout 2010. I believe that through the exchange of information, sharing of ideas and regularly keeping NGOs informed on what MEPA will be doing in the near future, we can and will foster a better working relationship with NGOs that should give us positive results. We need to start working on projects, which will be handled and managed jointly between MEPA and NGOs, for the benefit of the general public.

The Environment

Throughout 2009, the Authority has continued to work tirelessly on various fronts not only to ensure that Malta meets its EU obligation but most importantly to continue protecting and improving Malta’s environment. On air quality, during the latter part of 2009, we issued for public participation Malta’s first action plan to combat PM10 pollution, while we continued to maintain and operate a network of 131 passive diffusion tubes and 5 real time monitoring station in relation to air quality. We also commenced work on the preparation of noise maps and action plans for Malta.

On climate matters, the 2009 Greenhouse Gas Inventory and the 2009 Report on Malta’s policies and measures to combat climate change were submitted on time to EU and to UNFCCC, paving the way for a hand over of climate duties as foreseen by the reform. On water, we developed a monitoring network for coastal waters, and are in the concluding stages to prepare a national water catchment management plan. On the permitting front, progress was registered in the permitting of existing IPPC facilities and General Binding Rules for micro-enterprises and SMEs which were issued for public consultation.

The Authority also introduced new quality management systems to ensure a more participative approach in transposition of the EU Acquis, as well as more efficient processes in EU reporting. We also managed to secure EU funding for two projects worth almost €11 million in relation to creating an environmental monitoring infrastructure and the management planning of Natura 2000 sites.

In the coming year, as outlined in the MEPA reform, we will see an intake of critical resources necessary to continue implementing priorities stemming from national matters and from the EU environment acquis entrusted to the Environment Protection Directorate.
Conclusion

2010 is going to be a very interesting year with the implementation phase of the Reform. I am motivated and enthusiastic that we will reach our targets, with the full support and co-operation of all the MEPA employees, in making MEPA more efficient, consistent, accountable and effective with enforcement.

What we have achieved during 2009, would not have been possible without their full support of the Directors, the Assistant Directors, Unit Managers and all the Management Team at MEPA, to whom I am personally grateful.

I also thank most heartily the Chairpersons and the Members of the Development Control Commissions for their dedication and hard work. Finally I cannot conclude this report without giving a special thanks to my fellow Board Members and the Board Secretary who have worked with me very closely. I admire their dedication and commitment that has been instrumental in giving the Authority strategic direction over the past year.

Austin Walker FCCA, FIA, CPA
Chairman
During 2009, the number of files referred to the Development Control Commissions (DCCs) for a decision dropped by 16% from 2008. This decrease, from 6271 to 5285 applications, is a direct reflection of the lower number of applications received during the past year. 74% of these applications were granted, while 15% of the total decisions were refused by the Commissions.

This year, the DCCs decided 654 planning applications that were submitted to the Authority either for a reconsideration of permit conditions or for the board to re-evaluate their previous decision. Here too, the Authority observed a significant decline in the number of applications submitted for reconsideration. This figure should continue to drop in the coming year given that the MEPA reform will only allow reconsideration applications to be submitted for permit conditions.

Customer Care

Given that the Development Control Commissions’ decision is the final step in the development application process, the DCC Secretariat has a substantial interface with MEPA’s customers. Aware of this fact, the DCC Secretariat has over the past year, enhanced its customer care with various measures taken, with the aim to achieve more communication, that is clear, consistent and reliable.

The function of a reception service within the DCC Secretariat was one of the main contributors and the ground work to initiate a more complete service to visiting customers with queries. This meant that queries were tackled almost immediately, clients were directed accurately according to their enquiry and supplementary assistance was given to enquiries prior to the DCC sittings. This meant that generally the Secretariat remained uninterrupted for queries that were now being tackled by a trained receptionist on duty. This measure has therefore had an impact on the efficiency of the pre and post decision work processes.

Determined to increase its efficiency, the DCC Secretariat has started sending the Commissions’ agenda to local councils and publishing them on the MEPA website two weeks in advance. Also up to June of this year, the applicant and architect were notified that their application is on agenda only if they accessed the website or architects made use of the Authority’s My-Planning service. As a further step to ensure transparency, the DCC secretariat has initiated the practice of notifying all applicants, architects and legally recognised interested parties, with the date and time of the Board sitting two weeks prior to the sitting. This initiative in the pre decision process has led to smoother operations by the DCC Boards where deferrals or time postponement was requested by the architects.

The post decision process mainly deals with any correspondence that is directed by the DCCs or with matters that arise out of the conditions as approved by the DCCs. This year, the Secretariat started immediately notifying applicants and architects that have had their application approved by one of the Commissions. This notification during the post decision process has enabled applicants to meet their various commitments prior to the final issuing of the permit documents. The issue of the permit documents requires a detailed process that may not be immediately appreciated at face value. One of the main commitments that an applicant must settle prior to any issue of permit is the settlement of any financial condition associated either with the Urban Improvement Funds, Commuted Parking Payment Scheme or some imposed Fine on Bank Guarantee. The DCC Secretariat was set a target to invoice the applicants and architects within two days from decision date where the application does not require further liaison with other Units within MEPA. This target was achieved.

KEY POINTS

• The number of files referred to the DCCs dropped by 16% from 2008.
• 74% of these applications were granted, while 15% of the total decisions were refused.
• 654 planning applications were submitted to the Authority either for re-evaluation or reconsideration.
Upon receipt of payments, the decided application continues the final process of vetting of plans and endorsing of permit documents. The post permit process also features as an important part of the DCC Secretariat work. It is estimated that over 3000 bank guarantees are in circulation for various reasons as required through the permit conditions. The purposes of the bank guarantees may vary from implementation and maintenance of landscaping schemes, retention and conservation of facades, archaeological monitoring, adherence to specific conditions in permit or for the purpose of the construction site management regulations. With the given workload in the processing, renewing or releasing of bank guarantees, the DCC Secretariat has assigned personnel that focus mainly on this matter. This has facilitated communications externally and internally when liaising with other units to attain their comments on site inspections that are required prior to any release or further instruction to be given to applicants and their architects.

During the past year the DCC Secretariat has enhanced its already notable customer care to a higher standard with the aim to serve its customers even better. This approach had the effect of increasing the efficiency in both the pre- and post- decision process.

The notable achievements of this team were not the result of chance. In a climate of internal change and external recessionary forces, the DCC secretariat was motivated and focussed in its approach to client satisfaction. Strict procedures were followed to ensure a clear and precise audit trail of all decisions at all levels.
The administrative work within a large organization is always a critical success factor and an area that requires significant resources. There is substantial administrative work in both environmental protection as well as planning that is critical to the operations of the organization."

Bernice Bugeja
Administrative Assistant
COMPLAINTS OFFICE

During the past year, the office sought to consolidate its operational responsibilities and enhance the level of service.

Whilst providing a competent interface between MEPA’s decision-making bodies, the Directorates and the Government, one of the main aims of this office is that of providing an open and accessible service for planning-related complaints which the Authority receives from any of its customer.

This office, which is managed by the DC-DCC Development Services Liaison Officer, also seeks to maintain a close liaison with Government entities and with the general public, to ensure a coherent and expeditious approach to decisions on planning applications. Other objectives are those of discussing contentious issues with applicants that require planning permission, facilitating the negotiation process and improving communication between key stakeholders and decision taking bodies in the planning process. All this is done with one aim in mind, that of giving the best possible service to all who seek the services of the Authority.

Working in close liaison with the enforcement unit, the office also investigates enforcement complaints case. During this year, the Complaints Office received 3029 complaints, an average of 12 complaints per working day. The office investigated and closed off 2800 complaints and has a further 1520 that remain pending at end of year. These are normally the more demanding cases and generally require more effort to solve.

Throughout 2009, this office was also responsible with the coordination of over 120 EU Funded Projects and Capital Projects that require a MEPA permit. Through intensive cooperation and extensive work between the Planning & Priorities Coordination Division (PPCD) within the Office of the Prime Minister, Departments of Contracts, Government Departments, various Authorities and the MEPA’s Directorates significant progress has been made to ensure that these funded projects meet their established targets.

KEY POINTS

• More than 2800 complaints were concluded.

• Extensive effort has been made in coordinating the permitting requirements of EU funded projects.
Mepa takes complaints very seriously. My role is specifically that of listening and reporting on complaints filed by our customers on a daily basis. In my role I do my utmost to assist our customers, whilst keeping in line with the policies of the organisation.
During year, the Legal Office continued to rendered advice and a service to various units and boards within the Authority. This included assisting MEPA in the drafting, vetting and/or translation of legislative instruments. During the period in question, most of the time allocated to matters involving Environment Protection is in fact directly connected to the legislative process.

As of the 1st January 2009, the Legal Office caseload amounted to 16 pending court cases before the Court of Appeal, 38 court cases pending before the Superior Courts, and 14 court cases pending before the Inferior Courts.

During the period under review, the Legal Office received and dealt with 51 judicial letters/judicial protests. 11 warrants of prohibitory injunctions were received by MEPA and handled by the Legal Office, all of which have been decided by the Superior Courts. The Legal Office also received and handled a total of 14 new Court of Appeal cases on behalf of MEPA and, during the same period, 38 court cases were decided by the Court of Appeal. Furthermore, a total of 13 new Superior Court cases were received by MEPA and handled by the Legal Office, during which period a total of 71 court cases were decided by the Superior Courts. Another 37 court cases were decided by the Inferior Courts. The Legal Office also represented the Authority judicially in all court cases to which MEPA is a party.

Being responsible for nearly all litigation involving MEPA in the Courts of Law, members of the law firm Abela Stafrace & Associates have attended an average of 25 court sittings per week. The number of proceedings instituted by MEPA to recover costs incurred for direct action has increased slightly. The number of civil litigation remained stable, whereas there are no pending proceedings before the tribunal for the investigation. The majority of proceedings are conducted in Malta, but we do have a small number of cases being heard by the Court of Magistrates in Gozo.

Representations are spread on three lawyers within the law firm Abela Stafrace & Associates – namely appeals, prohibitory injunctions and civil litigation being handled by Dr. Ian J. Stafrace and Dr. Claire Stafrace Zammit (up to September 2009) and then followed by Dr Lydia Abela; whereas proceedings before the Tribunal for the Investigations of Injustices and those instituted by MEPA for the recovery of costs incurred for direct action were handled by Dr. Lydia Abela.

The Legal office was assisted by three members of law firm Abela Stafrace & Associates, – namely Dr. Ian J. Stafrace, Dr Lydia Abela and Dr. Claire Stafrace Zammit (up till September 2009 following her appointment as Magistrate) who attend MEPA offices on a daily basis (average of 35 hours per week) to advise on matters falling under MEPA’s competence. The law firm focuses on providing replies to legal queries referred to legal office by MEPA Board, officials and the DCC, replies to legal letters and protests filed against MEPA, as well as attends meetings as and when requested.
Ivor Robinich
Senior Enforcement Officer/Legal Representative

“The technicality, legality and practicality of MEPA’s actions in this field are extremely sensitive and important. As a Legal Representative, my role is that of striking a balance between finding strategic solutions whilst being consistent in my work to safeguard the environment.”
The communications office is the hub and centre that coordinates and implements the process of communications both within and external to the Authority. One of its key responsibilities is to communicate and update the public and other stakeholders on issues and initiatives that partake to the operation of the Authority both in the planning and environmental field. Over the past year the office has had to dedicate much time and resources to the MEPA reform together with improving the internal aspect of communications. This office also sought the need to focus more of its energy on informing and educating the public on issues related to the environment particularly air quality, scheduling of natural heritage, water, Natura 2000, waste and biodiversity.

Media Relations

Given the role the Authority plays as the national agency responsible for land use planning and environmental regulation in Malta, MEPA is constantly at the centre of media coverage and high public attention. The Authority faces a daily challenge to ensure that any published or reported facts and information relevant or related to the operations and functions of MEPA, across the various media, are factually correct and faithful to the facts. During this past year, the Authority has been at the center of a number of cases that were given widespread attention by the media. These cases caught the limelight and remained highly controversial until today mainly because they became political weapons. These cases included the granting and revocation of a permit in Bahrija, the Black dust case and the Qala development on the site better known as ‘Ta’ Xini l-Bukkett’.

Over the review period, the Authority issued 69 media releases to inform the public on a number of initiatives the Authority was carrying out, enforcement and direct action operations and significant decisions the MEPA board takes. On average the office handled 390 media queries.

Throughout the year, the Authority also participated and contributed in a number of Radio and Television programmes namely ‘Dissett’ and ‘Xarabank’ on PBS, ‘Mark my House’, ‘TX’, and ‘On D Road’ on Super One, ‘House Magazine’ and ‘La Qomma Qomma’ on Net TV, ‘Bejnietna’ on Favourite Channel, ‘L-Unjoni Ewropea u Inf’, ‘Issues Bioetici’ u ‘L-Argument f’Nofs il-Gimgha’ on Radju RTK, ‘Familja Wahda’ on Radju Malta, and ‘Flimkien’ on Radio 101.

Public Participation

Public participation is an integral part of the planning and environment policy making within MEPA. The Authority from its origin in the early 90s, was one of the first institutions to herald in the concept and practice of public consultation. Today we are looking at a new way of thinking that will take us forward and move beyond the principles of public consultation and embrace the dynamics of public participation. Although these two terms might be thought of to mean one and the same thing, there is a clear definition between the two. Whereas consultation means asking or being asked for information or advice, participation means having a ‘part’, implying some level of collaboration and shared ownership or responsibility.

The Authority, through public participation meetings, direct mailing, exhibitions and advertising carried out a number of policy development exercises to discuss, listen, explain and understand the view points and issues by the public and various other stakeholders. Amongst the public consultation exercises that were carried out, one finds the Air Quality Plan for the Maltese Islands, Il-Ghirghien Development Brief, Street Categorisation exercise, General Binding Regulations for Small and Medium Sized Enterprises, Partial Review of the Grand Harbour and the South Malta Local Plan and the Partial Review of the Structure Plan. The Authority also carried out a series of public consultation meetings for development projects that required an Environment Impact Assessment (EIA).

Customer Service

The Authority (MEPA) has unveiled its newly redeveloped website, with special emphasis being given to offering customers and users alike a less complex structure for them to be able to navigate through the extensive online content. The revamped website, which has been given a new look includes significant improvements in both substance and style.

KEY POINTS

- 69 media releases were issued throughout the year.
- Around 390 media queries were handled.
- Public participation remained an integral part of MEPA’s communication initiatives.
- A new emergency number was introduced for the reporting of illegal development or breaches of environmental laws.
- Suggestion Box initiative was launched to allow staff to give their views on key issues.
- MEPA electronic application system (e-apps) was nominated as a finalist in the 2009 European eGovernment Awards.
A number of new features have been included to the new website one of which is that all Outside Development Zone (ODZ) planning applications received by MEPA are separate from those proposed within scheme. This addresses a key measure outlined in the Mepa reform namely that more publicity and awareness should start being given to proposed developments in Outside Development Zones.

The Authority has also started a new service that gives the public the chance to receive specific information and flash news updates by subscribing to this service through its website.

The office also introduced the new single emergency service number 2069 9595 which the public can use to report on environment protection or illegal development in Malta and Gozo. This service was introduced to make it easier and more effective for the public to assist the Authority in its efforts to curtail development and environment abuses around the Maltese Islands. This service compliments the MEPA reform objectives of better efficiency and enforcement.

Internal Communications

During the summer months the office organised a series of meetings for all MEPA staff on the proposed Reform measures. During a healthy discussion, staff were given the opportunity to suggest and comment on the proposals.

The office also introduced a ‘suggestion box’ initiative for all members of staff. This scheme was positively received with many constructive ideas and submissions. A number of staff suggested that the Authority should start publishing an in-house magazine. As a result, the office appointed an editorial team that started working on this initiative with the first pre-publication of ‘Fusion’ out last December.

Branding & Promotion

This year MEPA through its innovative electronic application system, better known as e-apps, was nominated as a finalist in the 2009 European eGovernment Awards in Sweden, organised by the European Commission. The system was nominated under the category of the most outstanding practices in enabling administrative efficiency and effectiveness. Together with MITA, the Authority worked on a branding and promotional exercise under the slogan ‘e-apps: Changing the way you do business’ that was a showcase of Malta’s international success story in the ICT field. Judges at the finals were given a short presentation on the e-applications operational system, handed additional information and shown a promotional audio visual on the benefits and strengths of this interactive electronic system. The Authority also chose to sponsor the educational programme ‘Karrieri’ that is screened weekly on the Public Broadcasting Services (PBS) to expose the sound work its workforce carries out while in tandem promoting various career paths in both the planning and environmental sector to address the need for a future supply of potential candidates to work at MEPA.

Public Awareness

A popular feature amongst the readers of the Times newspaper and online website are the educational and awareness raising columns better known as ‘One World’. This feature, which is published three times a week covers a variety of interesting topics both on planning and environmental issues. This year the Authority focused on giving exposure to Malta’s natural and cultural heritage that is protected through the scheduling mechanism.

To keep tabs on the public’s perception and expectations, the communications office commissioned two national surveys to measure and monitor the level of customer satisfaction for various services the Authority renders to the public. The results and conclusions of these surveys are assisting MEPA to adopt and implement procedures that are more customer oriented and focused.

The Authority also participated in the Notte Bianca 2009 event that was held in Valletta on the 03rd October. For this national event, the Authority raised awareness through lectures and an exhibition at the Mediterranean Conference Centre about the restoration of Maltese balconies, caring for heritage buildings and the blueprints of important buildings in Valletta.

A number of educational and interpretation panels were created for a number of Natura 2000 sites, including
Selmunett/St. Paul’s Islands, Il-Magħru ta’ Marsaskala, Is-Salini, Il-Ballut ta’ Marsaxlokk and L-Għadira. The signage for St. Paul’s Islands has been installed, the rest have been printed but are pending installation. Signs for other Natura 2000 sites are in the pipeline, with the target of producing signs for all Natura 2000 sites.

Awareness panels on two species, which are commonly illegally captured and killed - the frog and freshwater crab – have nearly been finalised. These will be installed in 2010 in protected areas that host these species and which are known to be targeted for illegal capture of these species.

In an effort to increase awareness and educate the public on planning related issues, staff from DC Unit, participated in weekly home improvement programmes on Television. Subjects of interest, with the potential to attract the general public, were tackled and explained.

Events

The visit of His Grace Archbishop Mgr. Paul Cremona, on his first official visit to the offices of MEPA, was coordinated by the Communications office in collaboration with the Curia. Staff from various sections within the Authority briefed and spoke with the Archbishop about the work and challenges they face. The visit came to a conclusion with the celebration of Holy Mass by the Archbishop for all staff and the blessing of a stone statue of the Blessed Virgin within the Authority’s grounds.
Peter Gingell
Communications Officer

“...My daily core motive is to earn back, from our customers, their trust and credibility in MEPA. Although a long and winding road lies ahead, destinations are reached with every small step.”
Protection of the environment is the epitome of interdependence. As Director, I translate this duty in ensuring that Malta meets not only the expectations of the public at any given moment but also the commitments taken by Malta in international fora. This means synergizing internal efforts to maximize output and minimize infringements for a better quality of life.
During 2009, the Environment Protection Directorate achieved a number of significant objectives in various policy areas. Following a comprehensive reorganization of the Directorate, carried out in 2008, there was a marked improvement in synergy and efficiency. This was particularly felt in two critical areas, namely the fulfilment of Malta’s environmental objectives under the EU acquis as well as in more timely and effective input into relevant local policies and planning applications.

On the EU front, the main objective during the year was to improve the timeliness of Malta’s submission of various reports to the European Commission, as well as embarking, in a number of key policy areas, on the drafting of programmes and measures aimed at ensuring that Malta can meet its targets under various pieces of legislation. The Directorate’s role in the latter process is to propose policy options for consideration by Government as well as to coordinate the public consultation process, essential for ensuring that the policies eventually adopted take the fullest possible account of all relevant considerations.

The scale of work resulting from Malta’s reporting obligations under the EU environmental acquis cannot be overstated. During 2009, no less than 40 detailed technical reports were submitted to the European Commission. In addition, the Directorate provides key input into the formulation of Malta’s negotiating position on various pieces of upcoming legislation, where currently 53 environmental dossiers are under discussion in Brussels. The complete integration of the former EU and Multilateral Affairs Unit into the structure of the Environment Protection Directorate and the EPD Directorate facilitated much improved synergy and throughput in this demanding task. 2009 saw a further decrease in the number of environmental infringements at EU level, where Malta has also significantly improved its standing as compared to the other Member States.

The EU also offers significant opportunities for funding in the area of environment. During the year, MEPA submitted a €4.9 million application for a project intended to upgrade environmental monitoring infrastructure and capacity, and a €6 million funding application for a project to develop nationwide management planning coverage for all terrestrial Natura 2000 sites in the Maltese Islands. If approved for funding, these projects will drastically improve Malta’s nature protection and environmental monitoring. During 2009, the Directorate provided critical support in the formulation of policy, in particular in the areas of climate change mitigation, water policy and air quality policy. As regards climate change, the Directorate participated actively in the formulation of the report on climate change mitigation by the Committee established by the Ministry for Resources and Rural Affairs, as well as in the preparations for the Copenhagen conference, where Malta was accepted as an Annex I country under the UNFCCC. In the areas of water and air quality policy, two essential pillars of environmental policy, detailed policy options were drawn up and are being currently proposed for public consultation. This will lead to concrete implementation measures as from 2010.

Significant work was carried out by the Director’s Office in 2009 to implement the first steps in a Better Regulation programme. This programme is leading to various improvements in the processes for drafting legislation, with the introduction of a new standard procedure for improved public consultation and evaluation of policy options. The programme seeks to simplify the area of legislative, with amendments and improved legislative texts being proposed in a number of areas. The exploratory work carried out in the area of Better Regulation during 2009 also led to the formulation of a detailed project on Better Regulation that will be submitted for possible EU funding during 2010.

One of the most significant objectives achieved during 2009 was in the area of environmental permitting, where practically all the existing IPPC installations have now been brought within the framework of an environmental permit. During 2010, Malta will be one of the first Member States to complete this very complex task.

Attention has now been shifted on the non-IPPC sector, through the introduction of General Binding Rules for a number of industry categories. These Rules will provide a certain legal framework for industry with a minimum of bureaucracy, as well as improving good neighborliness, so important in a densely populated country such as Malta.
In agreement with the Planning Directorate, environmental permits are now being required as development permit conditions for certain high impact developments, such as major construction industry installations and fuel storage facilities, thus addressing a lacuna in local legislation, which to date does not require an environmental permit for many of these installations.

Another sector where much work was needed was the waste management sector. During 2009, all waste carriers were registered, with almost 1500 new registrations and 350 renewals. This will lead to improved standards, as well as laying the foundations for better sustainability of the sector, which has great potential for the generation of green jobs.

2009 also saw a shift from reactive enforcement to compliance monitoring where industry is concerned. During the year, the first systematic audits were carried out, with the main aim of identifying shortcomings before these escalated into permit infringements. Auditing has now been introduced as the standard approach in compliance monitoring of industry. Great emphasis has also been placed on compliance promotion, including ongoing dialogue with industry and stressing the importance of training at all levels, as well as the need for effective quality management systems.

In the area of environmental assessment, significant progress was registered in internal consolidation and streamlining of functions, that enabled EPD to improve and strengthen its voice in the development consent process. In addition to the now well established EIA procedure, significant work was carried out in underlining the importance of the appropriate assessment procedure laid down by the Habitats and Birds Directives. In total, during 2009, 91 EIAs and 15 appropriate assessments were underway, while a much larger number of applications were screened against the requirements of the respective legislation.

Under the Habitats Directive, while Malta’s terrestrial network of Natura 2000 sites is practically complete, attention has now shifted to potential marine Special Areas of Conservation, where during 2009, the Directorate proposed a number of important sites for designation. As regards the terrestrial sites, apart from the EAFRD project referred to previously, extensive groundwork was carried out in view of the upcoming programme for management of the sites already designated. A key element in this was the strengthening of consultation with stakeholders, including those hitherto absent from the process, such as local councils, the tourism industry, farmers, fishermen and hunters.

During 2009, MEPA permitted the first producer responsibility scheme targeting waste electrical and electronic equipment. This scheme is in addition to two already approved schemes for packaging waste. Registration of producers in both areas was ongoing, but the sector is still far from compliance, with many producers still remaining unregistered. Extensive discussions were held with the schemes and business organizations on how a better rate of compliance could be achieved.

Real-time reporting of air quality monitoring was strengthened during the year when the Kordin station was brought fully online. The quality of information available on the MEPA website is now much improved and the Authority notes with satisfaction that the public is making increasing use of this data. Important work was also carried out through chemical analysis with a view to apportioning the contribution of various sources of dust particulates to the overall level of PM10, where overall national levels are in exceedance of the levels permitted under the EU Air Quality Directive. This is one of the two parameters for which action at national level is needed, the other parameter being

**KEY POINTS**

- Introduction of General Binding Rules for industry with minimum bureaucratic measures.
- Introduction of Environmental permits as part of development permit conditions for certain high impact developments.
- All waste carriers have been registered.
- Malta’s first Action Plan for reducing emissions from traffic.
- Consolidation of the National Greenhouse Gases Inventory.
- Water Framework Directive has been implemented in collaboration with MRA.
transboundary ozone. It is now clear from the data that by far the main source of PM10 is emissions from traffic. For this reason, MEPA played a key role in supporting the Office of the Prime Minister and the Ministry for Infrastructure, Transport & Communications in the formulation of Malta’s first Action Plan for reducing emissions from traffic. This plan was subject to extensive public consultation in 2009.

Another significant achievement during 2009 was the consolidation of the National Greenhouse Gases Inventory. Thanks to extensive work carried out by the Directorate during the past few years, Malta now has the full capacity to not only report on its GHG emissions to the UNFCCC, but also to better evaluate the likely impact of any mitigation measures. Indeed, this information proved very valuable in the formulation of the report submitted by the Climate Change Committee, established by the Ministry for Resources and Rural Affairs. At the same time, the Directorate also submitted the biennial report on the effectiveness of adopted and planned policies and measures to reduce greenhouse gas emissions. This report which was prepared with relevant government entities illustrated the past trends and future projections of greenhouse gas emissions up to the year 2020 on the basis of the identified actions. Following timely submission, the Unit reviewed the work process to identify where future improvements would be possible for the next reporting in 2011.

During 2009, MEPA also strongly collaborated with MRA in the implementation of the Water Framework Directive. Various meetings with stakeholders were held, mainly within the context of a Twinning Light Project supported by the EU. This led to the formulation of a Water Catchment Management Plan, which is now ready for public consultation in early 2010. This Plan will lay the foundation for the sustainable use of water resources, including ground and coastal waters, in the Maltese Islands. At the same time, a detailed water monitoring programme has been drawn up, which has been proposed for EU financing.

A major deliverable of the EPD is the biannual State of the Environment Report. The Report for 2008 was finalised during 2009 and is now ready for publication. The picture that emerges is one of steady overall improvement but with a number of areas where the present situation or trends remain of concern. However, the extensive groundwork carried out during 2009 and previous years has now greatly clarified the decisions that need to be taken in order to achieve further and sustainable environmental progress.

Martin Seychell
B. Pharm Tech (Hons)
DIRECTOR FOR ENVIRONMENT PROTECTION
The Ecosystems Management Unit continued with the implementation of national, regional and international obligations on nature protection and ecosystems management issues. These included the administration of international treaties and initiatives and the EU Acquis on Nature Protection. Most of the efforts were related to evaluating, analysing, commenting and drafting reports on nature and development applications, official documents received from such international entities, setting up of working groups and meetings, and also attending meetings of the parties, to discuss the protection of biodiversity, both terrestrial and marine. Various other activities dealing with nature protection are summarised below, including work on compliance monitoring.

1. Policy Adoption

Adoption of New Legislation
The ‘Flora, Fauna and Natural Habitats Protection Amendment Regulations, 2009’ (LN 162 of 2009) were issued in June 2009, and contributed to the issuing of the amendments related to the ‘Conservation of Wild Birds Regulations, 2009.

Consultation Exercises on Proposed Legislation
The new Trees and Woodlands Protection Regulations were further revised following a public consultation exercise, which included a public seminar. Tree Protection Areas associated with these regulations were also mapped and digitised. These regulations were approved and are now pending Ministerial endorsement prior to publication.

Other Proposed Legislation
The Unit continued working on various legal instruments, 3 of which were forwarded to the Legal Office for endorsement and publication, in line with the ‘Better Regulation’ process on nature legislation. Work has continued on 10 other proposed legal instruments concerning the Protection of Wild Rabbits, keeping of Protected Species in Establishments, the Administration and Management of Marine Protected Areas, Transboundary Movement of Genetically Modified Organisms, the protection of Flora, Fauna and Natural Habitats and the Conservation of Wild Birds.

Malta’s National Biodiversity Strategy and Action Plan (NBSAP) and the National Report to the Convention on Biological Diversity (CBD)
Work on the establishment of the National Biodiversity Strategy and Action Plan (NBSAP) has continued this year with the aim of integrating biodiversity concerns into relevant sectoral and cross-sectoral policies, plans and programmes in line with the requirement of the Convention on Biological Diversity (CBD). The process of developing Malta’s NBSAP has been combined with the process of compiling Malta’s National Report to the CBD seeing that both processes have similar data requirements and are hence viewed as complimentary. The cooperation of a number of governmental and non-governmental organisations has been sought with respect to providing information that would feed into both processes. In addition, an evaluation exercise was carried out to assess progress made in following-up recommendations on biodiversity put forward by national strategic documents such as the State of Environment Reports and the National Strategy for Sustainable Development, apart from relevant programmes of work under the CBD framework. The results of this evaluation will be presented in Malta’s National Report and will also help to identify any policy gaps in biodiversity mainstreaming. Such policy gaps will be addressed by a proposed suite of strategic directions under the NBSAP.

National Marine Protected Area Strategy (NMPAS)
The work on the national MPAS continued, with the aim of developing a strategy aiming at identifying the main areas in the marine environment to be declared as marine protected areas, and to identify the background work required at completing such task, in line with national and international requirements. Such action plans identify the gaps that are missing and outline how Malta intends to proceed with such data gathering. The draft strategy, approved by MEPA in October 2008 for external consultation, was discussed within the National Marine Protected Areas Steering Committee (MPASC) and other stakeholders. Their comments have been integrated and the Strategy amended as necessary.

KEY POINTS

- Continued with the implementation of national, regional and international obligations on nature protection and ecosystems management issues.
- Continued to administer international treaties and initiatives and the EU Acquis on Nature Protection.
- Issued the Flora, Fauna and Natural Habitats Protection Amendment Regulations.
- Further revisions to the new Trees and Woodlands Protection Regulations were further revised following a public consultation exercise.
- Work on the establishment of the National Biodiversity Strategy and Action Plan (NBSAP) continued.
- Work on the national Marine Protected Areas Strategy continued.
- Data continued to be collected for updating of the list of biodiversity indicators.
- Work in connection with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) continued.
Dossier on the Exploitation of Maltese Fauna
While in 2008, the guidance document on the exploitation was finalised and approved for consultation, the Dossier is undergoing a first phase of consultation.

Biodiversity Inventorying
Biodiversity Indicators
Data continued to be collected for the updating of the list of biodiversity indicators, with the aim of collecting information for the assessment of local biodiversity and policy-making, also in relation to the State of the Environment Report and the revision of the Red Data Book.

Natura 2000 Network Process
Work in connection with Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) was continued, involving further discussions with NGOs, additional site visits, evaluation of threats, and mapping of all relevant information and data entry. Standard data forms for all proposed marine sites for Posidonia were concluded; resulting information is pending endorsement.

National Database on Turtle and Cetaceans
A national database was established with the inputting of data in relation to turtle and cetacean strandings, turtles housed for rehabilitation, and sightings. Forms were also elaborated such that for every stranding all the necessary information is taken.

Protected Areas
Designation of Protected Areas
a. Tree Protection Areas
38 sites have been surveyed and their trees mapped to propose the following list of Tree Protection Areas (TPAs) for designation, in association with the new proposed Trees and Woodlands Protection Regulations.

Datasheets for each of the TPAs were produced including the boundary of the TPA, information on their importance, other site designations and photos of the site. The proposed TPAs have been approved and are pending publication together with the new regulations.

b. Natura 2000 sites
New terrestrial Natura 2000 sites were not proposed this year, as work focused on amendments to existing boundaries and habitat mapping. The boundaries of L-Ghar ta’ l-Iburdan Natura 2000 site and Ghar Dalam Natura 2000 site were amended to consolidate the buffer zones into the actual boundary of the protected areas. L-Ghar ta’ l-Iburdan was being proposed for scientific purposes, due to the bats foraging area while the boundary for Ghar Dalam was revised in order to adapt to the ecological requirements of the important fauna in the area.

Information on habitat mapping and selected boundaries were amended to reflect recent site visits and new scientific data in relation to 4 Natura 2000 sites. These changes were proposed and approved by MEPA board.

KEY POINTS
• National Database on Turtle and Cetaceans was established.
• 38 sites have been surveyed and their trees mapped for proposed inclusion in the Tree Protection Areas (TPAs) list.
• Two booklets for trapping and hunting were published.
• Work on the action plans for whales and dolphins, groupers, sharks and rays, and marine turtles has continued.
• Provided technical, scientific and administrative assistance to the Biosafety Co-ordinating Committee.
• A total of 226 nature permitting applications were received; 65% of these applications have been decided.
Management of Protected Areas

The Unit continued with its work on the management of protected areas, including L-Ghadira Nature Reserve, Is-Simar Nature Reserve, Wied Ghollieqa, Pembroke, Ramla l-Hamra, Ghajn Tuffieha, Il-Ballut (I/o Marsaxlokk), Il-Magħ luqa/Tal-Bahar (Marsaskala), Ir-Ramla tat-Torri, Il-Buskett, Il-Majjistral Park, Salini, Xrobb l-Għajn, l-Cittadella, Dingli Cliffs and Selmunett (Il-Gżejer ta' San Pawl). Ad-hoc discussions and management issues at other sites have also been carried out.

a. Ghadira & Simar
The revision of the management plans for L-Ghadira and Is-Simar Nature Reserves for the period 2009-2013 is well underway. MEPA also participated in stakeholder meetings organised by the site managers and liaised with the Office of the Prime Minister (OPM) on the management agreements, land leases and funding of these sites.

b. Rdum tal-Madonna/Ramla tat-Torri
MEPA also provides a consultant on the management planning committee of the EU LIFE Project Garnija, which is working on the management plan for the Rdum tal-Madonna Natura 2000 site.

c. Il-Magħ luqa ta’ Marsaskala
Rodent monitoring and control is still underway at Il-Magħ luqa ta’ Marsaskala, and it is now in the hands of the MRRA. Some litter collection and grass-cutting has taken place, and the first efforts to remove the population of domestic ducks have proved successful. Discussions were also held to identify ways forward to carry out ad-hoc interventions at this site. Data on various water parameters is currently being gathered through a dissertation with the University of Malta.

d. Selmunett/St Paul’s Islands
At Selmunett/St Paul’s Islands the situation vis-à-vis rodents is still the same, with islands still considered as rat-free. The poison bait has been replaced with non-toxic bait, which is useful for detecting reinvasions. Unfortunately, no lizards have been spotted all year. Their habitat has recovered well, and the insect communities are healthy and diverse, including a number of grasshopper, ant and beetle species. Moorish geckos are common, as is the lobed orb-webbed spider.

e. Pembroke
A draft management plan for the Pembroke Natura 2000 site has been submitted and reviewed. MEPA is awaiting the submission of a revised version of such plan.

f. Wied Ghollieqa & Xrobb l-Għajn
Some site visits were held to monitor the site and regular meetings with the site managers were held to discuss management and outstanding issues. Discussions to set the ball rolling for revising the management plan for Wied Ghollieqa have been carried out and are ongoing. The annual progress reports were also reviewed and liaised with OPM accordingly to discuss auditing issues. MEPA also assisted Nature Trust (Malta) in relation to applications for funds under these programmes.

g. l-Cittadella
A Master Plan for l-Cittadella is currently being produced through a tender issued by the Ministry for Gozo. MEPA reviewed the terms of reference for this tender and discussions with the entities involved were held in early 2009 to highlight the Natura 2000 issues of this historic site. Planning applications related to the restoration of the fortifications were also reviewed and a monitoring site visit was also held.

h. Ghajn Tuffieha and Ramla l-Hamra
Regular meetings with the site managers were held to discuss various issues including licenses of commercial activities on the beaches, illegal activities, such as water sport operators and camping at Ramla, and other management issues. The annual progress reports for 2007 and 2008 were also reviewed and liaised with OPM to discuss auditing issues. This summer a lot of requests for sand-sifting of the two beaches were received. Scientific research and environmental assessment of potential impacts of these requests were carried out and liaised with the relevant entities accordingly.

i. Il-Ballut ta’ Marsaxlokk
A proposal for EIPP funds to carry out a number of “emergency” measures was prepared and presented to the EIPP board. Drafting of this proposal included a number of site visits to assess exactly what is required as well as liaising with different companies/government entities in order to obtain quotations and meeting them on site. The proposal was presented to the EIPP board to request funds for the works and is currently pending a decision.
Duncan Borg
Environment Protection Officer

“In my role at MEPA I am actively involved in the ongoing efforts towards the conservation of the marine environment. My role includes providing practical input in the development of new legislation, participating in ad hoc projects and assisting stranded animals, whilst having the privilege of working within a dynamic team of knowledgeable colleagues.”
j. Mijieb and L-Arax tal-Mellieha
The Federation for Hunting and Conservation (FKNK) submitted two management plans to MEPA – one for the wooded area at il-Mijieb (Mellieha) and the other for an area at L-Arax tal-Mellieha. These management plans were reviewed and discussions are currently underway.

k. Buskett & Salini
Management interventions at Buskett and Salini were proposed by the MRRA. These were reviewed and various meetings held to discuss suggestions for improving the proposals and integrating these proposals with the Natura 2000 designation of these sites.

l. Il-Majjistral Park
As from this year, the Unit was involved in the management of il-Majjistral Park. The annual progress report for this protected area was reviewed and a Management Board meeting was attended.

m. Dingli Cliffs
A number of entities, including MRRA and the Dingli Local Council, have proposed management interventions at this area. Thus, various meetings and site visits were held to assess MRRA’s proposal for works to be carried out in a country road, which leads from Buskett to Dingli. Furthermore, a nature trail has been proposed by Dingli Local Council and site visits and meetings were held in order to route this trail along the Dingli Cliffs area. Following agreement with the mayor information is being put together to support this trail.

n. Rdum Majjiesa/Ras ir-Raheb Marine Area
Terms of reference to be published for a call to tender by private entities, for formulating a Management Plan for the SCI at Rdum Majjiesa to Ras ir-Raheb, were finalised and discussed with the Fisheries Department, who also have a major role in the appropriate management of marine protected areas. Discussions with stakeholders has continued, including Fisheries, MMA and fishermen, focussing mostly on the zoning and reasons and justification for such choice of zones.

o. Natura 2000 Management Planning for Malta and Gozo Project Proposal
MEPA refined its proposal for an application for EU funds under the European Agricultural Fund for Rural Development (EAFRD). The application for funding was submitted in May 2009 and MEPA is currently awaiting a decision on the granting of funds. Over the past year, three service contracts, through which this project will be implemented, were also prepared, describing in detail all the activities that will be undertaken during the project. The main service contract focused, amongst others, on devising conservation objectives for around 30 Natura 2000 sites and carrying out the management planning process for all of these sites, with a strong emphasis on stakeholder involvement. Another tender deals with implementing a communications campaign to raise awareness amongst the public and key stakeholder groups on Natura 2000, whilst the third tender requests the services of a project coordinator.

Administration of Protected Areas
a. Notification to landowners
Text for site notices, which will be affixed at various locations in protected areas, to notify land-owners of the site’s protection in accordance with legal obligations, was prepared in consultation with MEPA’s Legal Office. Finalisation of these site notices is underway.

b. Procedures for overseeing the management of protected areas.
Discussions on criteria for an expression of interest through which site managers will be chosen were held and preliminary criteria devised. A new management agreement template has been prepared and discussions on a new progress reporting template were held. In addition, discussions were also held with OPM to improve the current procedures for the auditing of site managers.

Interaction of Protected Areas & the Water Framework Directive (WFD)
Considerable liaison with the relevant Unit took place to integrate issues related to protected areas, especially Natura 2000 sites, in the WFD’s draft programme of measures. Consultation seminars and meetings were attended and review of documentation was also undertaken. The inland surface waters designated in 2005 were recently being re-assessed and implications on the Habitats Directive and Natura 2000 were evaluated.
Analysis of Marine Protected Areas

A number of marine sites relevant to the protection of Posidonia meadows were selected for subsequent designation as potential Sites of Community Interest on the basis of criteria as set out by the EC Habitats Directive, the latter being the only habitat where complete baseline data is available for the whole of the Maltese Islands. Standard data forms, maps and other crucial data essential for nomination of such sites were prepared.

Biodiversity Monitoring

Marine Turtle Satellite Tagging

A project made last year involving a satellite tagging exercise, with the release of two specimens fitted with satellite tags which continued to be followed. This project continued to provide vital information on the migration routes and important areas frequented by these protected species for nearly a year from the release of these turtles. We continued to receive signals from these turtles until June 2009.

Bag Statistics on Bird Hunting & Trapping: Carnet de Chasse

The Unit produced two booklets for trapping and hunting in 2009. Data collection in connection with the Carnet de Chasse database, which provides the yearly total number of birds hunted or trapped, has continued, with the 2008 data being captured at the moment of writing.

Monitoring of Trees, Woodlands, Wetlands and Rock-Pools

Site visits to gather data on trees, woodlands, wetland habitats, species in valleys and watercourse, as well as rock pools have continued, with the aim of identifying and mapping their species in connection with potential designation for four EU habitat types or designation as tree protected areas. Around 50 sites have been surveyed this year.
The management of protected areas and species is an intriguing and challenging task. It presents an opportunity to implement EU law at a national level, and to make a difference in conserving our natural environment and in assisting others to appreciate it.

Nadia Suda Lanzon
Senior Environment Protection Officer

‘’The management of protected areas and species is an intriguing and challenging task. It presents an opportunity to implement EU law at a national level, and to make a difference in conserving our natural environment and in assisting others to appreciate it.’’
ECOSYSTEMS MANAGEMENT

Species Protection

Setting up of Specific Biodiversity Action Plans
Work on the action plans for whales and dolphins (cetaceans), groupers, sharks and rays, and marine turtles has continued. A number of these action plans are expected to be approved by MEPA for public consultation in 2010. A number of regional action plans for the monk seal, marine turtles, marine vegetation, Mediterranean sharks, cetaceans and sea-birds were analysed in relation to proposals made by the Regional Activity Centre for Protected Areas in Tunis (RAC/SPA).

International Negotiations on Species Protection & Management
The Unit followed the negotiation processes in relation to various proposed amendments to multilateral environment agreements (MEAs) in relation to species protection, including the following:

1) the possible inclusion of the Bluefin Tuna in CITES Appendix I as being proposed by Monaco. MEPA’s position on its inclusion was drafted and forwarded for inclusion in the national position, which was then presented at an EU CITES Competent Authority meeting. This issue will be discussed further in March 2010 at the next CITES Conference of the Parties.
2) the negotiations with Italy with respect to the inclusion of corals of the genera Corallium and Paracorallium in Appendix II of the CITES.
3) the inclusion of a number of species (European Eel, Bottlenose Dolphin, Porbeagle, Spiny Dogfish, Mako Shark) to the CMS;
4) the inclusion of the Spiny Dogfish & other sharks species in Appendices of CITES;
5) the protection of seal pups through proposed Community legislation;
6) the inclusion of macrophytes, sharks and birds to the Annexes of the SPA/BD Protocol of the Barcelona Convention.

Reintroduction Programmes
The Method statement for the reinforcement programme for the critically endangered Thorny Burnet (Sarcopoterium spinosum) was finalised and agreed, and implementation initiated in collaboration with the Argotti and University Botanic Gardens, with the financial assistance of the Environment Initiatives and Partnership Process. This project has been finalised. A project report presenting the results of this species reinforcement endeavour has been submitted by the Argotti and University Botanic Gardens. MEPA is currently assessing this report.

Stranding Interventions and Turtle Releases
Various events concerning stranded, beached and injured marine turtles have been attended to by Unit officials. Furthermore, other events dealt with by NGOs have been followed-up, especially with regards to the collection of information regarding the event and the biology of the animal. Turtles fit for release were tagged and released to the wild, in October 2008 and June 2009, in collaboration with Fisheries and NGOs.

Control of Alien Species
A post-rat eradication monitoring work was continued in Selmunett/St. Paul’s Islands and Il-Maghuq ta’ Marsaskala.

Biosafety and GMOs

Running of the Biosafety Co-ordinating Committee
The Unit also continued providing technical, scientific and administrative assistance to the Biosafety Co-ordinating Committee (BCC) and its working groups, and analysed and reviewed a number of notifications concerning GMOs in liaison with the BCC, in the average monthly meetings. The Biosafety Co-ordinating Committee has formulated its opinion on 2 GM applications.

Applications and EU Documentation
The Unit also reviewed, analysed and commented on 2 EU documents, written 7 instructions and/or briefing notes and produced reports on such documents, besides participating in a number of meetings in Brussels and around the EU on the subject. The Unit also processed and approved the first local Contained Use application for class 1 (low risk) genetically modified micro-organism experimentation facilities.
ECOSYSTEMS MANAGEMENT

Nature Permitting
A total of 226 applications were received during the period under review. 65% of these applications have been decided. 15 applications are pending a reply from third parties.

During 2009, there have been 187 decisions overall as follows:

<table>
<thead>
<tr>
<th>Decision Type</th>
<th>No. of Decisions</th>
</tr>
</thead>
<tbody>
<tr>
<td>Granted</td>
<td>101</td>
</tr>
<tr>
<td>Refusals</td>
<td>17</td>
</tr>
<tr>
<td>No Permit required</td>
<td>50</td>
</tr>
<tr>
<td>Withdrawn</td>
<td>19</td>
</tr>
<tr>
<td>Total</td>
<td>187</td>
</tr>
</tbody>
</table>

Importation Licences Received:

<table>
<thead>
<tr>
<th>Receipts</th>
<th>Application Type</th>
<th>No. of Species</th>
</tr>
</thead>
<tbody>
<tr>
<td>Fresh frozen fish</td>
<td>360</td>
<td>793</td>
</tr>
<tr>
<td>Fish etc for aquarium use</td>
<td>48</td>
<td>11,584</td>
</tr>
<tr>
<td>Domestic animals</td>
<td>36</td>
<td>49</td>
</tr>
<tr>
<td>Invertebrates</td>
<td>2</td>
<td>2</td>
</tr>
<tr>
<td>Frozen meat</td>
<td>54</td>
<td>64</td>
</tr>
<tr>
<td>Others</td>
<td>10</td>
<td>169</td>
</tr>
</tbody>
</table>

Amount of requests received for Customs Releases:
Jan-09  68
Feb-09  92
Mar-09  91
Apr-09  115
May-09  87
Jun-09  71
Jul-09  84
Aug-09  82
Sep-09  88
Oct-09  84
Nov-09  66
Dec-09  54

The total amount of requests for Customs releases amounted to 982 requests.

From a total of 982 requests for Customs releases, 92 (or 9%) necessitated an inspection by MEPA officials at the Customs Release point, to clarify if the items are CITES-listed, or to issue the necessary documents with regard to CITES-listed items.

Compliance Monitoring & Enforcement

Inspections & Court Sittings
321 inspections were carried out, 98 complaints assessed, 97 nature applications were assessed for compliance and 34 Court sittings were attended during this period. The Unit was also involved in five collection and release of protected animals.
As an environment protection officer working on issues related to the protection of biodiversity for the past six years, my work revolves around the valuable species and diverse habitats that impart uniqueness to our islands. In my role I have contributed to the collection of data and reporting, and the designation and mapping of protected areas, amongst others.
Within the Director’s Office, the EU and Multilateral Affairs unit provides a strategic co-ordination function focusing on matters driven by EU and Multilateral objectives.

The Office throughout the year was proactive at ensuring the timely submission of Malta’s deliverables to the EU. The team working on EU Affairs carried out a comprehensive exercise to monitor the status of implementation of EU legislation, highlighting key issues for action, potential infringements and required resources to implement all EU obligations. New quality management systems were also introduced in line with the better regulation agenda, including more participative approaches and more streamlined processes in report preparation. An enhanced effort was made, this year to ensure consultation took place on Malta’s position on pipeline acquis and on transposition. In a team effort with MEUSAC, EUMA consulted stakeholders on a number of issues: a number of presentations took place including those dealing with proposed EU legislation on Industrial Emissions, Batteries, Adaptation to Climate Change, the United Nations post-2012 climate agreement and genetically modified organisms. The legal transposition and implementation of Directives on Waste, on Batteries and on Air and Noise were also discussed during MEUSAC’s Sectoral Committee on the environment.

During the year, with the input of experts across MEPA, 10 new pieces of legislation were transposed, 40 reports were submitted to the EU while 53 environmental dossiers, numerous memoranda consultation briefs and instruction notes were prepared. Input was also regularly provided to dossiers handled by other agencies, ranging from chemicals to transport issues. Partly as a result of more pro-active work in transposition and timely submission of reports, this year saw a reduction in the number of infringements which MEPA was tasked to deal with.

The EU team continued to act as a bridge between MEPA and the Office of the Prime Minister in providing input to negotiations of new EU proposals, as well as in matters related to the implementation of the EU Acquis.

The International Projects team within the Unit sought to maximize business value for MEPA from international funded projects. Although more than fifty proposals were screened for potential participation, MEPA’s strategy this year was to consolidate work around 2 major new applications for funding worth almost €11 million, whilst ensuring continuity in on-going projects. During the year, MEPA submitted a €4.9 million application for a project intended to upgrade environmental monitoring infrastructure and capacity, and a €2 million funding application for a project to develop nationwide management planning coverage for all terrestrial Natura 2000 sites in the Maltese Islands, and initiated the preparation of tenders. A positive response to these projects will drastically improve Malta’s nature protection and environmental monitoring.

The team also continued to coordinate the ongoing implementation of a portfolio of 19 active projects, the development of 5 new proposals, and the fulfilment of residual reporting requirements with respect to 75 completed projects. In the spirit of enhancing accountability in project management, the International Projects Team coordinated MEPA’s response to the total of 8 project audits, spot visits or spot checks.

The team also ensured the integration of environmental aims in international programmes and instruments. Here the team coordinated MEPA’s input to a number of national and EU initiatives, including strategy for Eco-Gozo, a programme of measures to implement the Water Framework Directive, the review of the NSRF, the Steering Committee of the Italia-Malta Territorial Cooperation Programme, the Monitoring Committee of the Rural Development Programme, the Technical Evaluation Committee for Malta Enterprise Environmental Scheme for SMEs, the European Network of Environmental Authorities (ENEA), the European Network for the Implementation and Enforcement of Environmental Law (IMPEL), the Steering Group of the Horizon 2020 initiative, and to the formulation of national priorities for EU LIFE+ programme. During the period, the Team also acted as the Designated National Authority for UNFCCC Clean Development Mechanism (CDM) and provided quality input to a number of cross-cutting functions.
EU AND MULTILATERAL AFFAIRS

The Multilateral Affairs Team with the Unit provided quality input to MEPA’s position on Multilateral Environmental Agreements (MEAs), adding value to MEPA deliverables with an international content. The team provided centralized inputs to discussions in the context of existing or forthcoming MEAs and related policies that drew on technical expertise within MEPA. EUMA also provided significant input to the United Nations Framework on Climate Change (UNFCCC) process and was the main driver in setting up the necessary structure to follow the Barcelona Convention and its Protocols. It also was instrumental in discussions related to ship recycling both at the EU and UN levels, leading to the adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009, as well as the adoption of the Council Conclusions on an EU Strategy for better ship dismantling.

As an on going priority, the Multilateral Affairs Team undertook a stocktaking exercise of all 80 MEAs where MEPA is Competent Authority. Malta’s MEA ratification status, designation of Focal Points, contributions to budgets, and status of implementation of its MEA obligations, including reporting, etc are all being updated. The team also ensured regular attendance to the Council Working Party on International Environmental Issues (WPIEI), especially the WPIEI (Global), WPIEI (Horizontal), WPIEI (Synergies) and WPIEI (Basel Convention) with a view to enabling Malta to follow issues such as International Environmental Governance (IEG), the UN Commission on Sustainable Development (CSD), the Governing Council/Global Ministerial Environment Forum (GC/GMEF) of the United Nations Environment Programme (UNEP), decisions of the United Nations General Assembly (UNGA) in relation to sustainable development as well as the process of enhancing coordination and cooperation between the Basel, Stockholm and Rotterdam Conventions on chemicals and waste.

Given that this year the Directorate took steps to streamline its work and resources, EUMA contributed to this exercise by identifying priority issues and seeking out opportunities for more effective and efficient ways of working. EUMA was also tasked with forecasting EPD costs and revenue sources with a view to identifying opportunities for cost savings and revenue generation. EUMA drafted and followed through a number of contracts for outsourced work, liaised with a number of overseas EU environmental agencies, and collated EPD reactions to a number of policies drawn up by other agencies, with a view to ensuring consistency of reply. Through the Director’s Office, EUMA managed the administration of an e-enquires system, and coordinated the presentation of EPD’s comments to the MEPA reform.

KEY POINTS

- Significant input to the United Nations Framework on Climate Change (UNFCCC) process, was the main driver in setting up the necessary structure to follow the Barcelona Convention and its Protocols and was also instrumental to the discussion related to ship recycling both at the EU and UN levels, leading to the adoption of the Hong Kong International Convention for the Safe and Environmentally Sound Recycling of Ships, 2009.

- Forecasting EPD costs and revenue sources with a view to identifying opportunities for cost savings and revenue generation, managed the administration of an e-enquires system, and coordinated the presentation of EPD’s comments to the MEPA reform.
Janice Gatt
EU & Multi-Lateral Affairs Environment Protection Directorate
Projects Coordinator

"EU membership has brought about significant opportunities and obligations in all sectors and environment is certainly not an exception. Maybe not everyone is aware that MEPA has specialized resources in EU affairs and that it is also exploiting EU funding opportunities by taking part in a variety of EU funding programmes."
A Unit within the Environment Protection Directorate is directly responsible for the implementation, monitoring and reporting of the waste, soil, chemicals, air, radiation, noise and waste shipments dossiers.

Waste
Waste and waste management activities in Malta are regulated by MEPA, through the transposition into national legislation of various EU Directives falling under the waste acquis, and the implementation of national legislation as well as International Conventions.

During 2009, besides the updating of Maltese waste legislation to reflect the European Union’s Directives and Regulations, MEPA screened communications from the EU institutions particularly the ongoing proposal for a Directive on Waste Electrical and Electronic Equipment (Recast). This led to the EU to introduce a compromised text, proposing a number of modifications following the first reading, which are now closer to Malta’s position.

The changes that were recommended by MEPA, principally concerned the scope of the proposal, namely the re-insertion of Annex IA and IB, thus de-linking the WEEE Directive from the RoHS Directive. This is considered to be positive for Malta in view of the fact that the Annexes provide legal certainty to all stakeholders, facilitate Member States in the categorisation of certain electrical and electronic equipment, as well as determining whether they would fall in or out of the scope, and in view of the different minimum targets laid down by category. Other proposed changes included the removal of having an inter-operable register and definitions, namely those related to ‘producer’, ‘making available on the market’, and ‘placing on the market’, which tend to be moving away from the Commission’s introduction of the concept of Community market, which would result in severe repercussions should it remain.

Case study: Management of Bio-Waste
During the negotiations on the Council Conclusions on the Commission Green Paper on the management of bio-waste in the European Union COM 2008 (811) final, Malta indicated that a proposal for an EU directive on bio-waste should only be put forward if deemed necessary. This point was taken on board in the adopted Council, in line with Malta’s position for the need to adopt a technology neutral approach.

MEPA has also participated in several Technical Adaptation Committee meetings and Working Groups related to different waste legislation. A number of alleged infringements were followed-up, and closure of a number of these cases is expected.

The Unit also assisted the Planning Directorate on development applications, which are either directly related to waste management or developments that are likely to generate significant quantities of waste.

The Unit also renewed two Packaging scheme permits, and issued a new permit for a Waste Electrical and Electronic Equipment (WEEE) scheme. The permitting of the WEEE scheme in particular, is another achievement for Malta since it is of great aid for producers to achieve their targets imposed by the Waste Management (Electrical and Electronic Equipment) Regulations as laid down in L.N. 63 of 2007. The registration of Packaging producers, as well as Electrical and Electronic Equipment producers has also continued. Following this exercise of registration Malta should be in a position to fulfill its reporting obligations under the respective directives.
Air

During the past year, the air quality section within MEPA continued to carry out its tasks with respect to the monitoring and implementation of the various Directives falling under the Air Quality acquis. Recently MEPA has also started following up the Convention on Long Range Transboundary Air Pollution (CLRTAP) which through the development of international environmental law aims to control environmental damage caused by transboundary air pollution.

Monitoring in 44 localities by passive diffusion tubes and real time continuous monitoring in four locations (Gharb, Kordin, Zejtun, Msida) was continued both in Malta and Gozo. Data from Kordin air monitoring station was recently made available online through the Authority’s website. The monitoring programme for heavy metals, ions and polycyclic aromatic hydrocarbons in the particulate matter (PM10) fraction was also continued. This data was crucial in starting to understand the natural and transboundary contributions of PM10 monitored in the Maltese Islands. From the data collected from the Gharb and Msida air monitoring stations for the percentage contribution to the PM10 fraction, it results that the sea salt contribution is the same in both sites while the mineral contribution in Msida is higher than that of Gharb. This can be a result of road dust and dust from the construction industry, amongst others, deposited in urban areas and being re-suspended by traffic and wind. Both organic matter elemental carbon and secondary inorganic compounds are higher in the traffic site. This behaviour is expected due to the fact that Msida is a typical site influenced by traffic with approximately 40,000 cars passing by the station every day. The station is situated in an area where several traffic arteries merge.

Another important achievement in MEPA’s air monitoring agenda is the progress made with respect to the equivalence studies which are ongoing for automatic particulate matter analysers, as required by the European Commission.

While the process for the compilation of policy measures to reduce PM10 concentrations in ambient air started in 2008, the draft plan was launched this year. Given that national monitoring data clearly identifies the transport sector as the major contributor to air pollution mainly from exhaust emissions, tyre and break abrasion and the re-suspension of dust that had previously settled on the roads; MEPA in conjunction with Malta Transport Authority (ADT) published a draft plan that specifically proposes traffic measures. Figure X shows the daily PM10 concentrations recorded in Msida and Gharb stations during the period June to December 2008, and the EU daily limit value of 50µg/m^3. While there are a few exceedances in Gharb station (which at times were also recorded in Msida station) due to Sahara dust; the number of exceedances in Msida is at least three times higher than those recorded in the rural background site during these 6 months of measurements. This shows that Msida station is highly affected by local emissions due to its proximity to such a busy traffic site.

This policy document was issued for public consultation in September 2009 by the Ministry for Infrastructure, Transport and Communications. This plan will form part of the holistic Air Quality Plan for the Maltese Islands. MEPA is currently finalizing a proposed Air Quality Plan for the Maltese Islands, in accordance with the Directive 1999/30/EC, which will outline policy measures to address man-made pollution sources, namely in the sectors of transport, power generation, construction and small industry. This document will also include the MEPA/ADT traffic measures and the suggestions it received from the first phase of the public consultation. Over 150 proposed policy measures were received by the Malta Environment and Planning Authority (MEPA) during the first Phase of public consultation on what realistic measures can be implemented to reduce the concentration levels of fine dust in the air.
WASTE, AIR, RADIATION AND NOISE

Illustration 1: Percentage contribution of the PM10 fraction in Msida traffic station

Illustration 2: Daily averages of PM10 at Msida and Gharb stations: June to December 2008

Radiation

During the year 2009, MEPA continued to fulfill its obligations regarding Article 35 and Article 36 Commission Recommendation 2000/473/Euratom as set out in the first National Environment Radioactivity Surveillance Plan (NERSP) for Malta. These consisted in measuring radioactivity concentrations in aerosol particles, coastal sea waters and soils. For air, a high volume sampler was used to collect radioactive particles in filters, which were analyzed through a gamma spectroscopy. The continuous dose rate monitoring was able to indicate the hourly average in the Maltese Islands. The hourly average of total dose equivalent is 83nSv/h which is a low dose within the range across the Member States of the European Community. According to these indications, the overall exposure level to ionizing radiation was found to be low.

Illustration 4: Graph of nano-Sieverts per hour which is the total dose equivalent in air. The peaks indicate particle concentrations in air due to rain.

KEY POINTS

Radiation

- Monitored background radiation in air, sea and soil.
- Maintained a real time gamma monitoring station.
- Provided input to the national Radiation Protection Board.
- Reported to EU institutions as required by radiation Acquis.
Yvette Rossignaud
Environment Protection Officer

“As a team we work collectively towards enhancing our environment and most importantly safeguard it for our and future generations. Our team is specifically responsible for environment protection in the areas of air, radiation, waste and noise – a very challenging but equally rewarding task.”
WASTE, AIR, RADIATION AND NOISE

Noise

MEPA continued its implementation of article 2002/49/EC and in this regard, issued a tender in March 2009. This had to be re-issued as none of the bidders were compliant with the tender requirements. The tender, to develop a noise monitoring strategy and a baseline survey, followed by the specifications of a supply, installation commissioning tender for a noise monitoring network, was re-issued on 14 August 2009.

Soil

The role of Unit for the period under review, was to provide technical input on the proposal for a Soil Framework Directive (COM(2006) 232) with the objective to protect soils across the EU.

Chemicals

The Unit also processed a number of importation licenses with regards to chemicals and pharmaceuticals entering the Maltese territorial waters.

Compliance, Shipment and Reporting

Through the hazardous waste consignment note system, which regulates the internal movement of hazardous wastes within the island, a total of 376 permits were issued during 2009. With regards to notifications of waste movements, a total of 2017 consignment note applications have been received. Three permits were also issued for the disposal of waste at sea.

KEY POINTS

Noise

• Finalized work on the issue of tender for the preparation of noise maps, and action plans for areas affected by noise.

• The award and execution of this tender should place Malta in compliance with the EU Noise Directive.

Illustration 1: A graph showing applications received for the transfer of hazardous waste within the island yearly.

Illustration 2: Waste consignment notes (Transfer notes) of hazardous waste within the island.
During 2009, MEPA received and processed 53 new applications for the Transfrontier Shipment (TFS) of hazardous waste, under the Waste Shipment Regulation (EC) No. 1013/2006. From these 53 applications, 11 of which were received during 2008 and 42 received in 2009, 9 permits for the export of waste from Malta were issued while another 13 permits for waste transiting through Malta were issued. The TFS export permits issued covered batteries, pharmaceutical waste, fly ash, solvents, asbestos waste, waste inks and other hazardous chemicals. The Unit further received 867 notifications for the export of Non-Hazardous waste which still requires notification in line with Annex VII of the Waste Shipment Regulation. Most of this waste which was exported for recovery was exported to Hong Kong, India and Italy.
Primarily, my work is indeed related to sustainability. As the management of waste has indeed become a critical success factor in environmental terms, my role is specifically related to contributing towards sustainable change in the waste management sector.

Darren Cordina
Environment Protection Officer
The Climate Change & Marine Policy Unit provides technical input to the development and implementation of policy related to climate change, desertification, coastal zone and marine management, water policy as well as the control of major-accident hazards involving dangerous substances.

The main environmental management tools that were utilised by the Unit in 2009 were policy formulation through the development of plans and work on legal transposition of EU Directives; monitoring of existing policies and policy implementation. Efforts were ongoing to ensure that policy development is based on approved methodologies and data of good quality. This is an integral process in the formulation of plans and policies that would enable their efficient implementation.

Two major functions dominated work in 2009: delivering policy outputs on climate change and water and developing the Unit’s preparedness to implement work related to water and marine policy in the coming years.

Delivering on Climate Change

With negotiations on Climate Change dominating the international environment agenda the Unit continued to provide technical input for Malta’s position in negotiations at EU and International level. In this regard the Unit was also responsible for consultations with MEUSAC on the EU Commission’s Communication for Copenhagen issued in January 2009 and on EU’s White Paper on Adaptation. The Unit represented Malta in the EU’s Climate Change Committee and its formal as well as ad hoc Working Groups and in the EU’s Expert Group on Adaptation.

On the national front, with MEPA as the Competent Authority to report on the monitoring mechanisms on climate change, the Unit, submitted the National Greenhouse Gas (GHG) Inventory Report to the EU and UNFCCC on time during the first quarter of the year. The preparation of the GHG inventory required a data collection process that ensured the use of reliable data, if and when possible through audited sources. With the Inventory as the main tool to assist Malta to monitor its progress in reducing GHG emissions, it is imperative that consistency in the methodology used for reporting is ensured. This is done primarily through the use of standard methodologies for the calculation of emissions; for the 2009 submission the Unit took measures to quality check the data used. In preparation for the next reporting cycle in 2010, an exercise was undertaken to fine tune methodologies that reflect more closely the Maltese context. This included discussions with relevant entities to improve on data related to energy, transport and agriculture and an in-house survey to collect information on the use of fluorinated gases. Such measures are intended to improve the 2010 report. Efforts were made to increase access to reported data to the general public with the new data viewer on the MEPA website where the user can query the different inventory data by sector and types of greenhouse gases.

At the same time, the Unit also submitted the biennial report on the effectiveness of adopted and planned policies and measures to reduce greenhouse gas emissions. This report which was prepared with relevant government entities illustrated the past trends and future projections of greenhouse gas emissions up to the year 2020 on the basis of the identified actions. Following timely submission, the Unit reviewed the work process to identify where future improvements would be possible for the next reporting in 2011. As a result the Unit developed a project proposal to build national capacity and forward this project to the Ministry responsible for Climate Change policy.

In fulfilling MEPA’s role to administer the national emissions trading scheme (ETS), this year, the Unit processed the verified reports from the power generation sector and reported to the EU accordingly. A significant amount of effort during this year was the process of transposing and implementing the requirements of the new EU Directive that incorporates aviation within the EU’s Emission Trading Scheme. Malta, like other EU Member States has been assigned a list of airline operators to administer and during 2009 the Unit carried out extensive consultations with national operators and took the necessary steps to ensure that airline operators from abroad including from outside the European Union are informed of the legal requirements. To facilitate effective implementation a comprehensive webpage on the required procedures to facilitate the process for all operators that fall within Malta’s responsibility was prepared. Simultaneous work has been undertaken to ensure transposition by early February 2010. The undertaking of all these concurrent tasks related

KEY POINTS

- Developed monitoring network for coastal waters.
- Final stages to preparing national water catchment management plan with MRA.
- Undertook a Climate Check of the National Water Management Plan.
- Participated in the OPM’s Nitrates action group to address agricultural practices to reduce nitrate pollution in water.
- Developed component on water monitoring for ERDF project on environmental monitoring.
- Providing MEPA’s input to the National Response Team to implement the National Marine Pollution Contingency Plan.
to the Emissions Trading Scheme in 2009 is a reflection on the degree of commitment towards ensuring MEPA’s accountability as the Competent Authority.

The second quarter of 2009 saw the Unit delivering technical advice and guidance on matters related to vulnerability and adaptation to Climate Change for the preparation of Malta’s Second National Communication to the UNFCCC Secretariat, a project led by MEPA and run by the University of Malta.

Through this work, the Unit ensured that the report is consistent with current information and knowledge on the local environmental context as well as in relation to international debates on adaptation. This input is expected to assist in making the Second National Communication an effective tool on which future action on adaptation in Malta can be based.

Case Study

As part of its responsibilities on climate change adaptation the Unit continued to represent MEPA as an observer in the EU funded CIRCLE project and as a partner in an EU funded Interreg IV C project aimed to develop methodologies to incorporate climate change issues in EU funding programmes. As part of this project, the Unit developed technical guidance for a local study to assess the potential of the Maltese land use planning system to address climate change issues. This work has been done together with the Funding Team in EPD and with the Planning Directorate to ascertain that the project deliverables provide added value to MEPA’s current and projected work on improving its land use planning function.

In line with the MEPA reform and government decision to migrate Climate Change functions from MEPA to the responsible Ministry, the Unit will be working towards effective hand over of tasks that would facilitate continuation of work and sustain Malta’s performance on its reporting obligations to the European Union.

Delivering on Water Policy

The EU environmental acquis has several policies and legislation related to the water environment with the Water Framework Directive (WFD) as the overarching policy for action. In Malta, Competency on the WFD is shared jointly between the Malta Resources Authority (MRA) and MEPA where the latter is responsible for managing the surface waters of the Maltese Islands. This year has seen a considerable reshuffling of tasks within the Unit to ensure that most resources are dedicated to deliver the different tasks required by this Directive.

As a result of strong collaboration between MEPA and MRA, 2009 started with the Twinning Light project with France, aimed to assist Malta in delivering its first National Water Catchment Management Plan. As part of this project the Climate Change & Marine Policy Unit developed the public consultation strategy, including a new webpage which informed the general public on progress and acted as an interactive portal through which comments on Malta’s significant water management issues could be sent to the competent authorities.

The National Plan incorporates a programme of measures targeted to address and identify significant water management issues. The Unit co-ordinated a number of workshops to ensure that the programme is developed in close collaboration with the major stakeholders that have a role to play in regulating activities that impact upon surface waters. Such consultation is aimed towards integrating current and planned actions related to surface water management to ensure that national resources are geared towards common goals. This is geared to make implementation more possible.

Another pillar for effective water management is the development and implementation of a monitoring network. During 2009 the Unit finalised the framework of this network for the coastal waters in line with the stringent methodological requirements of the WFD.

In this first cycle of the WFD the European Commission expects Member States to screen the likely effects of climate change on the identified pressures and to undertake a climate impact sensitivity analysis of the Program of Measures. This climate check has been undertaken by the
Unit during the second half of 2009 whilst in parallel, the same staff within the Unit were also mobilised to prepare the Strategic Environment Assessment of the same Plan, which is currently ongoing. The Unit was able to undertake these two processes after an evaluation of the required work and experience, demonstrating a commitment towards more effective application of in-house skills.

Water within the EU acquis is covered by additional legislation and currently the Unit is overseeing the process of transposing two additional Directives by July 2010. The first is the Directive on Environmental Quality Standards in coastal surface waters, a supporting legislation to the WFD that requires the development of an inventory of emissions to coastal surface waters. Such a tool is integral towards the effective implementation of measures within the National Water Catchment Management Plan.

The other piece of legislation is the Marine Strategy Framework Directive (MSFD) which aims to develop strategies towards achieving good environmental status of Europe’s waters. As the environmental pillar of the EU’s Integrated Maritime Policy this Directive will inevitably see more integration amongst stakeholders not just to protect the marine environment but also to ensure that environmental considerations are in-built within measures to manage marine waters in a sustainable way.

Developing the Unit’s preparedness to implement work related to water and marine policy

In 2009 the Unit was also responsible for MEPA’s joint competent duties pertaining to SEVESO Directive which is aimed at controlling major-accident hazards involving dangerous substances. With most sites falling within the coastal zone such work continued to broaden the Unit’s experience on the prevention of pollution of our marine space. The management of the marine environment depends on various management tools that are already integral to the respective functions of several Units within MEPA’s Directorates, ranging from data management, development planning and control, environmental permitting, designation of protected areas and environmental monitoring.
Stephen Saliba
Environment Protection Officer

“...My role includes taking an active part in technical talks on various environmental issues on an EU level with foreign experts. Attending technical meetings and being involved in EU projects provides the right opportunity for the sharing of knowledge and exchanging of best practice.”
During 2009, the ambitious internal restructuring process for integration of the various environmental assessment channels (DC-EPD, EIA, Appropriate Assessment and other assessment functions) was successfully completed, attaining the primary goals of seamless interfacing between the various assessment mechanisms, well-defined operational logic and effective integration of environmental concerns into the DC process. Merger of formerly distinct internal functions, and consequent cultural challenges, were further secured through staff reshuffles to facilitate cross-fertilisation of ideas and team cultures.

One of the Unit’s core functions is the coordination of formal environmental impact assessments (EIAs), which includes the statutory multi-stage public/stakeholder consultation exercises. Within the past year 91 EIA-related cases were processed. Due to the iterative nature of EIA procedures, such cases are currently active in various stages of progress (this includes detailed screening, drafting of terms of reference, review, updates to concluded EIAs as a result of amendments to approved projects, and post-decision monitoring of ongoing works). The EIAs processed during the year included major projects such as sewage treatment plants, highway developments, tourism developments, extension to the national power station, waste handling facilities, industrial installations, port facilities, schools, and residential development. An additional 48 cases were subjected to preliminary EIA screening but fell short of requiring an EIA. In parallel, further administrative refinements and technical improvements within the EIA processing system were effected in the light of accumulated operating experience. During the current year, the EPD also successfully handled investigation procedures initiated by the EU Commission following alleged infringements of the EIA Directive on past projects.

Technical recommendations were also officially submitted for 802 other environmentally-relevant permit applications that are sub-EIA threshold but nevertheless environmentally relevant or even of serious concern in principle. A significant proportion of these cases involved proposals for development outside development zones (ODZ), and also included contentious cases that were the subject of media attention. Other important cases included public projects such as road engineering projects, interventions in valleys, and other infrastructural works. As in previous years, some of the projects in this category were among the most demanding cases from an environmental point of view, due to inherent project complexity and detailed specifications, extent of works, quality control issues and site sensitivity.

This year, the Unit also consolidated ownership of the Appropriate Assessment (AA) procedure as required directly by the EU Habitats Directive (in the case of Special Areas of Conservation or other priority habitats covered by the Directive) and indirectly by the EU Birds Directive (in the case of Special Protection Areas). Efforts to ensure proper integration of AA into mainstream development permitting, and systematic efforts to avoid unnecessary assessments (both where not required due to reasonably insignificant impact, and where detailed studies are rendered superfluous by overriding unacceptability of a development in principle) continued throughout the year. As a result, 15 cases are currently undergoing formal Appropriate Assessment, whereas an additional 48 cases were formally subjected to related screening procedures.

The Unit, on behalf of the EPD, also provided a key advisory service to the Enforcement Unit on environmentally-relevant enforcement cases, including detailed guidance on site reinstatement methodology. The service also covered monitoring of environmental safeguards that were integrated into development permit conditions, notably landscaping, site restoration, conservation or controlled dismantling of rubble walls, trenching, conservation enclaves, trees and other conservation features, and related release of bank guarantees.

The Unit was also involved in detailed evaluation of various technical documents, such as pre-application proposals, PDSs, EIA documents, geotechnical reports, construction management plans (CMPs), method statements, monitoring reports/baseline surveys, feasibility studies, site-selection exercises, and site management plans.

In the year, the ODZ Team was also transferred from the Planning Directorate to EPD, with a view toward establishing a tighter integration of environmental considerations into DPA Reports for ODZ cases. This move brought with it new challenges, and follow-up is still in progress on multiple fronts, including staff briefings, increased investment in site inspections, adjustments to endorsement channels, and new communication links with the DCC.

**KEY POINTS**

- Within the past year 91 EIA-related cases were processed.
- 48 cases were subjected to preliminary EIA screening but fell short of requiring an EIA.
- Consolidated ownership of the Appropriate Assessment (AA) procedure as required by the EU Habitats Directive.
Participation in key decision-making forums was further stepped up and extended to include professional liaison with the DCC. Apart from ensuring that environmental concerns are duly represented at all relevant levels, this also ensured that the organisation as a whole is aware of all its relevant environmental obligations. There was also conscious investment of effort to maintain and improve staff competence, also ensuring that officers are kept continuously abreast of relevant updates to local, EU and international legislation/policy as well as other relevant technical considerations. Continued liaison with EIA/SEA Expert Group and other multi-national fora remained an important vehicle in this regard, and the Unit also represented the EPD accordingly during the past year.

The Unit also continued to fulfil the role of MEPA’s technical liaison and administrative support to the Natural Heritage Panel of the Heritage Advisory Committee (NHAC). Around 300 cases were processed by the NHAC during the past year. The Unit also provides a liaison and servicing role to the SEA Audit Team on matters affecting Strategic Environmental Assessment (SEA), and the past year also saw a further clarification of the two authorities’ respective roles. Due to the scope of the SEA Directive, SEA-related matters submitted for the Unit’s attention during this year were again limited in number, but included important assignments such as review of the strategic plan for Solid Waste Management and screening of the Renewable Energy Strategy. Together with other relevant Units, the Environmental Assessment Unit was also engaged in strategic liaison with other entities to integrate environmental considerations in relevant policies, plans, programmes, and projects. This ensured that the EPD was also actively represented in interdepartmental working groups wherever environmental concerns were involved, notably in the case of storm-water management projects and other technically-demanding environmental restoration/management projects.

The Unit was also assigned the role of MEPA’s official liaison with the EIA Registration and Review Board which was established at the start of 2009, and together with the Board worked toward the establishment of a registration system for environmental assessment consultants (covering EIA, Appropriate Assessment and other relevant procedures).
Being actively involved in the ongoing efforts towards the conservation of the marine environment, through various tasks such as providing practical input in the development of new legislation, participating in projects and assisting stranded animals, whilst working in a team of knowledgeable colleagues.

Jonathan Henwood
Environment Protection Officer within the Development Assessment Team (EPD)

"I have been working with MEPA for five years and have, to date, been working on the assessment of planning proposals from an environmental perspective through EIA, AA and other assessments in particular of proposals located within ODZ. It is indeed a very sensitive role which brings with it a lot of responsibility and satisfaction."
The consolidation of the environmental permitting function through the compliance auditing of permitted facilities being integrated into the unit’s remit and the continued restructuring process of the Environmental Permitting & Industry Unit has led to an improved synergy between the pre-permit and post-permit processes, and increased efficiency in terms of environmental processes with respect to enterprises.

Developments and achievements in 2009
The most significant achievement during 2009 was the progress registered in the permitting of existing IPPC facilities, and the contributions to the recast of the IPPC Directive (to be replaced by the upcoming Industrial Emissions Directive) in technical discussions in Brussels. The progress registered has led the Commission to review its rating of Malta’s compliance with the directive, and the prospect of infringement has been avoided.

The pilot environmental permitting exercise initiated in 2008 has been concluded, with further pilot projects being initiated for critical installations, including fuel terminals and batching plants. Progress on these pilot exercises is one of the main targets of the coming year.

Case Study of Pilot Permit
A concrete batching plant situated close to a residential area, with a history of dust emissions and a long series of complaints and operational problems.

The management of this plant was interested in improving operational practices. Following meetings with the Unit, assisted by twinning experts, this company is now in the process of a total re-adaptation of their site of operations so as to address issues raised over the years. An environmental permit and a development application have been drafted and submitted by the operator to commence the compliance process.

Case Study of Pharmaceuticals sector
The first environmental permit for the pharmaceutical sector was issued during 2009, and during this year another two pharmaceutical plants submitted an application for an environmental permit. MEPA, in collaboration with Malta Enterprise and the Malta Chamber of Commerce, Enterprise and Industry, held an information seminar to introduce the environmental permitting system to pharmaceutical companies, which resulted in several other companies expressing interest in acquiring an environmental permit. The permitting system, as discussed with the operators during the seminar, will allow the analysis of the environmental issues associated with the sector, and the identification of the most cost-effective solutions to various issues.

Regulation of the waste management industry has included the continued rollout of the regulatory framework for waste carriers and brokers. Various critical waste management infrastructures have been permitted, though much remains to be done in this area, given that the main focus this year has been on the permitting of waste carriers.

Case Study of Waste Carriers
Over the last year the registration of waste carriers has continued, with the obligations of such permits being clarified to both site operators and the waste carriers. The registration of waste carriers has eliminated the use of uninsured and unlicensed vehicles on the roads, and has made carriers responsible for the waste they are carrying and the appropriate disposal waste.

The Authority aims to improve on the standards of such services by requesting drivers and owners of certain waste carrier categories to attend educational courses and restrict the collection of municipal waste to Refuse Compaction Vehicles (RCV’S).

Significant progress has been made with the environmental permitting of sub-IPPC facilities. Now that any new developments need to acquire an environmental permit, certain problematic sites that have been causing environmental pollution have had to adapt their processes to conform to environmental standards.

KEY POINTS

• Conclusion of pilot environmental permitting processes initiated during 2007 and 2008.
• General Binding Rules for micro-enterprises and selected SMEs issued for public consultation.
• Political agreement at EU Council level regarding the recasting of the IPPC Directive.
• Review of all planning applications which would require an environmental permit during the sites’ operational phase.
• The European Pollutant Release and Transfer Register (E-PRTR) was launched.
• Assumed the function of compliance auditing related to sites permitted under the environmental permitting regime.
• A total of 187 inspections were carried out following complaints from the public.
Permits during 2009

<table>
<thead>
<tr>
<th>Type of Permit</th>
<th>Granted</th>
<th>Pending</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPPC</td>
<td>4</td>
<td>5</td>
</tr>
<tr>
<td>Waste Management Applications</td>
<td>6</td>
<td>68</td>
</tr>
<tr>
<td>Environmental Permit Applications</td>
<td>9</td>
<td>30</td>
</tr>
<tr>
<td>Waste Carriers Applications Issued</td>
<td>1497</td>
<td></td>
</tr>
<tr>
<td>Renewals of Waste Carriers</td>
<td>353</td>
<td>102</td>
</tr>
<tr>
<td>Waste Brokers Applications Issued</td>
<td>16</td>
<td></td>
</tr>
<tr>
<td>Animal Holding Livestock Issued</td>
<td>3</td>
<td></td>
</tr>
<tr>
<td>Hull cleaning clearances</td>
<td>37</td>
<td></td>
</tr>
</tbody>
</table>

Permit caseload as at November 2009.

Integrated Pollution Prevention and Control (IPPC)

Significant progress was registered on IPPC, with four new permit applications being decided: two power plants, a pharmaceutical plant and a chemical installation.

<table>
<thead>
<tr>
<th>Type of Installation</th>
<th>Type of permit</th>
<th>Statistics for 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>IPPC</td>
<td>New</td>
<td>4</td>
</tr>
<tr>
<td>IPPC</td>
<td>Variation</td>
<td>2</td>
</tr>
<tr>
<td>IPPC</td>
<td>Renewal</td>
<td>1</td>
</tr>
</tbody>
</table>

Table 2: details on IPPC caseload for 2009

Progress was also registered in the processing of pending applications, with a view to bring a significant number of applications to the decision stage in 2010. The Unit also contributed to the management of the existing IPPC permits, in terms of issue of variations and renewals of permits and compliance auditing.

Substantial achievements were attained in the negotiations on the recasting of the IPPC Directive, resulting in political agreement at EU Council level. This Unit was responsible for the preparation of the national position during working party meetings in Brussels and for the provision of technical backup during discussions. It was instrumental in securing a compromise position which took into account the needs of Maltese industry, in particular the energy sector and small enterprises.

General Binding Rules

During 2009, the authority published a set of sector-specific General Binding Rules intended to regulate selected small and micro enterprises through a range of environmental conditions related to waste management, emissions to atmosphere, effluent discharges and storage of materials and chemicals.

Sectors that have been proposed to be regulated by GBR conditions include:

- GBR 1 Hotels and restaurants;
- GBR 2 Construction;
- GBR 3 Engineering and metal products;
- GBR 4 Food Processing;
- GBR 5 Electronics and specialized equipment;
- GBR 6 Furniture and wood products;
- GBR 7 Rubber, plastics, glass and ceramics;
- GBR 8 Printing services;
- GBR 9 Motor vehicle and boat repair services;
- GBR 10 Clothing manufacturing;
- GBR 11 Chemicals, fuels and gases;
- GBR 12 Waste carriers as per LN 106 of 2007;
- GBR 13 Waste brokers as per LN 106 of 2007;
- GBR 14 Farms, stables and animal holding units as per LN 106 of 2007;
- GBR 15 Medical, dental and veterinary clinics as per LN 106 of 2007;
- GBR 16 Miscellaneous groups

The provisions in General Binding Rules have been extracted from EU directives and Legal Notices and have been tailor-made so as to cater national requirements for the specific sectors.

General binding rules and related guidance notes were subject to a public consultation process that commenced in early October. The aim of the consultation process was to make sure that provisions set out in the General Binding Rules are fit for purpose and effective enough so as to improve environmental performance of micro, small and medium enterprises.

Liaison with development permitting

In line with the new permitting regime, the Unit also reviewed all planning applications which would require an environmental permit during the sites’ operational phase. In view of the requirement of an environmental permit application covering operational management of the site, specific conditions were included in the DPAR.
Anthony Aquilina  
Environment Protection Officer

“I form part of a focused team which is responsible for environmental permits related to industrial activities. Everyone recognizes the strategic importance that SME’s and the industry plays in our economy. At the same time, the remit of our team is ensuring that such economic activity is compatible with environmental protection.”
The aim of such a process was to confirm the operational conditions which would require integration into the infrastructure of buildings and/or sites, to create a seamless process between the issue of the Planning and the Environmental Permits. This process has also avoided the need to retro-fit environmental solutions to permitted industrial developments, saving applicants time and costs in the commissioning phases of development.

Inert Landfills and Quarries
This year, the Unit also worked on regulations for the permitting of quarries and the associated landfilling of inert waste. The previous permitting regime under LN128 of 1997 was phased out, and a new permitting system that addresses environmental matters holistically is being introduced. A single inert landfill has been permitted under the new regime, and sixteen applications to upgrade permits are currently being processed.

Preparatory ground work has been done on a new permitting system for the quarrying sector, which is expected to be implemented during the coming years. This permitting system is expected to regulate quarries that store waste resulting from mineral extraction as part of Malta’s obligation to implement European directives that regulate this sector.

In the past year the Environmental Permitting and Industry Unit has been working on the permitting of quarries in the Maltese Islands to upgrade operations in terms of environmental practice. Various quarries are operating as inert waste landfills; while some are in the process of adopting measures that meet the Authority’s requirements and achieve an optimum environmental performance. Others have required regulatory action by the Authority, to curb mismanagement of waste, and prohibit illegal incineration or acceptance of waste not permitted for quarry restoration.

Permitting of discharges to the marine environment
The discharge of waters into the marine environment is another issue that has been given priority during the past year. The scope of permitting installations with discharges to the marine environment is to control pollutant release into our waters and assess the impact of such discharges on the flora, fauna and quality of the marine environment.

Such installations shall require an environmental permit with set emission limit values for discharges in accordance with European Regulations. The sectors that requested a permit to discharge into the marine environment were:

<table>
<thead>
<tr>
<th>Installation</th>
<th>Number of permits requested</th>
</tr>
</thead>
<tbody>
<tr>
<td>Hotels</td>
<td>6</td>
</tr>
<tr>
<td>Fuel Oil Terminals</td>
<td>1</td>
</tr>
<tr>
<td>Port facilities</td>
<td>1</td>
</tr>
<tr>
<td>Waste Treatment Facility</td>
<td>2</td>
</tr>
<tr>
<td>Food and Beverage Production</td>
<td>1</td>
</tr>
<tr>
<td>Applications involving marine discharges (not including IPPC facilities)</td>
<td></td>
</tr>
</tbody>
</table>

Data Management and Reporting
In 2009, the Unit launched the European Pollutant Release and Transfer Register (E-PRTR) (http://prtr.ec.europa.eu), a free online register containing information on emissions and waste transfers from large installations in Malta and throughout the European Union. Malta’s collaboration with the European Commission in terms of timely delivery of data for the year 2007, quality assurance of the data and participation in E-PRTR Committee meetings and PRTR expert groups in Brussels helped enable this landmark achievement.

Compliance Auditing
In 2009, the Environmental Permitting and Industry Unit assumed the function of compliance auditing related to sites permitted under the environmental permitting regime. Such monitoring is programmed using risk-based assessment, giving priority to those installations of major environmental hazard, giving due consideration to the past environmental performance of the facility. The range of activities audited are vast: these include IPPC facilities (such as the Thermal Treatment Facility at Marsa and the national engineered landfill at Ghallis), inert waste...
ENVIROMENTAL PERMITTING & INDUSTRY

landfills, WEEE facilities, ship hull cleaning operations and scrap yards amongst others.

Special attention has been given to the process of compliance audits; in-depth audits are now being implemented to address persistent or priority compliance issues at high risk facilities. These audits are improving the communication between the regulator and the operator and are contributing towards positive steps being taken to reduce problems previously encountered on site.

Case Study of a compliance

An installation which has seen significant progress with regards to environmental performance and compliance with IPPC permit conditions is the Marsa Thermal Treatment Facility. This facility was subject to several site inspections and an audit during 2009. During this year, emergency stack uses decreased substantially, while continuous emissions monitoring data started to be published on the internet. Further progress is expected, especially with regards to emissions to sewer as well as waste and odour management. Compliance will continue to be assessed in 2010.

Some statistic related to compliance monitoring can be found in the tables below:

<table>
<thead>
<tr>
<th>Category of permitted operations with potential environment related impacts</th>
<th>Number of inspections 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Inert Landfills</td>
<td>7</td>
</tr>
<tr>
<td>IPPC Installations</td>
<td>25</td>
</tr>
<tr>
<td>Ship Hull Cleaning</td>
<td>5</td>
</tr>
<tr>
<td>Waste Management Facilities</td>
<td>14</td>
</tr>
<tr>
<td>Scrap yards/ELV dismantling facilities</td>
<td>1</td>
</tr>
<tr>
<td>WEEE</td>
<td>2</td>
</tr>
<tr>
<td>SEVESO Directive related installations</td>
<td>11</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Category of Installations at Pre-permit stage</th>
<th>Number of inspections 2009</th>
</tr>
</thead>
<tbody>
<tr>
<td>Farms</td>
<td>4</td>
</tr>
<tr>
<td>Inert Landfills</td>
<td>38</td>
</tr>
<tr>
<td>IPPC Installations</td>
<td>1</td>
</tr>
<tr>
<td>Waste Management Facilities</td>
<td>5</td>
</tr>
<tr>
<td>Hazardous Waste Storage/Treatment Facilities</td>
<td>7</td>
</tr>
<tr>
<td>Biofuel Producing Industry</td>
<td>4</td>
</tr>
<tr>
<td>Scrap yards/ELV dismantling facilities</td>
<td>5</td>
</tr>
<tr>
<td>WEEE</td>
<td>7</td>
</tr>
<tr>
<td>Solvents</td>
<td>4</td>
</tr>
<tr>
<td>Oil storage and processing facilities</td>
<td>5</td>
</tr>
<tr>
<td>Manufacturing Industry</td>
<td>3</td>
</tr>
<tr>
<td>Hotels &amp; Hospitality Industry</td>
<td>1</td>
</tr>
<tr>
<td>Food &amp; Beverage Producing Industry</td>
<td>2</td>
</tr>
<tr>
<td>Dredging Activities</td>
<td>1</td>
</tr>
<tr>
<td>DC-EPD consultation</td>
<td>3</td>
</tr>
</tbody>
</table>

Besides these scheduled inspections, the Unit also investigated 187 complaints from the public that are related to industry. In many cases such complaints lead to new environmental permit applications being received for the operations in question.
Rachel Decelis
Environment Protection Officer

“I am involved in a very dynamic unit within MEPA, which is responsible for environmental permitting of industrial facilities, ranging from small chemical and pharmaceutical plants to waste management and power generation facilities. My responsibilities are varied and include reviews of applications, drafting of permits, compliance auditing, and drafting of legislation.”
The Unit acts as the focal point for a number of cross-cutting activities and dossiers. It is the focal point for MEPA’s work on the sustainable development (SD) dossier, coordinating input from across the Authority’s directorates, acting as national focal point for UN-related SD processes, and promoting the integration of environmental concerns into the policy of other sectors. During 2009, the Unit advised Government on the EU Action Plan on Sustainable Consumption and Production and Industrial Policy, on the biennial review of the EU SD Strategy, and on the preparations for the 17th and 18th meetings of the UN Commission for SD.

The PCU also attended the 13th Meeting of the Mediterranean Commission for SD in September, finalising a report on strategies and initiatives for SD for this purpose. Throughout the year, the Unit also handled other cross-cutting dossiers, such as that for Environmental Health. The Unit ensured smooth cooperation between MEPA and the Department for Environmental Health in 2009, particularly in view of the preparations for the 2010 UNECE Ministerial Meeting on Environment and Health.

The Unit also carried out a study on measures needed for the implementation of an EU Liability Directive, and organized a related internal seminar. As part of the activities to support a national action plan on Green Public Procurement, the Unit carried out an assessment of the level of ‘greening’ of government contracts in 2007/2008.

The PCU also represented the environment sector on an adjudicating panel for ERDF sustainable tourism grants. By way of promoting the research carried out as part of SENSOR, an EU-funded research project on sustainability impact assessment, various academic papers were published.

The Unit is also responsible for coordinating state of the environment reporting in Malta. One of the most important deliverables of the Unit is the state of the environment report, known in short as The Environment Report. The Environment Report evaluates the state of the environment across the various environmental media, considering also the performance of the key economic sectors driving environmental change, and the effectiveness of the policy responses taken in the environment and other sectors. Through these detailed assessments, transparency and accountability for policy decisions is increasing. Finalisation of the latest Environment Report and its associated products, such as the online resources and the indicator booklet, was the key deliverable of the Unit in 2009.

During this period, the Unit was also responsible for coordinating the analysis of the 2008 MEPA Public Attitude Survey, in which 1024 Maltese residents were questioned face-to-face on almost 60 environmental issues, carried out as part of the 2008 Environment Report.

KEY POINTS

• Acted as focal point for Sustainable Development dossiers.
• Ensured smooth cooperation between MEPA and the Department for Environmental Health, particularly during the preparations for the 2010 UNECE Ministerial Meeting on Environment and Health.
• Carried out policy research on cross-cutting dossiers.
Case study: State of the Environment Reporting

As part of its commitment towards regular publication of environmental information in a form that is easily-accessible and user-friendly, MEPA publishes regular state of the environment reports, which are also available online. This is also an obligation under the Environment Protection Act, whereby MEPA, as the competent authority, is required to publish such a report every three years. MEPA goes beyond this requirement by also publishing annual updates of the key environmental indicators used in the report. The analysis covers the entire environment sector, and draws on data gathered across government, in particular by the National Statistics Office, with which the reports are published in partnership. Since the 2008 Report, these reports have been branded as ‘The Environment Report’.

The aim of state of the environment reporting is to communicate key environmental issues and trends to policymakers and civil society in a clear and concise way. It seeks to increase awareness and understanding among all stakeholders of key environmental trends, and their causes and consequences, to provide a sound evidence base for improved policymaking at all levels, and to facilitate the measurement of environmental performance and progress towards sustainability.

The 2008 Report, which was finalised in 2009, takes the experience of the past years forward. It places more emphasis on two areas: better exploration of the relationship between the environment and the economic and social drivers of change, and better communications of the Report’s contents through an integrated communications strategy using the brand title ‘The Environment Report’ in a range of media and events planned for its launch.

Through MEPA’s innovative work in this area, the Environment Report has become a major source of environmental information, available online and with key data items updated annually. By gathering, analysing and publishing environmental information in this transparent and user-friendly way, the Unit furthers MEPA’s goals of accountability, consistency and efficiency.
Marguerite Camilleri
Manager Policy Coordination

“I love working on policy because it is all about bringing about change, and this is really exciting when there are lots of players involved.”
3. **PLANNING DIRECTORATE**

Report by the Director of Planning

Development Control

Enforcement and Direct Action

Plan-making and Policy Development

Heritage Planning

Transport Planning

Minerals

---

**Perit Christopher Borg**

Director of Planning

“Planning the use of land for a better quality of life is a major challenge. It involves close coordination within the units in the Authority, making consistent recommendations to the deciding bodies and being accountable to the public in general. This directorate is truly a case where results are seen well over time and built block by block.”
The MEPA Reform process has gathered momentum during 2009. This year was a particularly significant one for the Planning Directorate as the process of integrating the rationale behind the foundation pillars of the Reform with the day to day operations of the Authority has intensified considerably especially during the last quarter of this year.

The concepts of a better quality and a more efficient service, improved consistency in MEPA’s decisions, greater accountability and more effective enforcement have been indicated as the pillars of the MEPA reform process. Stricter restrictions on development in Outside Development Zones (ODZs), increased transparency of operations and the faster processing of development planning applications in a shorter period of time have been indicated amongst the objectives that MEPA should aspire to achieve in the foreseeable future. The Planning Directorate has always strived to meet these objectives despite the lack of resources and sometimes the lack of cooperation by some of the actors involved in the Development Control Process. Therefore these ambitious goals are being embraced and the Directorate is committed to endeavour to achieve them whilst giving an enhanced public service.

Achieving a greater degree of consistency has been a benchmark in the processing of development applications and throughout the past year an even greater effort was made to impart a greater credibility to this aspect. The Planning Directorate through close collaboration of its Development Services Division (DSD) and Forward Planning Division (FPD) maintained continuous dialogue with the Smart City, Pender Place and MIDI project proponents in view of the magnitude and complexities associated with their economic importance. Moreover in view of the fact that EU funded projects require adherence to strict deadlines related to EU disbursement procedures the Directorate ensured that development applications associated with such projects were dovetailed with these deadlines.

The communication lines between the Planning Directorate and the Environment Protection Directorate have been reinforced and improved through the regular meetings of the Planning Directorate Advisory Team (PDAT) which falls under the jurisdiction of the Director’s Office and co-ordinated by the FPD with the invaluable support and backing of the Development Control (DC) Units. This team acts as a good sounding board to share ideas, highlight concerns or pitfalls and discuss approaches to the processing of the more complex development planning applications. This forum also contributes to the achievement of a more consistent approach.

The FPD within the Planning Directorate has featured prominently in the reform process in view of government’s proposals for this division. The FPD in close collaboration with the DC Units plays a key role in co-ordinating major projects, advises government on various planning aspects, and provides policy guidance to various bodies ranging from the various MEPA boards as well as to private individuals. It is also responsible for drafting and amending planning policies. This division undertook to carry out a good number of minor amendments to the various local plans. Three of these involved national projects – namely the City Gate project, the Marsa Sport Complex project and the various interventions contemplated for a range of community projects in Gozo. Around one fourth of the Development Zone (DZ) rationalization sites have so far had their planning parameters established and during the forthcoming year it is likely that around half of the DZ rationalisation sites will be determined.

The Heritage Planning Unit (HPU), in close liaison with the other FPD units and DC units, has once more given its contribution through providing guidance on features, sites and areas of heritage value. Apart from its responsibility for the scheduling of property, this unit has taken a number of initiatives which have contributed towards the safeguarding of cultural or natural heritage that may have otherwise been lost. In some cases, this unit has been instrumental at the policy development stage so that a better project outcome is achieved. Examples from a long list of such interventions include recommendations on Smart City, Pender Place and Piazza San Gorg in Valletta.

Thus it is crucial that the existing collaboration between the FPD and the DC Units within the DSD be fostered since this will ensure the formulation of well informed and sound planning policy and decisions. The Transport Planning Unit has continued to provide transport planning support on various fronts. Planning Control applications and alignment determination continued to feature prominently as did transport related guidance to PC applications and Traffic Impact Assessments.

**KEY POINTS**

- Improved levels of consistency in the processing of development applications.
- New forums of communication between planning and environment were created.
- 25% of development sites within rationalisation zones were given planning parameters.
- Heritage planning instrumental in achieving quality projects that safeguard and incorporate cultural and natural heritage.
- Transport Planning and Minerals functions within MEPA migrated to other government entities.
- Enforcement and Direct action functions were streamlined and consolidated.
The Minerals Unit has continued to undertake its minerals planning related role, mainly through its involvement in development planning applications related to hard stone and soft stone quarrying.

As from 2010, the Minerals Planning Unit and part of the Transport Planning Unit will joint up with the Malta Resources Authority (MRA) and the Malta Transport Authority (ADT) respectively. These two functions were considered not to be core to MEPA’s mandate as so outlined in the Reform, these were to migrate to other government entities. I would like to take the opportunity to thank the relevant employees for their continued support and dedication throughout the years with the prospect of furthering our collaboration with them through their new roles.

The operations of the Enforcement Unit has benefited considerably from the appointment of a Unit Manager responsible for both mainstream planning enforcement and direct action. The range of administrative and other work practices is being reviewed and streamlined. Likewise, the various enforcement-related functions that over the years had been operating in different areas within the organization are now being consolidated within the enforcement function so that the latter can operate more effectively, and with better utilization of resources.

The direct action function has been prioritised and results are evident since the rate of direct actions has significantly increased. Mainstream enforcement is also benefiting from a more focused management structure.

The Unit, apart from carrying out its normal functions, has also participated in schemes originated by other ministries, such as that for removal of scrap material from the countryside. The closer synergy between mainstream enforcement and direct action is yielding better and more effective enforcement results. This is an area on which more emphasis will be placed in the forthcoming year so that the general environment is safeguarded against further illegal development.

Perit Christopher Borg
BE&A (Hons), M.Sc Env Plan & Mgt, A&CE
DIRECTOR OF PLANNING
Oriella Casha
Planning Officer - South Malta Team

“Planning is one of the key areas of responsibilities of MEPA. For the past three years I have been working within the planning directorate, an important directorate that ultimately is doing a lot of good work to safeguard and protect our environment.”
DEVELOPMENT CONTROL

In the current challenging global economic climate, the much awaited MEPA reform could not have been more relevant. Over the past three months, the Development Control Unit (DC) has worked ceaselessly to prepare the groundwork for the reform, so that when the economic growth of the Island recovers, the planning system will be there to facilitate sustainable growth.

The wide ranging package of changes designed to implement the reforms recommended by the Government, due to come into effect in the first quarter of the year 2010, are planned to be more customer-focused and efficient. One trusts that the new leaner process will reduce delays and uncertainties in the planning process. A key element in the new process is the pre-submission discussions with applicants and their architects to improve efficiency and provide certainty about timescales whilst improving transparency. Other improvements have been identified for every stage of the planning application process.

Performance

In the year ending December 2009, MEPA received 6003 applications for planning permission (Table ___), of which 5519 were validated. A planning application gets validated after all the necessary documentation, plans and planning fees are paid for the processing to start. This represents a decrease of 9% in validated applications when compared with figures in 2008. The vast majority of planning applications, amounting to 4597, were for development which falls within the development boundaries, better known, as inside scheme. While there was a 7% drop in planning applications within scheme, a sharp decrease of 18%, was registered for planning applications which fall outside the development zone (ODZ). As a result, Development Permit Application Reports (DPARs) endorsed by the Development Control Unit decreased by 11%.

<table>
<thead>
<tr>
<th>Validations</th>
<th>2008</th>
<th>2009</th>
<th>Percentage Reduction</th>
</tr>
</thead>
<tbody>
<tr>
<td>INS</td>
<td>3,662</td>
<td>3,430</td>
<td>- 6%</td>
</tr>
<tr>
<td>UCA</td>
<td>1,295</td>
<td>1,167</td>
<td>- 10%</td>
</tr>
<tr>
<td>INS+UCA</td>
<td>4,957</td>
<td>4,597</td>
<td>- 7%</td>
</tr>
<tr>
<td>ODZ</td>
<td>1,053</td>
<td>856</td>
<td>- 18%</td>
</tr>
<tr>
<td>Totals</td>
<td>6,010</td>
<td>5,456</td>
<td>- 9%</td>
</tr>
</tbody>
</table>

The Authority received 467 reconsideration planning applications, either for permit conditions or for the board to reconsider their decision. This represents a 37% drop in planning applications for reconsideration when compared with applications received in 2008. The caseload of planning applications submitted for reconsideration awaiting a decision dropped from 1088 in 2008 to 950 applications at the end of 2009.

Speed of DC Recommendation

The Unit continued to focus its efforts on ensuring that the DPA reports for planning applications are concluded and endorsed in the shortest possible time. During this review period 87% of planning applications are concluded and endorsed within the legal time frame.

Development Notification Order (DNO)

During 2009, the Authority received 1181 DNO applications, a decrease of 9% when compared to the previous year. Likewise, decisions decreased from 1204 to 1078; a drop of 10%. 92% of these DNOs were in accordance with the provisions laid down by law. One of the proposed measures in the MEPA reform is the need to further promote and were possible explore the potential to extend the scope of DNOs to cater for more application categories. This will bring additional gains to MEPA in terms of processing gains and to the applicants in term of the expediency with which they will obtain the permit for their proposed small scale development.

Minor Amendments

The DC Unit launched its electronic minor amendment application service in June 2009, to further consolidate the e-applications system that was systematically launched in 2007. To streamline the submission procedure, details were announced through a Circular to Architects. This e-applications initiative has made the minor amendment procedure simpler, faster and more accessible. This improvement helps the planning system to respond faster to requests for minor amendments and to valid applications which result during the construction phase of a development.
DEVELOPMENT CONTROL

In the period covered by this report, the DC Unit received 1268 minor amendment applications, an increase of 21% when compared with the previous year. The DC approved 91% of these applications. The average handling time in processing these applications has fallen. This proves that the Minor Amendment procedure is still considered to be a value-added process, necessary to correct changes affected during the construction phase of most developments.

Dangerous Structures

A service offered by MEPA, by virtue of powers granted through Legal Notice 258 of 2008, is the authorization given by the Authority for the remedial work to be carried out to remove a dangerous structure related to an existing building. Through this authorization, MEPA issued 195 authorizations for works meant to mitigate danger; a slight increase of 3% over last year. The response time of such notification was retained to two working days.

Modification/Revocation of Planning Permission

Following the revocation of the high profile cases of the Ramla l-Hamra tourism related project in 2007 and the Mistra case in 2008, the requests to invoke Article 39A of the Development Planning Act have increased dramatically. This, coupled with the increasing awareness of third party rights and objectors, led to the submission of 32 requests in 2009. Although the majority consisted of claims related to misleading information, there were a small number related to ‘error on the face of the record’. The DC and the Legal Office upon investigation concluded that 17 claims were unfounded.

The DC Unit is concerned about the general misinformation and misinterpretation that prevails in this area, shrouding the actual provisions and powers granted by the law itself. Invocation of Article 39A is wrongly assumed to be an alternative to lodging an objection during the formal planning process or even to an appeal application.

Initiatives

Familiarization visits by Development Control staff, to landmark schemes and projects were conducted regularly throughout the year, in a bid to facilitate and help case officers gain valuable practical experience from professionals responsible for architectural/urban design projects. This year, visits were conducted to high quality projects such as the Fort Manoel restoration project, Tigne development and Fort St Angelo, amongst other projects.

On a separate note, the Unit was also actively involved in fund-raising events where money was collected for three different charities. A group of case officers was responsible in identifying organizations in need and come up with innovative ways of raising funds.
Salvatore De Martino
Case Officer for the ODZ team

“In my role as an Assistant Planning Officer within the ODZ team, my main responsibilities involve the assessment of planning applications within the parameters of established policies and guidelines. It is all about dealing with dynamic and challenging situations, and ultimately, it’s about safeguarding the environment.”
Michelle Piccinino
Team Manager - Major Projects Unit, Development Services

“The balance between development and environment will always be debated in a country where the land is so limited and the population density so high, but the do-nothing approach is not a solution. The challenge and belief that one may truly contribute towards this balance is the drive that keeps you going.”
The year started with the appointment of a Unit Manager for the Enforcement Unit, which post had been vacant for a number of years.

Through this appointment, needs of enforcement have been highlighted more effectively and solutions identified more professionally and efficiently within the organization.

Various processes, routines and modi operandi, some of which had become employed unquestioningly for years, are being re-evaluated, analyzed and reviewed. Management is emphasizing the need of consistency throughout the Unit, and on the streamlining of staff efforts. Both the mainstream enforcement and the direct action functions are benefitting from a more focused management structure.

Consolidation

One of the tasks targeted over the past year was a stronger consolidation of functions, officers and operations within the enforcement fold.

One of the transformations was that the mainstream enforcement and the direct action functions were now both brought under the Unit Manager’s responsibility. For most of its history, the direct action function had been reporting directly to the Planning Director. Elimination of this system in reporting lines signified better synergy between the district enforcement staff, and those entrusted with direct action, and this will be strengthened and exploited more rigorously in the coming year. From a management point of view, it also resulted in better flexibility in staffing and other resources.

Particularly due to the absence of a Unit Manager, other enforcement functions and officers along the years had been dispersed throughout the organization, reporting to a variety of Units. Work has started, and will continue, to reintegrate these functions/officers back into the Enforcement ensemble. Hence the staff that had been dealing with the management of reports regarding alleged illegal developments, and with the administration of Compliance Certificate requests, have for instance already been redeployed within the Enforcement Unit.

This consolidation has various advantages. It makes the enforcement function more robust, effective and efficient. It enables better focus on identified priority areas and core functions.

Conversely, fringe responsibilities were identified for delegation or repositioning elsewhere in the local public system of governance. This would consequently ensure that limited resources can be directed where need for MEPA enforcement interventions are more pronounced. For this reason, as announced in the MEPA Reform document, responsibilities for Construction Site Management (CSM) and for littering offences will eventually be migrated to the Ministry for Resources and Rural Affairs. It is also planned to delegate the removal of certain illegal development typologies that are relatively self-contained in nature, to other agencies or Ministries.

Effectiveness and Tools

A planning enforcement function is only as good as it is effective in curbing illegal development. The most obvious, immediate and prominent results are attained when the Authority takes direct action to itself address illegal development.

However, there are other tools that are far more low-key and inconspicuous, but which nonetheless globally achieve more wide-reaching results.

As the saying goes, prevention is better than cure. And, even if the very real issue of resource availability is skirted, it is always better for the public to either refrain from committing illegalities, or to remove such illegal development itself.

One of the tools utilized to try and achieve this prevention at source, is by the system of monitoring of development that is employed by the enforcement unit.

All refused development applications, all permits that fall within an ODZ, as well as all categories of development permits that are deemed to be of a significant impact, are listed for monitoring by the district enforcement officers. In such cases, the enforcement officer visits permitted development on various occasions, especially when...
construction works are at basement or damp proof layer levels. This monitoring is not carried out just to satisfy legal obligations, but mainly to ensure that the development is being constructed in conformity with the official street alignment and with sanitary requirements before the building has progressed to extents that render any divergence from the permitted situation very onerous to be redressed. When divergences occur but are minor and acceptable, the developers are encouraged to submit Minor Amendment applications so that the development is brought in line with permitted drawings and conditions. If there are divergences from the permits that are not sanctioned, the development is served with a Stop and Enforcement Notice and all development on site must then cease.

On the other hand, refused applications are monitored to ensure that none of the refused development had in fact taken place, and if yes, enforcement action ensues.

In 2009, 2592 cases were in fact listed for monitoring, and more than 8422 inspections were carried out by the district enforcement officers in Malta.

One factor that has undoubtedly had a profound effect on reducing illegal development in urban areas, is through the provision in the law which states that: “No service consisting in the supply of water or electricity to any new development shall be provided by any authority unless there is in respect of such development a certificate issued by the Authority stating that the development is in accordance with a development permission”. Therefore, since any habitable premises must have a water and electricity supply, and this may only be provided in new development once there is a Compliance Certificate issued by the enforcement section, developers as well as prospective property buyers are insisting on development that is according to permit.

By time, the public mentality changed and the need to have development that is according to permit has become quite ingrained in the public perception, to the extent that Compliance Certificates are being requested for a wide spectrum of purposes beyond those strictly required by law. In fact over the past year, there were 7128 requests for Compliance Certificates, while 7234 were concluded. It is estimated that over the past 3 years, an average of approximately 750 applications for Compliance Certificates are received per month. The target is to process the requests for such Certificates within 2/3 weeks.

Another often underestimated, but very effective tool, are the district enforcement officers themselves. The officers on the ground often manage to convince contravenors to remove or redress illegal development that has taken place, or that is taking place, themselves. They also encourage developers to proceed in ways and avenues that are legally correct, and to submit the necessary applications or notifications prior to embarking on or continuing with development that necessitates such.

Obviously, the success or otherwise of the enforcement officers in avoiding illegal development depends not only on their dissuasion skills, but also on the cooperation of the people they are dealing with.

When this is not forthcoming, or illegal development has already taken place, the Enforcement Unit takes action. In the past, criminal action, by means of letters to the police to prosecute, was the order of the day. Whilst this is still possible, the Development Planning Act allows for the alternative issuing of Stop and Enforcement Notices, and since the Planning Authority’s creation in 1992, this has become the vehicle most prevailingly used in planning enforcement.

Stop and Enforcement Notices are issued when the enforcement officers notice illegal development during their beat, during the monitoring of refused or granted applications as described above, and also due to reports lodged by the public.

The latter are very numerous, and in fact a small unit has been created specifically to administer such reportings and to provide feedback to the public. Towards the end of 2009, the unit has been assimilated within the enforcement section. In 2009, 1720 complaints were received in Malta, and the investigations on 1430 cases were concluded.

In all, 880 enforcement notices were issued in 2009 in Malta, and 503 were closed. The latter happens when either the notice is appealed and decided in favour of the appellant, when a sanctioning application is approved, when the
ENFORCEMENT AND DIRECT ACTION

Owners remove the illegality themselves or ultimately when the Direct Action Team intervenes to remove the illegality at the costs of the owner.

During 2009, in both Malta and Gozo, the direct action function was given much more importance, and was strengthened. There was a very substantial increase in the number of files addressed by direct action, as indicated in the table below.

<table>
<thead>
<tr>
<th>Year</th>
<th>No. of files addressed by Direct Action</th>
</tr>
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<tbody>
<tr>
<td>2005</td>
<td>21</td>
</tr>
<tr>
<td>2006</td>
<td>32</td>
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<tr>
<td>2007</td>
<td>34</td>
</tr>
<tr>
<td>2008</td>
<td>23</td>
</tr>
<tr>
<td>2009</td>
<td>95</td>
</tr>
</tbody>
</table>

In 2009 alone, more files were addressed by direct action than in the previous 3 years put together. Furthermore, the above figures do not include the scores of billboards that were also removed by direct action.

The nature of the cases addressed by direct action in 2009 varied considerably. At times entire areas were addressed and all (or most) illegalities hit by Enforcement Notices removed from the site. This happened at Selmun, in the Ġgantija/Brockdorff Circle area, and in the Torri l-Abjad area. The enforcement notices concerning the deposition of scrap in the Mellieha, Żurrieq, Nadur, Xagħra and Qala were mostly also addressed. Three of the Maltese Islands’ largest illegal scrapyards, at Birżebbuġa, Nadur and Xewkija, were also tackled. Other actions were taken against illegal caravans at Ġnejna Bay, illegal structures encroaching on the beach in the Il-Fekruna area of Xemxija, against obstacles to public passageways, restaurant platforms on the roadway at Pietà, closure of residential premises used for worship purposes without the necessary development permits at Sliema and San Pawl il-Baħar, demolition of illegal storage depots at Birżebbuġa, sealing off of large dumping grounds at Mosta and Mtarfa, removal of illegal beach facilities at ir-Ramla l-Ħamra and the Blue Lagoon, part sealing of garages at Mellieha, removal of structures in the front garden at Fgura, removal of pigeon lofts at Birkirkara and Fgura, and a number of others.

Emphasis was placed on the removal of scrap since MEPA played a key role in the initiative spearheaded by the Parliamentary Secretary for Public Dialogue and Information, called DOSE – Derelict Objects on Site Exercise. MEPA in fact covered all localities in Malta and Gozo in issuing Enforcement Notices on sites where scrap was dumped.

Another separate exercise was carried out in conjunction with the PARKS section of the Ministry for Financial and Economic Affairs that targeted the removal of oil drums, pallets and rusty white goods from the Maltese countryside. Until November 2009, about 5500 such items had been elevated from the Maltese countryside.

This Division is responsible for Strategic and Local Planning, other Subsidiary Planning as well as Transport Planning, Heritage Planning and Minerals Planning. Apart from forward planning aspects, the division is actively involved in providing internal and external guidance on policy interpretation, especially in relation to the more complex development planning applications. Negotiations and processing of minor amendments to local plans on zoning and alignment continued. In 2009, the FPD has also given recommendations on around 2,000 development planning applications, co-ordinated a number of strategic planning projects, co-ordinated the weekly Planning Directorate Advisory Team (PDAT) meetings, managed the CPPS and UIF funds and has undertaken monitoring on various planning aspects ranging from planning policies and cultural heritage to minerals. The management of the scheduling process and planning direction on cultural heritage issues to internal and external entities has continued at a steady pace.

Strategic Planning Team

The Strategic Planning Team proceeded with the collation and analyses of the decisions related to development planning applications. This database now includes three years of data and patterns in typologies and locations of development. This monitoring exercise provides a framework for policy monitoring and review. Appraisal and monitoring of the Open Storage Areas policy has been initiated, an initial database has been compiled and a preliminary position developed.
Enforcement is indeed a critical part of MEPA’s job to safeguard and protect the environment. I have been working in enforcement since I joined MEPA in 1996. Over the years I gained significant exposure whilst performing enforcement duties in UCA, ODZ and within scheme areas in various localities around Malta. It is with great satisfaction that today I see that the general public is becoming more aware on the need to have effective enforcement.
The Strategic Planning Team is also responsible for co-ordinating strategic project planning applications. Projects included Smart City Malta, Windfarms and Pender Place. In the EU sphere, work related to the European Spatial Planning Observatory Network (ESPON) proceeded with stakeholder participation in two studies of particular significance to Malta – Euroislands and Territorial Diversity and regular input on various interim reports related to ongoing projects. Input to Government positions on Territorial Cohesion was given on a regular basis together with technical support to the Head of the Maltese delegation attending the Ministerial Meeting of the Union of the Mediterranean.

The Strategy Team was also involved, together with inputs from the Subsidiary planning teams, in various site selection exercises as well as preliminary planning work on a number of public projects which are in the pipeline. The team also contributed to the land Chapter of the State of the Environment Report.

Subsidiary Planning Teams

Local Plans teams continued to monitor and implement the provisions of the approved local plans. During the past year this has been achieved through a number of initiatives. The teams have also responded to numerous queries for advice and planning guidance from the public, government as well as from within MEPA. The main internal queries originated from MEPA Board, DCC Committees and Planning Directorate Units namely Major Projects, Development Control and others.

The Local Planning Teams have also given planning guidance and feedback to hundreds of requests during this year ranging from the updating of policy on the Areas of Containment (36 sites) and Urban Conservation Areas identified in the Local Plans, to specific cases such as the rezoning applications for Hal Far, Ghar il-Friefet in B’Bugia, Hal Mula in Zebbug and the new urban areas of Marsascala as well as the finalisation of the work on the Development Brief for Ghirghien (Birzebbagia).

Proposals for modification of subsidiary plans have been received from a number of Local Councils. FPD has analysed these proposals and indicated preliminary reactions. Initial meetings to this effect have been held with the Lija and Sliema Local Councils and further liaison and co-operation to this effect is envisaged.

A considerable proportion of the Local Planning teams has been devoted to the processing of Planning Control zoning applications especially on DZ rationalisation sites. These applications present special challenges in view of the considerable negotiating efforts involved in multi-ownership situations. In spite of the difficulties, around a quarter of all the DZ rationalisation sites have been determined whilst work is in an advanced state on a considerable number of other sites. Up till early December, FPD has validated 58 Planning Control applications whilst during the same period 49 have been determined by the respective boards and 12 endorsed by the minister. Negotiations were also ongoing on 34 minor amendments which have not yet reached the validation stage.

The partial review of the Grand Harbour Local Plan of 2002 for Valletta. This period was initiated to take into account recent Government initiatives for the urban regeneration of Valletta. The first stages of public consultation have been concluded. This exercise intends to streamline the current policy regime to facilitate the said regeneration.

A partial local plan review was initiated on the Gozo and Comino Local Plan. This partial review is required to update the policy guidance for the upgrading of the primary Government Institutions Areas and the rezoning of the Communal Centre Area in Rabat. The upgrading of the Ministry for Gozo and Government Departmental Offices in Rabat; the upgrading of the Gozo General Hospital Area, also in Rabat; the extension of facilities within Government Schools; and for the rezoning of areas in Rabat centre referred to in the Gozo and Comino Local Plan (GCLP) as the Gozo Communal Centre Development Brief Area were also being considered.

A first phase public consultation exercise on the Partial Review of the Grand Harbour Local Plan of 2002 for Marsa was initiated as a response to a Government request to consider major upgrading of the Marsa equestrian centre and the Marsa sports complex. The first public consultation stage has been concluded. The aim of this exercise is to enhance the area for sports related and public recreational activities. The draft Planning Policy on the Use and Applicability of the Floor Area Ratio has been revisited to explore the
potential for amending the document submitted to Government in 2006. A number of amendments have been proposed, mainly based on the experience acquired so far with this form of development and taking into account the report on tall buildings in Malta compiled by the tall buildings Fulbright award expert Professor Mir M. Ali from the University of Illinois at Urbana-Champaign, USA. This policy is envisaged to be approved in early 2010.

An exercise has also been conducted on the review of the Policy and Design Guidance 2007. This review is based on the monitoring of the application, interpretation and implementation of the current and previous Policy and Design Guidance. The draft is expected to be concluded for issuing of the public consultation in 2010.

An exercise has been conducted to refine the provisions of the draft amendments to LN71/07. This has been approved by MEPA board and is awaiting legal scrutiny.

Meetings have been held with the Strategic Environmental Assessment (SEA) Audit Team on ways of how to improve upon the present procedure and to facilitate future communication.

A draft development brief for the Menqa area in Marsa has been prepared by the Ministry for Information Technology and Communication (MITC) and presented to MEPA. This draft document has been perused and a number of high level meetings have taken place in order to refine upon the proposal.

A monitoring exercise has been carried out on the Central Malta Local Plan and the North Harbours Local Plan with the scope of identifying issues of concern and of proposing preliminary recommendations on how these should be addressed. Submissions that have been made by a number of Local Councils on the review of the two Local Plans were also assessed. A similar monitoring exercise has recently been initiated for the Gozo and Comino Local Plan.

Local planning teams have also been involved in the investigation of the possibility to relocate the trade fair centre as well as data gathering on existing policies on camping and caravanning.

The publication of the Planning Guidance on Micro Wind Turbines has also taken place during this period. This document provides guidance on the location, siting and design of roof mounted and tower mounted micro-wind turbines in various situations and localities. Considerable interest was expressed in the public consultation phase which included a public meeting. Work on the post public consultation stage is nearing completion and it is envisaged that this policy will be approved in the first quarter of 2010.

The first draft document on Architectural Design Guidelines is also nearing completion and it is intended that this would be presented to MEPA Board within the first quarter of 2010 for eventual public consultation. The detailed procedure for the processing of PC applications has continued to be refined on the basis of the experience accumulated in their processing.

The Subsidiary Plans Teams were also responsible for the co-ordination of an International Conference on the Seveso II Directive which was held in a leading Hotel in Malta. During this event, which was attended by a good number of European technical experts, the challenging circumstances of the Maltese Context were highlighted.

Nature Parks

The Gozo & Comino Local Plan Team continued to provide support for the Qawra – Dwejra Management Plan area and the Majjistral Nature and History Park Management Plan. The GCLP Team reviewed more than 31 requests for approval of the colour of the façade and roof top of boathouses together with the processing of 20 certificates as part of the work of the Qawra Dwejra Heritage Park Management Board and active participation on meetings of the Majjistral Nature & History Park. Near the end of the accounting period, this function was transferred to the Environment Directorate.
Sustainable planning is a dynamic area that requires forward thinking and vision. I work within a unit that is specifically entrusted with forward planning and thinking about tomorrow’s needs. Ultimately we’re all working on a team towards sustainable development and the safeguarding of our environment.
Throughout 2009, the Heritage Planning Unit (HPU) assessed 139 planning applications within scheduled areas and another 201 applications related to restoration of buildings and monuments in various heritage buildings, especially those in Urban Conservation Areas, scheduled properties and rural structures. Additionally 40 monitoring inspections of works-in-progress were held to ensure compliance with approved permits and correct restoration practice. Together with the Cultural Heritage Advisory Committee (CHAC) around 1,500 planning applications were assessed. The HPU representative’s attendance lessened the need to refer cases to the unit and the CHAC separately, thus lessening consultation processing time and double handling, whilst attaining greater consistency in the advice the Authority gives on heritage matters. 20 Development Notifications Orders and 45 Trenching Permits were also referred to the HPU for minor works with heritage sensitive sites.

The Unit also assessed 175 applications for proposed development within archaeologically sensitive, of which several cases required an Archaeological Watching Brief, whereby archaeologists from MEPA and the Superintendence of Cultural Heritage monitor works for any accidental archaeological discoveries made during development excavations.

94 new cases of Archaeological Watching Briefs amounting to about €775,185 worth of bank guarantees, were processed by the Unit, to ensure that developers comply with the planning permit monitoring conditions. 41% of the cases were recommended for the release of the bank guarantee owing to compliance with monitoring conditions and only 6% were recommended for forfeiture due to works commencing before the applicant informing the authorities to monitor the works, often damaging archaeological remains in the process. 53% percent of the cases are still in progress of work and monitoring.

27 new archaeological sites were discovered through site inspections and watching briefs (as well as notifications of discoveries on sites not covered by monitoring conditions) during the past year. Some of the sites included a number of features which date from different periods, mainly Prehistoric, Punico-Roman, and the Second World War. Within these sites a total of 28 different archaeological features were recorded, consisting of private and public Second World War shelters, cart-ruts, punic tombs, catacombs and Roman pottery.

**National Protective Inventory**

During 2009, HPU continued surveys and studies for the scheduling of the following natural areas: (i) Ta’ Cenc and Wied Mgarr ix-Xini (ii) Wied Lija (iii) Wied ta’ Ghajn Zejtuna and (iv) Dwejra/Gawrqa area. HPU also confirmed the location of a small population of Sandarac Gum trees, Malta’s national tree, within the limits of Mgarr. The area will be included within the list of scheduled property. During one of its surveys at Ta’ Cenc, HPU also confirmed the presence of Euphorbia characias along the Mgarr ix-Xini, a species with restricted distribution within the Maltese Islands, which was presumed extirpated from this location. The location of this population was digitized and included as part of the wider scheduled boundary that incorporated the entire geomorphological feature.

A number of field walking and desk top-studies were carried out by HPU in connection with Ta’ Cenc. The exercise confirmed the presence of a large number of archaeological features and 4 main archaeological sites, which are also included in the 1932 Antiquities List, and will be proposed for scheduling. A massive effort was made to complete the identification, inventory and scheduling of all items in the Antiquities List of 1932. The List was last updated in 1939 and remained so until the establishment of MEPA in 1992 and the first scheduling in 1994 when the statutory protection of monuments were transferred under the responsibility of MEPA. The revision of the Antiquities List became paramount. 84% of individual sites mentioned in the List are now scheduled, 5% destroyed and 11% undetermined. Further research to identity sites that are ambiguously referred to in the List is in progress. The List also included 8 groups of buildings such as all the fortifications, Sicolo-Norman buildings in Mdina, Birgu and Cittadella, which are all scheduled, and all the windmills of which an inventory is also being compiled.

**KEY POINTS**

- Assessed 139 planning applications within scheduled areas.
- Assessed 201 applications related to restoration of buildings and monuments in various heritage buildings.
- Together with the Cultural Heritage Advisory Committee (CHAC) around 1,500 planning applications were assessed.
- 175 applications for proposed development within archaeologically sensitive sites were received.
- 94 new cases of Archaeological Watching Briefs amounting to about €775,185 worth of bank guarantees.
- 27 new archaeological sites were discovered through site inspections and watching briefs.
- Confirmed the location of a small population of Sandarac Gum trees, within the limits of Mgarr.
HERITAGE PLANNING

Buildings  Archaeology
---  ---
Already scheduled  68  42
Destroyed (pre MEPA)  7  3
Scheduled 2009  31  20
Pending scheduling  0  4
Yet undetermined  17  5

Totals (individual sites)  123  74  197
Total Groups of Buildings  6  28

Work on an inventory on Parish Churches has been finalized and includes 68 churches in Malta and 15 in Gozo. Another inventory is being compiled for windmills of the Knight’s and British periods; an update of the Valletta Wooden Shop fronts inventory and the compilation of documentation for over 70 miscellaneous sites that might be at risk.

Protection of Natural and Cultural Sites and Monuments

The scheduling process, which is governed by Section 46 of the Development Planning Act (1992) is one of the tools used by MEPA in protecting both natural and cultural heritage on a national level. Control of development within scheduled property is targeted towards the protection of features of heritage value.

Over the past two years MEPA approved the scheduling of 5 extensive Areas of Ecological Importance. These included the updated scheduling of Wied ix-Xlendi, Wied il-Lunzjata, Wardija Ridge, il-Ballut tal-Wardija, il-Wied ta’ San Martin and Il-Maqluba. The Calypso’s cave and its associated buffer zone at Xagħra was scheduled as a Site of Scientific Importance and Area of Ecological Importance; as was Wied ta’ Ghajn Zejtuna in Mellieha. Following Ministerial endorsement, in 2009 HPU also published the amended boundary of Wied Ghollieqa.

MEPA also scheduled 72 cultural heritage properties including a buffer zone for Villa Barbara in Tarxien; 9 Gonna tal-Kmand in various localities; San Mattew’s Chapel in Qrendi; 20 other archaeological sites and 31 historic buildings of the Antiquities List and 10 ex-military buildings in Pembroke.

In all cases of approved scheduling, the HPU has notified all known land owners who had the right to submit a request for reconsideration of the scheduling boundary within a 30 day period from the date of the notification letter. A number of requests for reconsideration of the scheduling boundary have been processed during the past year, whilst others are in the process of being processed, namely two requests for reconsideration of Wied Ghollieqa and Wied ta’ Ghajn Zejtuna.

Three Conservation Orders were issued, two for sites located in the buffer zone around Lija Belvedere owing to the danger imposed by nearby development which was halted, and one for Santa Cilia Medieval Chapel in Ghajnsielem, Gozo owing to its bad structural state and which is eventually being restored by Wirt Għawdex.

One Emergency Conservation Order was issued on the cluster of Punic Tombs and Rock Cut features at Tal-Hotba, Tarxien discovered during development works through archaeological monitoring imposed by MEPA in the permit.

Re-grading and De-scheduling of Protected Properties

During 2009, MEPA approved the de-scheduling of a property in Fgura, St Joseph’s Nuns’ Convent/School in St. Julian’s, properties in Pieta’ and some Grade 3 properties in Pembroke.

The Authority also re-graded the protection of St Augustine’s Convent and St Rita Chapel in St Julian’s, part of the garden of Villa Curmi and other gardens in Zejtun, Palazzo Pescatore, annexes, accretions and gardens in San Pawl il-Baħar, part of the Institute of Tourism Studies and St George’s Barracks in St Julian’s, and a Telephone Box and Letter Box in Triq il-Marina Pieta’.

Monitoring and Emergency Inspections

The Unit also inspected and investigated 16 Emergency Reports and monitored works related to investigations of the City Gate Project and Smart City, as well as liaised with TV and cinema film producers for filming within heritage sensitive sites and monitored works.

KEY POINTS

- A massive effort was made to complete the identification, inventorization and scheduling of all items in the Antiquities List of 1932. The List was last updated in 1939.
- 84% of individual sites mentioned in the Antiquities List are now scheduled, 5% destroyed and 11% undetermined.
- Work on an inventory on Parish Churches has been finalized and includes 68 churches in Malta and 15 in Gozo.
- 5 extensive Areas of Ecological Importance were scheduled in the last 2 years.
- Inspected and investigated 16 Emergency Reports.
- Applications were received for 1216 balconies of which 1075 were eligible.
- Restoration of 602 balconies were completed and inspected and 32 are being processed.
- Prepared an update on the 2007 report about the state of planning issues around the Ggantija Temples.
Traditional Wooden Balconies Scheme

HPU continued to inspect the restoration of wooden balconies benefiting from the November 2008 grant scheme for all Urban Conservation Areas and scheduled properties in Malta and Gozo. Applications were received for 1216 balconies of which 1075 were eligible. Requests for refund were received for 634 balconies only, and to date restoration of 602 balconies were completed and inspected and 32 are being processed. During this exercise 20 carpenters participating in this scheme were interviewed and the information compiled provides interesting and useful insights into this trade.

Updates and Surveys in connection with Ggantija Temples

On request of UNESCO the Heritage Planning Unit prepared an update on the 2007 report about the state of planning issues around the Ggantija Temples which MEPA scheduled in 1994 and designated a buffer zone in 1998. Between 1994 and 2007 MEPA received 159 development applications within the Ggantija buffer zone; intervened and served 41 Enforcement Notices of which 23 cases involved excavations without permit, within an archaeologically sensitive area. In 8 out of the 41 cases, the perpetrators complied with MEPA enforcement and removed the infringement themselves, 25 submitted an application ‘to sanction’ of which 17 were granted permission against a fine; 5 were granted without a fine; and 5 are still pending. 6 were referred for ‘direct action’. MEPA intends to undertake similar audit reports for other World Heritage Sites in the Maltese islands.

Scheduling Review

Over 2000 properties have been scheduled in Malta since 1994. In that time there have been many changes which over the years somewhat altered the list of scheduled property. Towards the end of 2008 the scheduling review commenced with an aim to create an accurate list of scheduled property in Malta. The project involved filtering through masses of information and a site inspection for all properties. This list eventually became the Malta Scheduled Property Register on the MEPA website.

Inaccuracies discovered during this process include previously demolished properties, de-scheduled property, changes to numbering, changes to street names, and incorrect plotting boundaries to name a few. The review covered both Natural and Cultural heritage.
MATTHEW VELLA
Assistant Environment Protection Officer

“I have been working within the Heritage Planning Unit for the past three years to assist in the evaluation and protection of Malta’s cultural heritage for future generations to appreciate and enjoy. It is indeed encouraging to see that Malta’s cultural heritage has become a very important item on the country’s national agenda.”
TRANSPORT PLANNING

During the year, the Transport Planning Unit (TPU) continued to provide a service in terms of expertise on transport related issues. Transportation issues are an integral part of the planning process as urban communities depend on the transfer of people and goods in order to function effectively.

The Transport Co-ordinating Committee (TRACC), set up between the TPU and the Malta Transport Authority (ADT) has only managed to meet once throughout the year, mainly due to reorganisation that was taking place within ADT. This forum was deemed to present a healthy exchange of ideas between the two authorities.

TPU continued to provide a service to Development Services Unit on two main fronts. The first is in the management and assessment of Traffic Impact Statements (TISs). These complex studies are normally required for projects which are identified to have a considerable impact on the vehicular flows and parking of the surrounding road network. TPU is also consulted on a number of other issues mainly relating to parking, parking provisions and vehicular access and flow requirements associated with Development Planning Applications.

Planning Control applications occupy a considerable proportion of TPU’s human and time resources. These applications require detailed data in the form of accurate land surveys and interpretation techniques. Planning Control staff are constantly consulted on issues of street alignment which arise from development permit applications. In spite of limited human resources, TPU staff has managed to retain the Planning Control application caseload to the low region of 35 that was reached in 2008.

The Unit also participated in the EU Joint Expert Group on Transport and Environment, which met this year to discuss the issue of urban road pricing. The TPU also continued to be involved in the Airports Regional Conference, which it attends on a regular basis together with representatives of the Malta International Airport.

During the year, the Transport Planning Unit (TPU) continued to provide a service in terms of expertise on transport related issues. Transportation issues are an integral part of the planning process as urban communities depend on the transfer of people and goods in order to function effectively.

KEY POINTS

- Participated in the EU Joint Expert Group on Transport and Environment.
- Planning Control application caseload stands in the region of 35 cases.
Robert Galea
Senior Planning Officer TPU

"As possibly one of the longest serving employees in MEPA (17 years this year!), I have witnessed first-hand the growth and progression of MEPA through all its stages - the work we do is very challenging but perseverance and the knowledge that our efforts can have a positive effect on the environment and on society gives a sense of satisfaction."
MINERALS PLANNING

The Minerals Team, throughout the year, continued with its responsibilities in improving the regulations of blasting operations in quarries and providing inputs and guidance to other units within the Authority. The Unit continued to carry out refinements on the draft policy paper on Geodiversity in Quarries, Biodiversity in Quarries and Geology and the EIA process.

Most of the work undertaken over the past year has been focused on Minerals planning issues, minerals regulation and the processing of DC/EIA applications.

The Unit continued to survey and update information on quarry void and disused quarries that retain a potential for infilling with inert waste. Throughout 2009, active contributions were made to maintain a constant online update of scheduled blasting in quarries and blast monitoring results for peak particle velocity and air overpressure. Additionally, the Unit also actively provided input and consultation into geology/engineering geology related issues and maintained and induced necessary improvements into the existing Minerals Data Base.

Throughout the year, the unit also provided continuous feedback to the Development Control process, follow up action on the Mineral’s Subject Plan, preparation of Minerals Technical Papers on blasting, noise and dust, administrative and secretarial service to the Minerals Advisory Board and was involved in Planning Appeals Board and Court hearings.

The Government’s decision, through the MEPA reform document, to migrate the Minerals Planning responsibilities from the Authority to the Malta Resources Authority (MRA) brings an end to the Unit’s function within MEPA.

KEY POINTS

• Continued with its responsibilities in improving the regulations of blasting operations in quarries.
• Active contributions were made to maintain a constant online update of scheduled blasting in quarries.
Franco Pisani
Principal Technical Officer

“ For the past 15 years I have been working within the Minerals Planning Team which has the responsibility of formulating the strategy and policy towards the minerals industry through the Structure Plan, Minerals Subject Plan and Mineral Resources Assessment. These provide a framework for the continued working quarry sites which is essential to Malta’s economy.”
4. CORPORATE SERVICES DIRECTORATE

Report by the Director of Corporate Services

Human Resources

Information and Communication Technology

Information Resources

Mapping

Land Surveying

RAY PISCOPO
Director Corporate Services

"The major contribution by this directorate is to provide efficiency and accountability in the equitable distribution of human resources and expenditure and in providing the public with access to information. MEPA has, arguably, the most transparent system of access to information in the public sector where the phases of an application can be followed from any PC."
The year has been extremely busy for the Corporate Services Directorate and the Malta Environment and Planning Authority especially with the focus and the drive to change internal policies, related practices and structures following the Reform Document objectives.

The four pillars on which the Reform has been established are transmitted onto the strategy which the Corporate Services Directorate has worked this year and will keep developing next year.

From the outset of this reform, my Directorate was responsible to calculate the capital injection and long term investment of this reform. Together with our Finance Unit and the Human Resources Unit, a business plan with forecasts was developed to respond to the new parameters and exigencies of a stronger institution, in terms of delivery and increased work load connected to the diverse roles of the various Directorates. The greater efficiency, consistency and accountability translates to a marked number of radical changes in the Directorates’ configurations, human resources requirements, staff development, new office space and a different work ethic. All this is needed to enhance the already transparent work regime and make the complex legislative measures clearer to our clients.

My Directorate has also commissioned an intensive internal exercise to release the burden of public financing. Firstly, we addressed the need to control expenditure and identify areas of cost-saving without affecting the level of service we offer our clients. Following this a second exercise was carried out between the Corporate Services, Planning and Environment Protection Directorates to control the day-to-day costs of the Authority’s assets and make all processes self-financing. The Directorate also revisited the operations connected with the processing of development applications and environmental permitting. Here, we assessed whether the fees that were being charged with each respective application were covering the overall costs associated with these operations. This year, a two pronged policy was initiated with the vision of further controlling the day-to-day costs of the Authority’s assets and make all processes self-financing. The Directorate also focused on revising the development planning permit fees and introduce new environmental permitting fees based on the ‘polluter pays’ principle.

Throughout the year work has been carried out on forging a client-based internal policy to better manage and respond to the growing number of queries or requests for information under the Aarhus convention and even more openly at our Front Office.

The implementation of the Reform has also required the assistance of the Directorate in tackling the physical relocation of Units and the additional space required to accommodate the full-time Commissions. Subsequent to the redevelopment of Hexagon House, the directorate commissioned a report on the new available space and what internal works were necessary to make the offices more amenable and permeable for our clients. Over the year, work was carried out, including the extension and rehabilitation of a number of wings within the building. The strategy is focusing on a seamless transition of services and offices.

My Directorate has also embarked in the streamlining of the various activities connected with funded projects and initiatives. The EIPP fund is being revised to invoke a more transparent call for proposal procedures aimed at achieving more accountability and efficiency through monitoring parameters that will increase the delivery time of policy driven environmental up-grading projects.

In streamlining the management and administration of the Corporate Services Directorate, this office also targeted the tendering and procurement processes. During the third and fourth quarter of 2009 there was a re-formulation of internal processing and systems connected to the compilation and monitoring of tenders, services and works.

The ICT unit continued to provide sterling support to all the structures within MEPA by adding new acquisitions to its hardware inventory. Here we are investing heavily to ensure business continuity in all aspect of ICT. While last year, MEP had launched the e-Applications system for all architects, this year our website was completely revamped with the drive of applying a user-friendly policy, improved public access to information and radically making our regulatory processes more transparent.

The Authority’s electronic application system has been placed amongst the finalists of the 2009 European eGovernment Awards by the European Commission. This nomination once again confirms the Authority’s drive to keep developing ICT systems that benefit society and improve the quality of life of our citizens. MEPA’s
REPORT BY THE DIRECTOR OF CORPORATE SERVICES

e-applications system, which is accessible through www.mepa.org.mt, has been nominated for offering one of the most outstanding practices in innovative services and processes that make administration more efficient and effective.

Significant progress has been made in developing new avenues of business with the direct input of both our Information Resources Unit, Mapping and Land Surveying Unit. Today, through the investment that has been made, both these units provide high quality, professional services for an increasing number of clients. The Information Resources Unit, even on some occasions through partnerships, has also embarked on a number of European funding projects in relation to the application of a number of EU Directives. These resources coupled with the Mapping and Land Surveying services being provided make MEPA one of the Government’s most advanced Authorities in product development. We believe that further investment in product development will render MEPA sustainable and viable as an organization.

The Corporate Services Directorate is not only about financial checks and balances but more about human resources and professional development. The Authority has in the past years invested heavily to provide a technically and professionally capable corpus. As part of the reform process the Directorate has also embarked on a Continuous Professional Development programme to provide a higher level of in-house skills and expertise. This approach requires the certification and accreditation of systems which are currently being discussed with the Office of the Prime Minister, in close cooperation with the recognized unions.

In fact, following last year’s strategic objective, the Directorate this year together with the Unions has consolidated and reinforced its current staff complement to address the necessary skills and competencies needed in the field of engineering, enforcement, project management and procurement/contracts management. We envisage that with the recruitment of technical staff, the Authority will make larger savings on equipment maintenance and procurement. Given the Reform benchmarks, a series of actions have been developed to further address staff compliment and capabilities in a bid to increase efficiency and effectively produce a more qualitative client based product.

We look forward for a challenging 2010 where Corporate Services will be in line with a more ambitious business plan that would see each Directorate, meet the Reform objectives through better management of financial and human resources, addressing the needs of the public and making processes more efficient across the board. Accountability is the ultimate focus and this will be achieved by fostering encouragement and sustaining the professional development of our employees at all levels.

Ing. Ray Piscopo
BSc. Eng (Hons), C.Eng, MIEE, Eur Ing.
DIRECTOR OF CORPORATE SERVICES
Throughout the year the Unit managed a successful stepped approach in the various areas and initiatives focusing on capacity building, health and safety, manpower planning, strengthening of industrial relations and other related initiatives focused around the welfare of the Authority’s employees. It also continued with its untamed efforts to solidify its actions and activities, with the fundamental purpose of ensuring the appropriate level of manpower resources, equipped with the right competency and skills.

The Unit, in collaboration with the ICT unit, started to implement an HR Information System with a view to integrating all the current applications software. A Health Care Insurance Tender was also issued and currently negotiations are ongoing with health insurance providers to extend coverage period. The Performance Appraisal system was also revisited through the introduction of a new performance appraisal form, which outlines the scoring, weighting and assessment of each objectives assigned to employees.

Health and Safety
Throughout 2009, the Unit continued to further activate Health and Safety related initiatives with the purpose of securing a safer workplace through a health and safety programme. In line with Occupational Health and Safety legislation, worker’s Health and Safety representatives were elected from amongst the workforce, and regular meetings were held with Management, whereby issues which particularly concerned occupational health and safety within the Authority, were discussed and addressed.

Adding to this a number of fire evacuation drills were coordinated and in cooperation with the AFM a bomb threat evacuation plan was adopted. As part of the programme, the Unit also carried out an assessment of possible hazards MEPA employees are exposed to while carrying out their duties and a Risk Assessment of the Authority’s premises. Throughout the year the Authority kept gearing up MEPA employees with special protective wear and equipment.

Inoculations providing the necessary health protection to typhoid, tetanus, hepatitis and influenza were administered in 158 cases. 35% of the authority’s workforce was asked to attend Visual Display Unit screening. This occupational health initiative was complemented with the provision of free ophthalmologist services. The guidance of a Physiotherapist was predominantly sought to address workstation/seating problems highlighted by staff.

Competence building of first aider and fire wardens was one of the salient tasks undertaken during the year. Thirteen employees were trained as fire wardens and stationed accordingly within the three working premises of the authority. Moreover 15 employees underwent an intensive five full day course in first aid, culminating in an exam. Again these first aiders are dispersed around the premises to ensure the provision of first aid to employees or third parties visiting the authority’s premises.

Capacity Building
The Unit, in an effort to address efficiency and improve the level of service offered to the public through professional client based support, worked on a capacity building exercise across all levels of the Authority. During 2009, a total of twelve internal calls for application were issued of which ten were concluded. Some of these calls addressed vacancies created through the retirements of employees, whilst other focused on the outcome of restructuring exercises, which necessitated the introduction of new positions. A number of employees who were successful in attaining a suitable qualification equivalent with degree level were also assimilated within the professional stream of the authority’s work force.

The current workforce, that stands at 443 persons, benefits from a number of improved working conditions which facilitate a work life balance and family-friendly initiatives. 8 employees benefited from 14 weeks maternity leave, whilst 10 members of staff benefited from parental leave. The Authority also continued offering its employees the initiative option of teleworking and working reduced hours.

KEY POINTS
- Current workforce stands at 443 people.
- Fire evacuation drills were coordinated in cooperation with the AFM.
- A bomb threat evacuation plan wasadopted.
- Development courses on a number of subjects were held.
- 1998 hours of training were provided – a 66% increase over 2008.
- 15 University Students were given work experience throughout 2009.
- Share the Knowledge campaign was kicked off, providing an avenue for exchange of knowledge and best practice.
The Human Resources Unit continued with its effort to strengthen its training and learning operations, through Continuous Professional Development, which is a long term initiative targeted by the Reform document. Training activities during this period were principally devised to address three objectives: addressing skills gaps identified by supervisors; embarking on phase I of the Training Needs Analysis; and cementing learning development initiatives which fuse the objectives of the authority with personal development aims devised by the individual employees.

The training drivers were primarily, briefing sessions, seminars, conferences, technical training, provided by external suppliers, or where possible by internal staff. Development courses included Effective Briefing and Corresponding, Speech Writing and Speech Making, The Art of Writing Effectively, Uploading of Images in E-Apps, Health and Safety Representative Course, Project Management, Basic ICT Skills, and Office Waste Management. Instilling of learning through the following structured course content constituted 60% of hours of training hours. The internal and external briefing sessions component amounted to 33%, whilst the remaining 7% of the training hours were related to seminars/conference attendances. A total of 1998 hours of training were provided, which represents a 66% increase over the previous year.

The first phase of Training Needs Analysis centered on addressing ICT skills shortages amongst the staff categories. A total of 150 persons were nominated by management to attend training on Word, Excel and Presentation Skills. The first batch of 16 participants attended courses in November 2009.

The circulation of a purposely drafted training evaluation form was another initiative introduced during the year. The policy of induction training was sustained during this period, and plans are in the pipeline to supplement this with the introduction of a buddy system. Another initiative launched during this period was the building of in house tutors’ database. This schedule provides the HR with in-house personnel that could be tapped to enhance sharing of knowledge/coaching initiatives. A total of 11 members of staff, competent in various relevant specializations i.e. Marine Management, Environmental Management, GIS,
Urban Regeneration, Coastal Zone Management, Cultural Heritage Management, Archaeology, Demography, Project Management and Secretarial Skills, constitute this database.

Environment Officers within the Ecosystems Unit received training on various topics that included personal protective equipment, Maltese wildlife and natural habitats and microscopic identification of CITES wood species.

Industrial Relations

The HR Unit was also crucial in leading discussions at all levels with industrial partners. In all areas of capacity building, human resources development and planning there was a continuous consultation process with UHM, UPAP, UTAC and the GWU. The Unit tackled queries and submissions of recommended action posed by the unions. It has also carried out discussions on establishing procedures for the implementation of clauses resulting from existing collective agreement and co-ordinated with the Collective Bargaining Unit on what action was to be followed in cases where collective agreement text was not clear.

Other HR Initiatives

Another idea which kicked off during the year 2009, entail the Share The Knowledge Campaign, with the aim of providing an avenue where employees can appreciate the operational process and procedures implemented by their colleagues in other directorates. This project is still in its initial stage.

The Unit also organized a Substance Abuse training course targeted at employees that hold a supervisory role with the Authority and invited all staff to briefing sessions by two local banks, whereby employees were given a short presentation on current banking benefits.

The Authority also promoted a learning initiative for two foreign interns. These two candidates were exposed to operational duties in both the planning and environment directorate.

During the year, 15 university students were given the on the job working experience, totaling 2082 hours. Students were exposed to the operations ranging from Mailroom, Information Resources, Mapping, Land Survey Unit, Audit Office, and various units within the Environment Directorate.

A land survey apprenticeship programme was also devised whereby apprentices undertaking a land survey course at MCAST were given the opportunity to have a holistic work experience at LSU, Mapping Unit and Information Resources Unit of MEPA. This was done to ensure that future land surveyors are well equipped with the necessary experience and knowledge.

Communication with the staff was reinforced through the issue of a number of circulars. The primary intention of such initiatives is to improve current practices, so as to ensure greater beneficial outcome to both the employees and the organisation.
As Human Resources Manager, this role gives me the opportunity to be a player in this organisation’s success journey whilst matching the potential/skills of human capital with the Authority’s objectives. I also visualise my work as an avenue for meeting work colleagues and engaging in the sharing/learning process.
The ICT Unit is the nerve centre of the Authority ensuring that its networking systems and operations work effectively and efficiently to ensure a high level of service for the Authority’s customers. This year the unit continued to provide support to all the structures within MEPA by updating its hardware and started working on a system of business continuity given that the unit not only services the internal requirements of the Authority alone but contributes towards the well being of the national economy.

One of the key milestones in 2009 was the completion in revamping and reviewing the MEPA website. New and enhanced web services have been incorporated within the website, giving it a total new look and feel while essentially providing users with better data availability. The newly published Green House Gas (GHG) Emissions Data Viewer provides data and a graphical representation from the latest National GHG Inventory for Malta (1990-2007). Another new online web service is the Malta Scheduled Property Register, which provides users with details of scheduled property including various searches and lists. The Public Registers for Waste Carriers, Waste Brokers and Livestock are also now online within the new website. Other web services, such as searches and lists for planning applications, environmental applications, legislation and policy have been greatly enhanced with many new features.

The website also has started to feature all Outside Development Zone (ODZ) planning applications received by the Authority separate from those proposed within scheme. This addresses a key measure outlined in the Mepa reform namely that more publicity and awareness should start being given to proposed developments in Outside Development Zones.

A new MEPA intranet has also been developed and launched to provide information and services to all MEPA staff.

A new Environmental Portal website has been created as part of the Austrian – Maltese Twinning Project MT/06/IB/EN/01 “Further Institution Building in the Environment Sector” with the financial assistance of the European Union and co-funded by the Transition Facility Programme for Malta 2006. This portal aims to improve public access to environmental information and currently provides information on three themes Air, Waste and Water in collaboration between MEPA, Department for Environmental Health, Malta Resources Authority and the National Statistics Office.

All systems within MEPA are continuously maintained and enhanced as the need arises. New systems have been implemented to support the growing needs of the organisation. A new Carnet de Chasse system has been developed to allow the gathering of data from the new Carnet de Chasse booklets for 2008 and 2009. This data can then be aggregated to output all the required reports for various obligations.

The processing of planning and environmental applications and their decisions is one of MEPA’s main tasks. The ICT systems supporting these processes needed to be upgraded and integrated into one enhanced and user friendly system. Thus the ICT Unit has embarked on the development of a new system ARTEMIS to cover all applications, enforcements and monitoring processes within MEPA. This system is scheduled to start being used in mid-2010 and promises to improve data gathering, data availability and user efficiency.

The Emissions Trading Registry for Malta, as provided by the European Commission, has been tested and is now online and available for the next reporting deadlines.

**Infrastructure Development and Support**

The Network and PC support team provides Hardware and Network support for all MEPA users including all network services, workstations and printers across all the sites. The team constantly tries to improve and enhance the quality of service rendered to our clients by re-engineering internal business processes in order to make them more efficient and by upgrading any necessary hardware and software resources. This year the team resolved over 2000 job calls which were generated, monitored and evaluated through the help desk system in line with service and operational standards in accordance with the ISO 9000:2008 certification.

During 2009, WAN links and internet services for all remote sites were upgraded to a more secure environment, inclusive of the connectivity to MITA. ICT policies were...
INFORMATION AND COMMUNICATION TECHNOLOGY

established and published to all MEPA staff. In order to continue to improve on the service rendered to all clients, a consolidated backup and retrieval system and all network resources was set up which allows for redundancy and faster restores. The team also provided facilities, services, and support to MEPA employees working from their home, since teleworking facilities and related services is made available to MEPA employees. The services rendered range from providing a secure VPN connection to connect to the MEPA network, to providing any necessary hardware and software required by the employee.

INSPIRE Transposition

Directive 2007/2/EC of the European Parliament and of the Council of 14 March 2007 establishing an Infrastructure for Spatial Information in the European Community (INSPIRE) entered into force on the 15th May 2007. INSPIRE lays down general rules to establish an infrastructure for spatial information in Europe for the purposes of community environmental policies, and policies or activities which may have an impact on the environment. MEPA has been involved directly in the development of the Directive as a Legally Mandated Organisation (LMO) and also through the national mapping Agency spatial data interest community. It participated in the legislative development of the Directive and review processes. MEPA was also entrusted with the transposition of the Directive and holds the contact point for the implementation of INSPIRE. A metadata catalogue for all environmental data held by the Organisation has been developed in line with Implementing Rule guidelines. Mapping and land use metadata specifications are currently being explored. Metadata search, discovery and view services in line with INSPIRE IR have been developed and are presently online through the www.ambjent.org.mt portal. The Organisation has also been exploring synergies between INSPIRE and other important legislation and initiatives such as the Aarhus convention and the Shared Environment Information System. Where possible, projects and initiatives are feeding into each other and integrated to develop a concerted approach such that the Authority can increase usability of data sets and information through better documentation, harmonisation and interoperability.
“MEPA has always been a pioneer in the ICT field and is committed to remain a model of excellence in this area. I find my work here to be challenging, always finding and developing innovative systems that can contribute to developing a more efficient and effective interface with the public at a fast pace.”

Mariela Cassar Dobreva
Information Communications Technology Unit, Systems Manager
The Information Resources (IR) Unit aims to promote information, from benchmarking systems, for better informed planning and decision-making to be made by both MEPA staff and the Authority’s external clients. The Unit is also engaged in managing a vast number of operational activities aimed at consolidating, as well as enhancing, its information-cycle remit.

One of the ongoing functions of Information Resources covers various data requests which are sourced from both international and external sources. An average of 10 data requests per week are received and concluded by IR, which requests vary from data generation to full survey studies. The number of internal data requests is enhanced by automated systems that have aided internal researchers to focus both on the outputs as well as establish a quality control mechanism on the resultant data. IR services all three directorates and has been instrumental in producing weekly, monthly, quarterly and annual reports for internal consumption and also for external clients. External clients source from both local and international organisations and range from major spatial information analytical research requirements to statistical analysis. IR has established itself as an anchor point for various international organisations such as the European Environment Agency, the ESPON partner network and many EC DGs.

IR unit has also managed to create a series of quality control mechanisms for data management, which have become standard for such organisations as NSO, MRA and the Department of Health, amongst others. This QA/QC lineage system and metadata structure is based on established international standards that IR has been involved in introducing locally.

IR has kept up its involvement in a number of EU and local projects both as tenderers/managers and in supporting roles. It has set up its ECP role in ESPON 2013, ran the statistical and GI input for the SENSOR project, amongst others. In addition, various projects were concluded and other initiated inclusive of CLC2006, GEO, SOER, EURISY, amongst others. Also taken up were the implementation of INSPIRE Directive and major ESPON projects for national territorial integration.

This year IR took up the management of the Twinning project based on Aarhus with successful conclusions targeting access to Justice, Information and Public Participation. The Twinning project MT/06/IB/EN/01 “Further Institution Building in the Environment Sector” was co-funded by the European Union and the Maltese Government under the 2006 Transition Facility Programme for Malta and consists of four components:

In addition, IR (in conjunction with the NSO) undertook to work with the EU Joint Research Centre and EUROSTAT in the project LUCAS as a further step in enhancing the Corine Land Cover project.

As an ongoing process, IR has also enhanced and maintained EU/EEA reporting requirements, which system provides information flows for the EU and the European Environment agency.

2009 marked another milestone for IRU where its high-level project-functions was further entrenched through the uptake of EU Funded development projects that included the major project uptake for Structural Funds Monitoring project ERDF OP1 Axis 6 which will serve as the basis for IRU’s analytical and research function over the next ten years. This major project which is currently being drafted covers the Structural Funds Monitoring Project that will result in an extensive monitoring system for Air, Water, Soil, Noise and Radiation. The EUR 5million project application process was concluded and presented to the PPCD and is currently awaiting the results in order to launch the project.
Saviour Formosa
Information Resources Manager

"Immersion in a high-end socio-spatial analytical environment has seen the Information Resources section going from strength to strength. The research factor of the job and the success rates in acquiring major projects for futuristic modeling and analysis is a major stimulant in today’s fast-paced society."
In the year under review a significant amount of resources was dedicated in maintaining and updating the topographic basemap. All the urban areas in Gozo were updated against orthophotos and uploaded on all the Authority’s GIS based applications. Work is also currently ongoing to update areas in the south of Malta against the latest ortho-photography.

Photogrammetric capture of Ghasri and Gudja from the latest aerial photography enabled those areas to be updated in the large-scale topographic database at a scale of 1:1000. Work on Kirkop is currently underway. Quality testing of some key large-scale topographic datasets has also been completed. These included the DTM and the basemap. Work flows and processes of the large-scale topographic database are also currently being identified, documented and reviewed with the ambition of improving the production process.

Resources were also deployed to examine and review the current data-model and map features with a view of improving and streamlining the large-scale topographic database. The review of the documents and Implementing Rules resulting from the INSPIRE directive was also carried out during the last twelve months, together with work on the transposition of the Directive.

The Mapping Unit continued to support, maintain and augment the Geographic Information (GI) data content of the MapServer as well as E-Applications, its on-line portals to geographic information. The roadmap for reviewing the web presence also includes a move towards the utilisation of a full coordinate description to facilitate interoperability across solutions. The Unit also worked closely with Development Services in providing, incorporating and maintaining the Pre-built layer in-line with decisions taken by MEPA Board, together with data outputs from Planning Control & Land Survey Unit.

The Small Scale Topographic database, consisting of diverse datasets was fully maintained and enhanced through normal ongoing procedures. Datasets related to streets and road network continued to be enhanced and updated to enable the provision of further datasets.

The commercial arm of the Mapping Unit has serviced various private and public sector customers that regularly request digital map data, thus continuing to increase its portfolio of clients that use large and small scale topographic data within their business processes. The spectrum of products and services provided has been extended, also providing clients the possibility of viewing archived photos and topographic survey sheets. The implemented pricing and licensing mechanisms as well as policies for distribution and reuse of vector and raster Digital Topographic Data will continue to be maintained.

MEPA represents Malta in the European Organisations of National Mapping and Cadastral Agencies: EuroGeographics. Within this group, the Mapping Unit contributes to European-wide datasets and mapping projects that are distributed and used as reference geographic data for a number of EU institutions and initiatives. The Unit has continued to develop and improve according to the specifications provided to Malta’s representation in four key products produced by EuroGeographics namely: EuroBoundaryMap, EuroRegionalMap, EuroGlobalMap and EuroDEM.

**KEY POINTS**

- All the urban areas in Gozo were updated against orthophotos and uploaded on all the Authority’s GIS based applications.
- On-going work is being conducted to update areas in the south of Malta against the latest ortho-photography.

The Small Scale Topographic database, consisting of diverse datasets was fully maintained and enhanced through normal ongoing procedures. Datasets related to streets and road network continued to be enhanced and updated to enable the provision of further datasets.

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Operations within the Mapping Unit’s Survey Section during 2009 were mainly redirected towards the enhancement of the Leveling Schemes Dataset and to a number of topographic surveys which were carried out using conventional equipment. Precise and Second Order Leveling Networks were maintained throughout the year.

Two main Ground Control blocks for photogrammetric purposes were established and were carried out as extensions to the Siggiewi and Mdina blocks. A considerable amount of services were also provided to both internal and external clients, amongst which are:

- Topographic and setting out surveys for the Malta International Airport Authorities;
- Smart City link road at Kalkara;
- City Gate survey in Valletta;
- Survey of St. Elmo Barracks;
- Lift project at Lascaris Wharf in Valletta;
- Survey of Tunnel underneath Valletta City Gate;
- Assisting the LSU in the determination of second order leveling of Gozo;
- Photo-interpretation and expert witness services.

The Unit also worked on preparing the necessary documentation to purchase a new set of Global Navigation Satellite System equipment. This equipment will play an important role in the smooth functioning and service offered to the Authority’s clients.
Carol Valentino
Manager, Topographic Product Development Mapping Unit.

“Responsible for providing Mapping Products and GI Services to internal and external clients, my job provides a rewarding integration of technology and alliances with clients, stakeholders and other International Mapping Agencies. Adding to this there is great satisfaction by fostering growth of GI solutions within various business processes.”
Keeping in mind the challenging environment within which we operate, during 2009 the Land Survey Unit sought to further consolidate its operations with a view to offering a holistic approach to its clients. Besides supporting the internal organisational operations mainly related to the development control process, the Unit also continued to offer a service to its clients in a revenue seeking capacity. The Unit has to keep track of the current market conditions and operate in that scenario ensuring that it provides continued operational efficiency while remaining competitive.

Primarily, the Unit promotes its services through an efficient reliable service and good client relationship management. On examining the Unit’s clients’ base over the years, it is evident that the Unit has a strong base of repeat clients and manages to attract new ones who in time also start making part of the regular Unit’s market share.

Setting-Out Surveys Section

The largest number of personnel within the unit is engaged with the Setting-Out Surveys Section. The Unit continued to experience an increase in public awareness of the setting-out of scheme alignment and road formation levels, and for most architects this has become an inherent part of the development for which they are responsible. Whereas in previous years the process was being overlooked, now through a mechanism employed by the Enforcement Unit, a development will not be issued with a compliance certificate if it is not ensured that the setting-out process has been properly followed.

The Unit’s service commitment - 10 working days for each setting out request - to its clients is constantly monitored in order to keep it within the agreed time frame. This year 96% of the setting-out requests were attended to within the stipulated time. All setting-out information is secured within the Authority’s online application system, for ease of reference internally and for the public. Moreover the co-ordinates of the site demarcation points are determined and recorded to ensure repeatability of the process. Requests by architects for levelling information, prior to submission of a development application, have increased substantially. This information enables the architect to prepare drawings of the proposed development in compliance with the proposed street profile and hence it facilitates the evaluation process of the respective case officer.

The Section has also extended its services to the Malta Transport Authority (ADT) in the setting-out of scheme alignment and road formation levels for newly planned roads in urban areas. A total of 26 requests were received for new streets.

Topographic Surveys Section

The Topographic Surveys Section plays a major role in the preparation of large scale detailed surveys of areas forming part of the rationalisation of the development boundaries, of which 70% of requests are customer driven. These large scale survey plans allow for proper planning of development schemes by the Plan Making and Policy Development Unit (PMPDU) and the Planning Control Section of the Transport Planning Unit (TPU).

The Section seeks to attract new clients and this is mainly achieved through its commendable reputation for professional work. Over the past year, the Section has had the opportunity to work closely with the Grand Harbour Regeneration Corporation (GHRC) whereby it prepared all the topographic survey plans for the Valletta and Grand Harbour area. This information is being used as a base for the preparation of the infrastructural regeneration and improvements plans for the Grand Harbour area.

The Foundation for Tomorrow Schools awarded various survey works to the LSU in a quest to either upgrade and embellish schools’ premises or when planning new school facilities and complexes. Worthy to mention are the Mosta (Ta’ Zokrija) and Hamrun (Tal-Bajjad) school complexes.

The close working rapport built with the Malta Transport Authority (ADT) has been maintained since the LSU is consistently entrusted with the preparation of large survey plans of arterial/distributor roads. Following a bid by tenders, the Land Survey Unit (MEPA) was also awarded the surveying works for the Maria Addolorata Cemetery Extension.

Works at the Topographic Survey Section are undertaken on a project management basis to ensure that the conditions and target dates of delivery are adhered to. From the existing statistical records the high percentage acceptance of the survey work quotations is a steady occurrence. This together with the increased number of clients (private architects and members of the public) is a very promising.

KEY POINTS

- This year 96% of the setting-out requests were attended to within the stipulated time.
- A total of 26 requests were received for new streets.
- The Land Survey Unit was awarded the surveying works for the Maria Addolorata Cemetery Extension.
Mario Azzopardi
Land Survey Unit Manager

"The Land Survey Unit, through the consistent effort of its highly experienced personnel, keeps high on the agenda client satisfaction and is considered to be the main surveying service provider in Malta."
Notwithstanding the size of the island, working at MEPA’s Gozo Office is indeed extremely exciting and challenging. Safeguarding Gozo’s environment and ensuring that any development is sustainable are two equally important core-areas of our functions.
This Office acts as the representative of the Planning, Environment Protection and Corporate Services Directorates on the Island of Gozo. The Gozo Office provides day-to-day services to all MEPA stakeholders residing or having an interest in Gozo. It is the only devolved office of the MEPA and it is essential for the delivery of MEPA’s services on the Island.

Development Control

A core function of the Gozo Office is Development Control (DC). A small DC Team receives and processes applications for development permission, in relation to sites in Gozo and Comino, according to the full requirements of the Development Planning Act. During the review period, 623 applications were submitted at the Gozo Office and 618 applications were validated. This is indicative of a decline from the previous year when the figures were 816 and 772 respectively. 680 applications were processed by the respective case officers whilst 660 applications were decided by the Development Control Commissions (DCCs) or the MEPA Board. At the end of 2009, the number of applications awaiting assessment was 248, whereas the number of applications awaiting a decision by the Boards was 311. It is interesting to note that the ratio of applications validated in relation to the population of Gozo remains higher than the equivalent ratio for Malta, i.e. approximately 1:50 and 1:70 respectively. This has been sustained over the years and it may be due to the high ratio of land area of Gozo compared to that of Malta, i.e. a ratio of 1:3.6, whereas the ratio of populations stands at 1:11.6.

Requests for reconsideration and minor amendments

The DC Team also processes requests for reconsideration made by architects and applicants in relation to refused applications or imposed permit conditions. The number of requests received during the review period was 86, whereas a total of 98 requests have been assessed by the case officers. The DCCs or MEPA Board decided 126 requests for reconsideration, leaving a pending caseload awaiting assessment by the case officers of 35 requests, whilst another 81 requests are awaiting a decision by the DCCs. To provide an efficient and fast service, the Gozo Office also processes minor amendment requests. During the review period, 216 minor amendment requests were received and a total of 222 were decided. The majority of these requests are dealt with within fourteen days from submission.

Enforcement

Enforcement remains an important function of the Gozo Office. The duties of enforcement officers include the monitoring of development permissions by carrying out site inspections. During the review period, 221 site inspections were carried out in relation to monitoring of applications. 845 requests for the issue of a compliance certificate were made and 799 were dealt with. At the end of the review period, the pending number of requests for the issue of a compliance certificate stands at 55. The Gozo Office also dealt with 981 complaints submitted in relation to enforcement matters. These were duly investigated and the appropriate action taken accordingly. At the end of 2009, the number of pending complaints stands at 88. A total of 240 notices were issued, 41 were closed since a subsequent permission sanctioned the illegal development, 13 were withdrawn, and 72 were closed since the owner/occupier removed the illegality. On the other hand, 113 cases were referred for direct action.

Land Surveying

Apart from the long-term projects, such as the levelling network and topographic surveys, the Land Surveying section of the Gozo Office deals with daily requests for the setting out of official alignments and levels. The 3rd order levelling network of Gozo started gaining ground and now that the personnel have gained more experience, the project will progress in a steadier pace. To date more than 100 benchmarks have been established in 8 localities at the western side of the island. It is envisaged that this project will be near to completion by the end of the forthcoming year.

The section also provides assistance to case officers during the assessment of both PA and PC applications. Two students from the MCAST are following an apprenticeship with the Gozo Office Land Survey section.

KEY POINTS

- 623 applications were submitted at the Gozo Office, 618 of which were validated.
- At the end of 2009, the number of applications awaiting assessment was 248; the number of applications awaiting a decision by the Boards is 311.
- 86 requests for reconsideration were received in 2009, whereas a total of 98 requests have been assessed by the case officers during the year.
- 216 minor amendment requests were received and a total of 222 were decided.
- 221 site inspections were carried out in relation to monitoring of applications.
- 845 requests for the issue of a compliance certificate were made and 799 were dealt with.
- 981 complaints were submitted in relation to enforcement matters.
Environment Protection

Another milestone this year has been the appointment of an Environment Protection Officer responsible for environmental monitoring and enforcement on the islands of Gozo and Comino. The initial duties include input on applications for development permission, and issues of nature protection, pollution prevention and control, and environmental permitting. This new function is under constant review to allow an appropriate learning curve and in the meantime ensuring the best use of available human resources in the interests of protecting the sensitive environment of Gozo.

KEY POINTS

- A total of 240 enforcement notices were issued, 41 of which were subsequently closed, 13 were withdrawn, and 72 were closed since the owner/occupier removed the illegality and 113 cases were referred for direct action.

- Two MCAST students are following an apprenticeship with the Gozo Office Land Survey section.
Planning has been described as setting the direction for some system and then guiding the system to follow the direction. My duties as Audit Officer is to point out when the system is allowed to stray from its direction … hopefully it had some effect.

Joseph Falzon
Audit Officer
During the current year, the number of complaints received from the public remained fairly constant over the previous year. There were about 150 communications from the public which resulted in 85 formal investigations (some as a result of complaints received in 2008), of which 75 have been concluded. In respect of some of these, the preliminary report has been concluded but publication is in abeyance pending comments from the MEPA Chairman on behalf of the Authority. A number of investigations (about 50) are in progress at the time of writing. These can be subdivided into two categories: those where the examination of the files, etc has commenced and those cases where the relevant information is being collected before deciding on the appropriate course of action. It is to be noted that a number of the cases involve complaints received in 2008 which for various reasons could not be concluded in the current year.

The public generally communicates with the Audit Office by means of a letter or an e-mail. However those who have difficulty in expressing their opinions in written form are assisted. A number of complaints dealt with requests for information or other minor matters and these were handled immediately or referred to the appropriate sections of the MEPA.

Referred by the Ombudsman

1. Complaints concerning MEPA received by the Office of the Ombudsman are normally referred to this Office for investigation. There were twenty such cases during 2009. If the complainant is not satisfied with the conclusions of the Audit Office he or she may then refer their case to the Ombudsman for further consideration. One such case involved a person who felt that the approval by MEPA of a bar beneath her residence was contrary to policy and was causing her severe inconvenience. The Audit Report (2009/44) sustained her complaint but was unable to recommend any form of redress in view of the fact that Section 39A of the Development Planning Act does not provide for the amendment/withdrawal of permit when policy is wrongfully applied as the case under examination.

In the media – the Mistra Case

2. During 2009 the Audit Office was exposed to substantial media coverage primarily on the Mistra Case. In my view the whole matter has been blown up out of proportion by the reaction to a comment which I made and to which the MEPA and the Government took exception. The case concerned the criminal proceedings initiated by the Police against two former DCC members in connection with their role in the issue of a permit for a development in a protected area at Mistra (Audit Report 2008/18). A few weeks prior to the court decision, a court report in the press quoted former DCC Chairman Mr Paul Borg as stating that it was normal practice for DCC members to meet developers in private. I considered this to be a very serious matter which runs counter to the provisions of the Development Planning Act which require that the consideration of planning applications by the Development Control Commission (or the MEPA Board when applicable) have to be held in meetings open to the public. I immediately communicated with the Chairman, MEPA my concern at this irregular practice.

3. The Court found the former DCC Board members not guilty of the crimes with which they were charged. Thereafter MEPA interpreted a comment made by the magistrate as indicating that this practice was perfectly legitimate. I disagreed with this interpretation as the magistrate clearly indicated on pages 13 and 14 of the court sentence that she was not considering whether the procedures adopted by the MEPA in the assessment of planning applications were within the provisions of the Development Planning Act or not but whether the prosecution proved that the accused were guilty of the charges brought forward.

Referral by the MEPA Board

4. Two requests for an investigation were received from the Secretary, MEPA Board on behalf of the Board. One dealt with a letter received from an architect who complained of discrimination and made several accusations against MEPA officials and another one dealt with the approval of an application resulting in a development which was carried out on a public footpath located within a fairly narrow street. The footpath was rendered practically...
MEPA AUDIT OFFICE

inaccessible to the public, creating a potential danger to pedestrians. More details of these investigations are given later on in the report.

5. The co-operation between the Audit Office and the Office of the Ombudsman has increased. One of the investigating officers of the Ombudsman is assisting the Audit Officer on a regular basis. Although this assistance is more than welcome, and has resulted in considerable improvement in the situation, it is far from the ideal situation. There is still a considerable backlog of pending cases to be investigated. The proposed reform of the MEPA when the Audit Office would operate within the structure of the Office of the Ombudsman may be the long-term solution to the problem. As it is, the Audit Officer cannot investigate cases on his own initiative although there is an obvious need for such action.

6. All concluded reports were submitted to the MEPA Chairman for transmission to the MEPA Board in terms of Section 17C (3) of the Development Planning Act. A copy of the said reports was also forwarded to the complainants where applicable.

The planning process

7. The media coverage given to a number of cases investigated by the MEPA Audit Office was monitored. Although most of the valuable work carried out by MEPA goes unnoticed, the considerable response from the general public to media reports clearly indicates that the vast majority of correspondents are clearly not satisfied with the planning process as currently administered by the MEPA.

8. When the MEPA was set up in 1992, the planning process was organised in a manner similar to the British system. The primary objective of this process was that basically the stakeholder in the planning process is the whole community. All of us have an interest, directly or indirectly, in the outcome of all development applications and hence all must have the possibility of being involved in the different stages of the planning process. MEPA acts on behalf of the community and as a consequence transparency and consistency are two basic requirements of the whole process.

9. In my previous role as Deputy Chairman and Chairman of the then sole DCC, I was during the period 1992-98 privileged when this novel way of looking at planning was introduced locally to replace the behind-closed-doors decisions taken by the previous system in use. A learning process involving all members of the Planning Authority (as the MEPA was known then) was introduced which was anything but easy for persons used to such a different system. Many mistakes were inevitably made, but a system of systematic training of staff improved the situation considerably. But recent events have shown that there are still serious shortcomings in the system.

10. The planning process as required by the Development Planning Act is a three-tier process. Problems can, and have occurred at any of the three stages. A development application is first of all assessed by a professional case officer who assesses the application against good planning practice taking into account the provisions of approved policies such as Local Plans and Policy Guidelines. Unfortunately the quality of these reports varies considerably. A study (Robinson Report) commissioned by the MEPA and presented in November 2004 using an experienced foreign planner identified that too many of these reports are not up to the required standard and a considerable number are totally unacceptable. I can confirm this observation. Reports are frequently excessively long, fail to assess applications in a consistent manner and occasionally even fail to apply policies in a professional manner. Too many reports indicate that the author simply applied written policies without due consideration of professional judgement. Cases where policies were misunderstood were also encountered (e.g. see Audit Report 2009/44). It is essential that newly appointed professional officers are properly trained and guided and an assessment of their performance carried out regularly. A person who fails to reach the required standard should not be allowed to continue with his or her work.
All case officers’ reports are endorsed by the team manager. This is a very important aspect of the whole process especially where case officers with limited experience are involved. Possibly this is the most important part of the learning process for them. Yet all indications are that this is considered a marginal exercise and some of the team managers seem to endorse reports without carefully considering their contents and implications. An experienced team manager should be able to identify easily those cases where his or her input is of great importance. It is unacceptable to question a team manager with several years experience in his work and he was unable to justify a planning decision (e.g. see Audit Reports 2009/26 and 2009/57).

11. The final part of the process involves the decision makers, generally one of the three DCC Boards and occasionally the MEPA Board. Most controversial decisions were taken at this stage. It is important to define clearly the role of DCC members in the planning process. The DCC takes all decisions collegially and never on an individual basis. Indeed the individual DCC members have no role in the planning process except as members of the Board and only during DCC Board meetings. Elsewhere and in all other occasions they have no role whatsoever.

12. This leads to a very important conclusion: the only function which DCC Board Members have is as members of the said DCC and this can only be exercised during a meeting of the DCC. DCC Board members have no authorisation in terms of the Development Planning Act to deal with planning applications outside the parameters of the DCC. The only meetings which the DCC Board members can participate in should always be open to the public, unless the proviso of Article 13(5) of the Development Planning Act is invoked. When this proviso is invoked, the participants in the meeting can only be the DCC Board members and the DCC staff. This requirement follows from the basic principle enunciated above which forms the basis of planning procedures as established by the Act: the fact that the whole community is the stakeholder and has a vested right to be informed of all the facts concerning a development application. Meetings between DCC Board members and applicants or objectors behind closed doors therefore are contrary to the letter and spirit of the law.

13. DCC Board members have also to understand clearly that their decisions can only be based on good planning practice as described by the case officer in his or her report and the official policies of the MEPA. Whenever the DCC does not agree with the recommendation of the Director of Planning it is entitled to overturn it provided they have valid planning reasons in terms of article 13(5) of the Development Planning Act. Unfortunately it is not a rare occurrence for a DCC to overturn a recommendation without having a planning justification for such overturning (e.g. see Audit Reports 2009/10, 2009/20, 2009/21, 2009/24 and others). The DCC cannot establish policies; it can only enforce them.

The role of consultees

14. Consultees have a crucial role in the whole planning process. Unfortunately too many professionals employed to advise their clients on aspects of a development application, seem to believe that their role is limited to depict the development being proposed by their client in the most favourable light. This they interpret as the licence to identify loopholes in the planning process thereby facilitating the approval of development which would otherwise be deemed as unacceptable.

15. Professionals, irrespective of the identity of their client, have a duty to society as is clearly indicated by the fact that the warrant to practice is only issued after the recipient takes an oath of allegiance to the state.

16. There are several types of professionals who need to be consulted in the development process. First of all there are those who advise applicants in the formulation of the proposed development. Their main task, as far as the MEPA is concerned, is limited to producing proposals for a project which conforms to laws and policies for land use as established by the MEPA. In some cases, however, the MEPA requires additional information concerning aspects of the proposal where the expertise of the case officer would not be sufficient to ensure an acceptable and satisfactory assessment of the application.
Unfortunately it is here that most consultees seem to consider it their duty to ensure that their client’s application is seen in good light by the MEPA. I had the occasion to investigate complaints concerning, for example, noise annoyance from buildings. (Audit report 2009/35) The complainant’s next door neighbour installed a generator on the roof of his property – a commercial establishment. This generator was supported on two steel joists resting on one side on the party wall separating the premises of the complainant from that of the developer. A noise impact report presented stated that noise annoyance was unlikely. But the report assessed only airborne noise and did not consider noise transmitted through vibrations. This report gave an incomplete and distorted analysis of the acoustic impacts of the proposed development. Yet it was accepted by the DCC (Division B) and the development permit was issued. No satisfactory explanation was given by the MEPA. It simply stated that the development was supported by an engineer’s report which concluded that the resultant noise pollution was below the recommended 55 db(A). It also stated that the matter falls within the parameters of Building Regulations and the Commissioner of Police also has a role to play in assuring noise is curbed within residential areas. But the Audit Report had clearly indicated that the engineer’s report only considered airborne noise and not vibrations. Noise control is a planning issue too and not just a case of building regulations. The role of the Police in this matter is marginal. The applicant had a development permit to install the generator conforming to clearly-defined specifications.

17. In another case (Audit Report 2009/44), a person applied to change the use of a premises from a Class 4 to a Class 6 commercial establishment, that is from a shop for the retail sale of goods to a bar. The premises were located at Paceville. The Local Plan for the area (see Map PV1 in North Harbours Local Plan) had clearly established and delineated the entertainment area for the locality and made provisions such that this area does not spill over into the residential part of the town (where the proposed development was to be located). A noise annoyance report was requested from the applicant. An engineer’s report was presented which indicated a situation where noise annoyance was unlikely. The engineer only assessed the noise generated by equipment in the bar (presumably the refrigerator and coffee-making machine!). The permit was issued which effectively extended the entertainment area of Paceville to the serious detriment of the residents. Whilst emphasising that the permit was issued contrary to policy I could not recommend any redress and the case has now been referred for the consideration of the Ombudsman. Another development with similar consequences was also approved by the DCC outside the Local Plan established entertainment area of Marsascala. (Audit report 2009/67)

18. These reports written by consultants appointed and paid by the applicant are unfortunately of little use to the MEPA. They seem to serve only one purpose; that of camouflaging the provisions of policies and giving the impression that all is well when in reality applicants are being assisted to ride roughshod over the whole planning process with MEPA conveniently presenting a Nelson eye which looks but does not see. This problem will keep recurring until such time that the experts examining and assessing the impacts of a particular development are directly appointed by the developer who foots the bill for their services. If such experts are appointed by MEPA (at the developers’ expense) it is likely that such problems will decrease substantially.

19. Consultations are also normally carried out with official agencies and Government departments. Unfortunately some agencies fail to reply within thirty days as required by law. In other cases the advice given is inconsistent or incomplete. The Audit Office met a number of cases where, for example, the Department of Agriculture gave misleading advice. In the case (Audit Report 2009/26) of two applications on the same land, on the first occasion the Department indicated that the land was good agricultural land. In the second it stated that the land was not being tilled. On another occasion the Department first described a proposed development (already carried out which the application was proposing to sanction) as being agricultural, but photographs taken of the site showed a planned garden complete with turfed areas and even a pair of football goalposts! This type of conflicting advice, not substantiated by clear justifications can easily mislead both case officers and decision makers.
20. On one occasion (Audit Report 2009/46) the MEPA Board referred a case for investigation concerning a development which involved the construction of a ramp on a public footpath (referred to earlier on in the report). The development took over the whole width of the footpath and pedestrians were compelled to step on the traffic carriageway to pass along this stretch of road. While the Audit Office was of the opinion that the MEPA should never have approved this application, the advice given by the National Commission of Persons with Disability was crucial in the decision to approve the application. The proposed development, although ostensibly meant to provide access to persons with mobility problems, was not in accordance with the requirements of the Commission. The plans were assessed by the Commission and considered unacceptable and the MEPA informed accordingly. After a while another letter from the Commission declared that in the circumstances the development could be accepted. The conclusion was that, either the requirements of the Commission are not based on sound principles or else they recommend a development which was actually dangerous to persons using the ramp, whom they have a statutory obligation to assist!

21. The Audit Office was, on another occasion (Audit report 2009/82 – still to be published) faced with conflicting advice given to the MEPA by experts on the architectural and historical value of old buildings. In one case the Integrated Heritage Management section were adamant that a particular property should be given protection, while the Heritage Advisory Committee considered that it could be re-developed subject to certain conditions. The conflicting advice was sent to the DCC which had to choose between the two recommendations. The Audit Office has advised the MEPA that this is an unacceptable situation and it should ensure that in these circumstances the development could be accepted. The conclusion was that, either the requirements of the Commission are not based on sound principles or else they recommend a development which was actually dangerous to persons using the ramp, whom they have a statutory obligation to assist!

22. Unfortunately many applicants who would like to carry out developments on sites or on existing buildings which have been given some form of protection frequently send in incomplete applications which result in unnecessary delays in the processing of the applications. The Audit Office investigated two complaints made by an architect on behalf of the Government of Malta concerning delays in the processing of the application. (Audit reports 2009/61 and 2009/62) The investigation revealed that part of the cause of the delay was the incomplete documentation which accompanied the applications. The MEPA is advised that it should inform prospective applicants that proposals for developments involving listed buildings and sites should include detailed studies of the buildings or sites and how the proposal fits into the need to protect these buildings or sites.

Relations between applicants and the MEPA

23. The Board Secretary on behalf of the MEPA Board requested an investigation following the receipt of a letter from an architect where he made several allegations against MEPA employees. In his letter he claimed political discrimination and that case officers were intentionally fabricating false statements to justify their recommendations. No facts were presented to substantiate the allegations made. The investigation revealed no irregularities in the processing of applications submitted by this particular architect. The Audit Office advised the MEPA to treat such letters seriously and a case officer who receives similar letters should refer them to the Director of Planning for appropriate actions. Where necessary the MEPA should consider reporting the matter to the Kamra tal-Periti for proceeding against the architect for unethical behaviour in terms of the provisions of the Periti Act.

The effects of the Local Plans

24. Most of the Local Plans came into force in August 2006. The Audit Office already had an occasion to criticise one aspect of the procedures followed in the formulation of these Plans in report 2006/80: the inadequate public consultation process. My conclusions were subsequently confirmed by the Ombudsman. The effect of the decisions taken then is still felt and the Audit Office is still receiving complaints resulting from the way the Local Plans were formulated.
25. A complaint was received from a person who had obtained a permit within development boundaries for the construction of a dwelling. The permit required the developer to open up a proposed road as shown in the scheme maps. The developer did not comply with this requirement as it seemed that he had adequate alternative access to his land. Following the publication of the local plan which retained the proposed road, some residents of the area recommended that this road should be deleted as being unnecessary as they had adequate access to their dwellings from an existing road (not realising the commitment of the MEPA with regard to the complainant). The MEPA accepted this proposal and deleted the road without any further consultation. The MEPA had to amend the local plan, now, to solve the problem. The report (Audit report 2009/43) had concluded that the failure of the MEPA to consult with the public at the second stage of the preparation of the Local Plan was the cause of the problem as had already been stated in Audit report 2006/80. The complainant was partly at fault as he had failed to comply with one condition of the permit. The MEPA decided that in the circumstances the best solution would be to create a private road in accordance with the provisions of Policy 3.8 of DC 2007 to serve as access to the complainant. I consider that this solution addresses the complaint adequately.

A much more serious case involved a development in Gozo: that of the Qala Belveder (Audit report 2009/78). An area which included one dwelling and a restaurant was classified as a Grade 1 Rural Settlement which allowed the developer to have a two-storey building, where now only a one-storey building with basement exists. Seen from the street the existing building is a single storey building, but because of the site topography (a steep ridge) from the ridge it is over two storeys high. Policy GZ-RLST-1 of the Gozo and Comino Local Plan states that no underlying basements are allowed, although this policy has been interpreted as referring only to basements above street level. The proposed building is therefore three floors high as seen from the ridge side. No satisfactory explanation was forthcoming to explain the classification of the development as a Grade 1 Rural Settlement. The report concluded that the DCC had failed to use its discretionary powers in a meaningful way; when they allowed a development contrary to the provisions of the Structure Plan which seek to protect ridges. The DCC failed to justify why it did not accept the recommendation of the Planning Directorate that the proposal detracts from the environmental characteristics of the area and the scenic value of the locality. The main cause of concern in the case of this development is the zoning of the area as a Class 1 Rural Settlement for which no satisfactory explanation was given.

Compliance with policies

26. The policies regulating development include those which are of a generic nature, where case the assessment of the application involves considerable discretion on the part of the case officer and the DCC Board. Then there are policies which are very precise in their requirements and therefore do not allow any discretionary decisions. Fortunately the impression given is that case officers and DCC Boards are reluctant to use their discretion in the first case but all too willing to amend the prescriptive requirements in the second case. Few case officers or DCC Boards give any value to the requirement that bungalow areas should be surrounded by greenery and allow a developer to build a bungalow where all open space is just concrete paving. On the other hand a development located in an area where policies dictated a minimum dwelling size of 120 square metres was allowed although several of the proposed dwellings were smaller than this area. The justification given was that the average area of each dwelling exceeded the minimum floor area. The policy however does not speak of averages but is clear that each and every unit must have an area not less than 120 square metre. A complaint concerning this development has been received and is being investigated.

27. Where policies dictate size, height or any similar condition which can be quantified mathematically, then case officers or decision makers have no authority to amend such policies, irrespective of their good intentions. The Audit Office understands that in many cases such decisions are made as the DCC Board considers that in the circumstances the proposal may be preferable to what the developer might have been suggesting initially. But this is no justification for not following policies. In terms of the Development Planning Act policies should be made by the Minister on the recommendation of the MEPA Board after public consultation and not by the DCC on a case by case basis.
28. Obviously when the deviation from policies is excessive the whole case takes on a different light. The Audit Office investigated a development where the MEPA allowed the development of three separate bungalows (with a total of five residences) on an area of 2.7 tumoli. Incidentally the development was to replace a single bungalow which existed previously on the site. The minimum area for a bungalow is according to policy a minimum of 1 tumolo. No acceptable justification was forthcoming for this gross deviation from policy. After submission of Audit report 2009/57 on 22 October 2009, the Audit Office has been informed by the Chairman, MEPA that the case is being investigated by an internal Board of Inquiry set up by the MEPA Board for the purpose.

The Audit Office

29. Despite the assistance provided by the Ombudsman, the backlog of cases requiring an investigation is still excessive. Most complainants have to wait an unacceptable long time to have feedback on their complaint. Moreover, as stated earlier on, it is impossible to initiate any investigation on some aspects of the working of the MEPA unless a specific complaint from a member of the public has been received. In this respect, it is my wish to investigate the applications approved outside the development zone, in particular those where a Planning Directorate recommendation for a refusal was overturned by the DCC. From the few cases investigated indications point towards the preliminary conclusion that the DCC/MEPA Boards have been extremely liberal in overturning negative recommendations and approving such applications despite the provisions of the Structure Plan and various policy documents to the contrary. This has been pointed out in a number of reports e.g. 2009/81, 2009/79 (both reports still to be published), 2009/54, 2009/53, 2009/49, 2009/29, 2009/26), but I consider that it would be useful if I had the means to carry out a more detailed investigation in order to establish an overall view of the criteria used by the DCC to overturn recommendations received relative to ODZ applications.

30. The comments made by the MEPA concerning the activities of the Audit Office leave me wondering what the MEPA expects of the Audit Office. A statement made by the Ombudsman on 17 November 2009 concerning the Audit Office was quoted at length, but two paragraphs of the Ombudsman’s comments were conveniently ignored. The MEPA failed to state that the Ombudsman never gave me any instructions on how to act (for the simple reason that he has no authority to do so) and neither did they mention the fact that he understood my concern on the fact that despite a pending appeal case from a third party, work on an approved project can commence, with the result that the outcome of the appeal may be irrelevant.

31. Every effort is made by the MEPA to try and prove that the Audit Office is wrong. This leads me to conclude that the MEPA expects the Audit Office simply to applaud its actions, whatever they are. An Audit Office of this type is of no use whatsoever. I would have expected that the MEPA would welcome the initiatives taken by the Audit Office and see them as a means of improving its performance. If this negative attitude continues, the proposed MEPA reform may as well consider abolishing the post of Audit Officer as it would be irrelevant.

32. In conclusion the MEPA is at a very crucial period in its existence. A complete change of attitude is essential. The function of the MEPA is to serve society creating a better environment for all. Unless consistent decisions based on sound planning policies are taken on development issues then no reform can be effective. All those involved in the planning process should be held fully accountable to ensure that this aim is achieved. Those who are unable to justify their decisions have no role in the planning process.

33. Finally I would like to express my gratitude first of all to the general public and the media who gave me constant support in my work. I would also like to express my thanks to those who collaborate closely with me in my work, especially my personal assistant and the investigating officer from the Office of the Ombudsman. Most of the staff of the MEPA was also very helpful in providing me with the necessary information in the course of my investigations; without their help my work would be impossible.

Perit Joseph Falzon
Audit Office
Reno Stellini  
Senior Accounts Clerk

"I have been working within the organisation for these last 14 years. I am also the treasurer of the UTAC an in House Union. What I like most about my job is the contact with the general public."
6. CORPORATE SOCIAL RESPONSIBILITY

Audrey Felice
Personal Assistant

“I have been working here at MEPA for the past 7 years. I worked in different sections including the DCC (Development Control Commission), Chairman’s Office, Planning Control and now at the Planning Shop. It is indeed a privilege to have had the opportunity to work in various dynamic sections within the organizations as I have learned how different components within the same organization can have very different roles but one common goal.”
A Corporate Social Responsibility policy has been developed and adopted within the Authority as a built-in, self-regulating mechanism. MEPA is internally monitoring its systems to ensure its adherence to law, ethical standards, and international norms. MEPA is directing its responsibility for the impact of its activities on the environment, consumers, employees, communities, stakeholders and all other members of the public sphere through proactive measures. These include various ecologically friendly measures namely:

- The controlled use of A4 printing paper;
- Use of double sided printers and the use of FSC origin paper;
- The use of energy saving lamps where possible;
- A-rated energy saving neon-tubes;
- A class-appliances;
- Use Bio-diesel for nearly 45 cars;
- Use of Bio-degradable garbage bags;
- Use of Bio-degradable detergents and chemicals.

As part of this CSR policy, new replaceable ICT equipment is also being purchased with more energy efficient or environmentally friendly hardware to consume less power whereas there has been a drive to dispose of toners and cartridges responsibly taking into consideration recycling where possible.

The Authority has also promoted CSR by providing its employees with training courses in domestic waste management, renewable energy sources and energy efficient systems.

Moreover, two blood donation events were organized in support of the Malta Blood Bank. The events were highly successful and MEPA staff donated the equivalent of 43 bags of blood. The provision of personal protective equipment including specific apparatus or apparel offering protection against risks to be encountered in the conduction of duties was administered during this year. The a Health and Safety exercise conducted with the Authority’s medical practitioners on risks on site led to Personal Protective Equipment awareness sessions for a number of employees. A health and safety risk assessment on St Francis Ravelin’s premises was commissioned during this year. The findings of this assessment will be concluded in the beginning of 2010. Relations with the Workers Health and Safety Representatives continued to be further developed during this year.

The opening of a medical clinic for two hours per week was another new project introduced during 2009. Employees were free to seek advice by a medical practitioner on any personal health related issues. An off shoot of this project entailed the monthly briefing sessions, during which employees were given information about medical conditions including preventive measures related to a pre-identified medical topic. Extremely positive responses were generated for both these two initiatives. Precaution and informative measures were undertaken to minimise the risks associated with Swine Flu, that included constant information flows and the use of alcohol rubs. VDU eye screening was also held for the Authority staff.

### Funding schemes

The Authority administers a number of funds aimed at encouraging projects that contribute towards the safeguarding and improvement of our Islands’ cultural and natural heritage and promote high quality improvements in urban areas such as landscaping, traffic management and other embellishment works.

One of the funds, the Environment Initiatives Partnership Programme (EIPP), is a scheme for financing environmental projects. The programme is based on the implementation of projects that benefit both the natural and cultural heritage of the Maltese Islands through direct and active involvement of other governmental and non-governmental agencies. Works are normally implemented by such partners (through delegation or subcontracting agreements), with MEPA funding.

In 1994, the Authority had introduced the Commuters Parking Payment Scheme (CPPS) that allows developers who are unable to provide the required parking facilities for their projects, to contribute towards a fund that would later be used to finance the construction of car parks and other traffic management initiatives in their locality. The scheme applies for the localities of Sliema, Floriana, St. Julians,Valletta, Birirkara, Mosta, San Gwann, Hamrun, Paola, St. Paul’s Bay and Rabat (Gozo). The amount is collected from developers who are not able to provide

### Key points

- Training courses in domestic waste management, renewable energy sources and energy efficient systems were given.
- A medical clinic was opened and is available to employees for 2 hours each week.
- By the end of 2009, the Committee for Urban Improvement Fund has approved 217 projects, worth € 5.7 million.
parking within their development, and varies by locality, ranging from €1,164.69 to €2,096.44 per parking space. As at 30 November 2009, the balance within this fund, net €3,094,000 loan was €7,008,434.

In 2006, MEPA established the Urban Improvement Fund policy to promote and facilitate the development of sustainable projects. A number of draft amendments have been proposed by the UIF committee to ensure that the Urban Improvement Fund (UIF) keeps achieving high quality results through the promotion of more holistic and sustainable projects that ultimately ‘create better places to live in.’

This fund has so far collected over €8.95 million. In the year 2009, the UIF Committee has approved another 45 projects, totalling €935,000. So far, 217 projects worth over €5.7 million have been approved under the UIF scheme.

The MEPA board is currently considering the amalgamation of this fund with those of the Environment Initiative Partnership Programme (EIPP) and the Commuted Parking Payment Scheme (CPPS) into one scheme.
7. BOARDS AND COMMITTEES

SYLVANA DEBONO
Board Secretary

“This position offers the opportunity to co-ordinate the workings of the Authority and to ensure effective internal communication of decisions. It is a place which requires a service oriented disposition and one in which communication skills are essential.”
Principal activities

The Planning Authority was set up on the 28 October 1992 and in 2002 was also given the remit of Environment Protection. The responsibilities of the Authority are set out in the Development Planning Act and in the Environment Protection Act. The various functions, duties and achievements of the Authority are outlined in this Annual Report.

The MEPA board is the Authority’s governing body, constituted through the precepts of the Development Planning Act. Among other things, it decides on policies to be adopted by the Authority, policies and plans to be recommended for government approval, gives direction and vision for the business plans of the Directorates and decides on planning and environmental applications. The decisions on applications are taken in sittings which are open to the public. During 2009, MEPA Board discussed a little under 400 items on agenda and decided 102 Development, Environmental and Planning Control permit applications. The Board this year also started deciding Development Briefs and the Reconsideration to Scheduling in public.

In a drive to increase efficiency and transparency, decisions on applications where the number of persons attending was forecast to be considerable, the MEPA Board elected to hold the meetings outside of MEPA. In an unprecedented move by any regulatory body, the MEPA Board hearings in public were held at the Mediterranean Conference Centre. While a more centralized and arguably more accessible location would be desirable, this move has been much appreciated by the public and positive comments have been received by this office for the initiative.

It may therefore be said that this move has proved to be successful in increasing the interaction with the public and enhancing communications. As a further move towards transparency, MEPA Board makes available to the public, subject to a written request, the minutes of decisions taken in public.

Another innovative aspect undertaken by the MEPA Board this year was the organization of various site visits. These visits were organized with the intention of familiarizing the members with sites where constraints existed, where persistent complaints by residents’ associations were received and where the context for development was considered to be of paramount importance. Among the sites visited this year were Ghajn Zejtuna (Sta Marija Estate), Ta’ Cenc and Fort Chambrai, Buskett and Fort St. Angelo.

As a follow up to certain Audit Reports, the MEPA Board set up an internal Board of Inquiry to assess the findings of the Audit Officer and recommend action. The Board of Inquiry is composed of three MEPA Board members and they obtain the technical help of the Director of Planning and the Legal Advisor. This Board is an internal administrative Board and its functions will devolve to the Internal Auditor once this is set up.

The MEPA Board is in the process of streamlining the aspect of presentations to the public. It is the aim of the Board that, as part of the MEPA Reform, the applications, Planning or Environmental, are presented by the applicant during the hearings in public. The Directorates at present, have an informative and a formative role at the public sittings wherein they have to present to the Board a development which may be quite controversial. The development belongs to the applicant and not to MEPA and, by having the applicant present the proposal, the Directorates will be able to retain a critical role on the proposal.

Another element which will come into effect in the coming year will be the Sittings by Appointment of the DCC Boards. An electronic system has been prepared wherein sittings will not only be given a date but also an appointed time. Given the large number of applications and complexity of factors to be included to avoid clashes for architects in front of Boards, this was not a simple task. The help of the IT department is gratefully acknowledged.

Sylvana Debono
B.Ed (Hons), M.Sc (Media Management) (Stir.)
Board Secretary
MEPA Board Composition

Mr Austin Walker FCCA,FIA,CPA
Ing Joseph Farrugia B.Sc(Eng), C.Eng (MICE)
Ms Elena Borg Costanzi BE&A(Hons) A&CE
Mr Joe Tabone Jacono
Mr Charles Bonnici M.Sc, Env. Hlth (Edin.), Dip. PHI, MREHIS
Mr Joseph Vella
Mr Anthony Zammit
Mr Roderick Galdes MP B.Plan, M.A.(ISSS), MaCP
Mr Joseph Falzon MP, BE&A (Hons), A&CE

Chairman
Independent Member
Independent Member
Independent Member
Independent Member
Public Officer
Public Officer
Member of Parliament
Member of Parliament

DCC A

Ms Elizabeth Ellul BE&A (Hons.), A&CE
Mr Ruben Sciortino BE&A(Hons), A&CE
Mr Daniel Cordina BE&A(Hons), A&CE
Mr Peter Axisa
Mr Charles Micalef St John
Mr David Smith
Mr Mark Psaila

Chairperson
up to 1 June, 2009
and then transferred to DCC C

up to 10 March, 2009 and replaced by Mr Karmenu Abela

DCC B

Ms Mariella Axisa BE&A (Hons), A&CE
Mr Tancred Mifsud
Mr Alex Stellini
Mr Patrick Calleja
Mr Alfred Pace
Mr David Vassallo BSc, A&CE
Mr Joe Spiteri Bailey

Chairperson

DCC C

Mr Claude Emvin Borg A&CE
Ms Bernardine Scicluna
Mr Victor Joseph Rizzo
Mr Joe Attard Tabone
Ms Therese Vella
Mr Ruben Sciortino BE&A(Hons), A&CE

Chairperson

resigned on 30 September, 2009
transferred to DCC C from
DCC A on 2 June, 2009
Cultural Heritage Advisory Committee

Dr Albert Ganado MOM, KM, LL.D., BA
Dr Ray Bondin BA(Hons), MA [Bar:Stud], PhD
Perit Konrad Buhagiar B.E.&A.(Hons), Dip. Cons (Rome), A.&C.E
Perit Marie Louise Musumeci A&CE, B.E.&A.(Hons), MSc. (Conservation tech.)
Perit Hermann Bonnici B.E & A. (Hons), M.Sc Arch, Con[Edin], A.&C.E
Ms Joan Abela BA (Hons) History

Natural Heritage advisory Committee

Mr David Dandria B.Sc. (Hons) A.R.C.S.
Ms Antonella Attard Montalto B.Sc, M.Sc.
Comm. Jospeh Sammut KOM
Ms Henriette Putzulu Caruana B.Sc,(Hons), M.Sc.
Dr Antoine Vella D.Agr.Sc.(Milan), Ph.D.(Malta)
Mr Anthony Zammit B.Sc., M.Sc.

Bio-Safety Committee

Mr. Martin Seychell B. Pharm. Tech. (Hons) Director for Environment Protection, Chairman

Mr. Joseph Abela Medici B.Sc.(Hons.) Chem. Biol., M.Sc. Pathology: Genetics & Haematology
Secretary / Public officer responsible for biosafety, Malta Environment and Planning Authority.

Mr. John Attard Kingswell M.Sc. Environmental Health (Edinburgh)
Public officer responsible for public health,
Department of Public Health, MHEC.

Public officer responsible for biodiversity,
Malta Environment and Planning Authority.

Mr. Cedric Camilleri B.Sc. (Hons.) Chem. Biol.
Public officer responsible for occupational health and safety,
Occupational Health and Safety Authority, MEYE.

Dr. Marion Zammit Mangion B.Sc. Chem. Biol., M.Sc. Biotech (Kent), Ph.D. (Westmin)
BOARDS AND COMMITTEES

Molecular Biotechnology Scientist representing the scientific community. Member
Dr. David Mifsud B.Sc., M.Sc., Ph.D., FRES, FLS Member

Mr. Joseph John Vella, B. Pharm. (Hons.), M.Sc. (Agric. Vet. Pharm.) Other representative required by the Competent Authority, Veterinary And Fisheries Department, MRAE. Member

Mr. Mark Dimech B.Sc., Biol. Chem., M.Sc. Biol. Other representative required by the Competent Authority, Veterinary And Fisheries Department, MRAE. Member

Ms. Flavia Zammit, B.Sc. (Hons.) Chem. Biol. Other representative required by the Competent Authority, Malta Standards Authority, MCMP Member

Ornis Committee

Mr. Louis Cilia Chairperson
Mr. Mark Gauci Environment Protection Directorate Member
Mr. Joe Perici Calascione FKNK Member
Mr. Joseph Buttigieg FKNK Member
Mr. Joe Mangion Birdlife Malta Member
Ms. Sharon Cassar Member
Mr. Mark Anthony Falzon Member
Mr. Henry Fenech Azzopardi Member
Mr. Mark Gauci Member
Mr. Dione Mifsud Member
Dr. Andre’ Raine Member
Mr. Martin Seychell Member
Mr. Francis Albani Member

IPPC

Mr. Martin Seychell Chairman
Mr. Louis Vella B.Sc., Hons M.Sc (Occ Hyg) London, MiOSH Member
Mr. Kevin Mercieca BEd (Hons), MSc., MCIWM Member
Mr. John Attard Kingswell M.Sc. Env. Hlth (EDIN) Member
Mr. Antoine Riala BSc (Eng) MSc (Glas) MI Mech E C. Eng Member
Mr. Johann Buttigieg Member
Ms. Sarah Ruth Grech B.Com(Hons)Econ Member
Capt. David Bugeja Malta Maritime Authority Member
Mr. Cedric Camilleri BSc (Hons), M.Sc., MBA (Grenoble) Member
Mr. Michael Galea Member
Insp. Alex Miruzzi B.A. (Hons), C.P., MSC. (Leic.) Member
BOARDS AND COMMITTEES

Minerals Advisory Board
Dr. Dimitrio Duca D.Geol. (Milan), FGS, FIAEG
P.C. Lawrence Cachia
P.C. Vincent Mifsud
Mr. Robert Musumeci

Mr. Annetto Portello
Mr Anthony Pace BA, Mphil (Catab.), FCCF

Director or his representative
Director EPD or his representative

Mr Vince Farrugia BA(Hons)Econ, D.Econ.FITD

Director Health or his representative
Mr Franco Pisani

Deputy Chairperson
Commissioner of Police
Ministry for Resources and Infrastructure
Works Division Explosives Section
Superintendent of Cultural Heritage
Department of Agriculture
Environment Protection Directorate
Association of General Retailers and Traders
Department of Health
(Acting Secretary)

Users’ Committee

Mr. Ian Mizzi
Mr. Joseph Doublet Dip Env Sc; B Sc;
PGCE: M Sc (wales) Ph D Wales

Mr. Emanuel Abela

Arch. Martin Debono
Arch. Anthony Fenech Vella
B arch A & CE ACIArb
Mr. Mario Debono

Representing FOI
Environmental and Heritage Group
Consumers’ Union
Local Councils Association
Kamra Tal-Periti
GRTU

Chairman
Member resigned in October 2009
Member resigned in October 2009
Member
Member

Urban Improvement Fund Committee

Perit Elena Borg Costanzi BE&A (Hons) A&CE
Perit Emanuel Buttigieg
Mr Michael Cohen
Mr Paul Curmi
Perit David Vassallo

Chairperson