

12th May 2021

### **Public Consultation – Gharghur Local Plan**

We the undersigned, residents of Triq Fidiel Zarb, Triq Kromb il-Bahar and Sqaq Charlotte, encourage the Malta Planning Authority to protect the Urban Conservation Area from further degregation.

We are requesting the Malta Planning Authority to clearly amend the Local Plan limits to development (*as per attached letter on behalf of residents by Patrick Calleja dated 23/4/2021*), and as part of the ongoing public consultation, to prevent the ruination of this Urban Conservation Area in Triq Kromb il-Bahar Gharghur and before any further attempts are made to extinguish the rural and tranquil setting this part of Gharghur still enjoys.

We are requesting that the agricultural land at Triq Kromb il-Bahar Gharghur be considered as it was originally intended in the planning schemes, and that is, as cultivated agricultural land.

The Superintendence of Cultural Heritage made the following observations regarding development on this site:



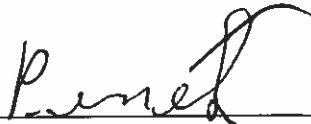


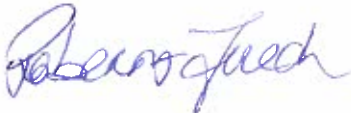
“The site in question is a large tract of agricultural land partly located within the Urban Conservation Area and partly Outside the Development Zone of Gharghur, extending downwards towards the valley overlooking the Grade 1 Victoria Lines. The Victoria Lines is an Area of Ecological and Scientific Importance and Area of Very High Landscape Sensitivity as indicated in policy CG 22 of the Central Malta Local Plan (Maps CV1-2). The Victoria Lines were completed in 1897 and have been placed on the Tentative List for inclusion as a UNESCO World Heritage Site. It is noted that the proposed development is still covered by a valid development permit (PA 00481/13), on which the Superintendence was not consulted.....The land in question borders the Urban Conservation Area of Gharghur and extends downwards into the valley overlooking the Victoria Lines. A footpath leading from Triq Kromb il-Bahar towards the Victoria Lines passes along the site footprint in question....rural area in a zone that is registered in the Local Plan as a listed area and a site of scientific importance, as indicated to Central Malta Local Plan Policy CG25 (map SE1). The Planning Authority is therefore urged to implement its policies to ensure the protection of the natural and cultural landscape. It is opinion of this office that the proposed development also runs counter to planning policies, particularly, Policies P2, P3, P5, P6, P13, P14, P15, P16, P42.”


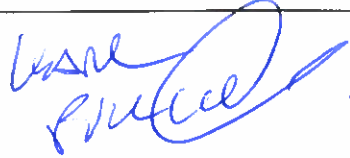

In a letter to the Planning Authority, dated 9 December 2019, the Environment and Resources Authority made the following recommendation for a pending development application on this same site (PA 0229/19):







“This site forms part of a stretch of fields bordering the urban conservation area of Gharghur and extending down into the valley on to the Victoria Lines. Access to the proposed development is limited to a 3metres wide alley with just one entry and exit point. The proposal will ruin the skyline of this picturesque corner within the

Gharghur Urban Conservation Area and destroy the character of this conservation and rural area in an area zone which is also listed as a site of scientific importance along a popular public footpath leading to the protected Victoria Lines, Malta's most extensive national monument. In this regard, the comments in the previous ERA's memo are still valid and are being reiterated. For these reasons we call on the Planning Authority to refuse this proposed development, and similar urbanisation of ODZ sites."

The Local Plan should be adjusted accordingly as suggested.

| Name and Surname: | ID number: | Signature:  |
|-------------------|------------|---|
| MARK AZZOPELLO    | 448381M    |     |
| A - Fenech        | 528642     |     |
| V. # Fenech       | 454549     | Fenech  |
| P. Fenech         | 482548     |   |
| Nathan Fenech     | 447302(L)  |   |
| David Fenech      | 495873m    |  |
| Roberto Fenech    | 3904 (m)   |   |
| Joseph Fenech     | 24069 (m)  | J. Fenech   |

| Name and Surname:  | ID number: | Signature:   |
|--------------------|------------|--|
| Maia Sammut        | 6467419    | Sammut   |
| Michael Grech      | 442275m    |    |
| Teresa Grech       | 589810     | T. Grech   |
| Mary-anna Aquilina | 501062m    | M.A Aquilina   |
| Brigitte Azzopardi | 359565     | B. Azzopardi   |
| Steven Azzopardi   | 0318186m   | S. Azzopardi   |
| Joseph Aquilina    | 274662m    | Joseph Aquilina  |
| Joseph Aquilina    | 685033m    | for Aquilina   |
| Karl Pullicino     | 319188M    |  |
| Claudia Schenbri   | 34588M     |  |

| Name and Surname:           | ID number: | Signature:  |
|-----------------------------|------------|---|
| Melissa McDonagh            | 498079m    |     |
| RAYMOND SAMMUT              | 589869(m)  |     |
| Antonio Sammut              | 349959(m)  | Antonio Sammut  |
| Samuel Sammut               | 29597M     |     |
| GUNTHER MICALUF<br>DECESARE | 28569(m)   |   |
| Helen Gauri                 | 209168(m)  |  |
| Patrick Schaeffer           | 0639118L   |   |
| Simra Pace                  | 5326 82    |  |
| Simone Duscutti             | 192157A)   |  |
| Elke Pace                   | 179981(m)  |   |

| Name and Surname: | ID number: | Signature:               |
|-------------------|------------|--------------------------|
| JOHN GRECH        | 16206114   | John Grech               |
| Alison Theuma     | 4014801    | A Theuma                 |
| Victor Theuma     | 823557     | V Theuma                 |
| ADRIAN ZAMMIT     | 84875(m)   | <del>Adrian Zammit</del> |
| ALEXANDER BORG    | 91574761   | A Borg                   |
| THERESA BORG      | 135548(m)  | T Borg                   |
| PATRICK CAUETA    | 44286311   | Patrick Caueta           |
|                   |            |                          |
|                   |            |                          |
|                   |            |                          |



23 April 2021

Chairman  
Planning Authority  
PO Box 200  
Valletta

Dear Sir

### **Change to Local Plan to retain agricultural land at Gharghur**

The changes proposed so far by the PA are all very welcome and go a long way to protecting the Urban Conservation Area from further degradation. In fact the alignment should never have been changed in the first place.

Further to the public request for proposed revisions to the Local Plans, on behalf of a number of residents of Gharghur and in my personal capacity as a resident of the area, I am requesting that the agricultural land at Gharghur indicated in the following pages be considered as it was originally intended in the planning schemes, and that is, as cultivated agricultural land. The area has been highlighted in yellow on the drawing showing the proposed changes to the alignments prepared by the PA.

The Gharghur Local Council also voiced their concerns about any development of this land.

### **Background**

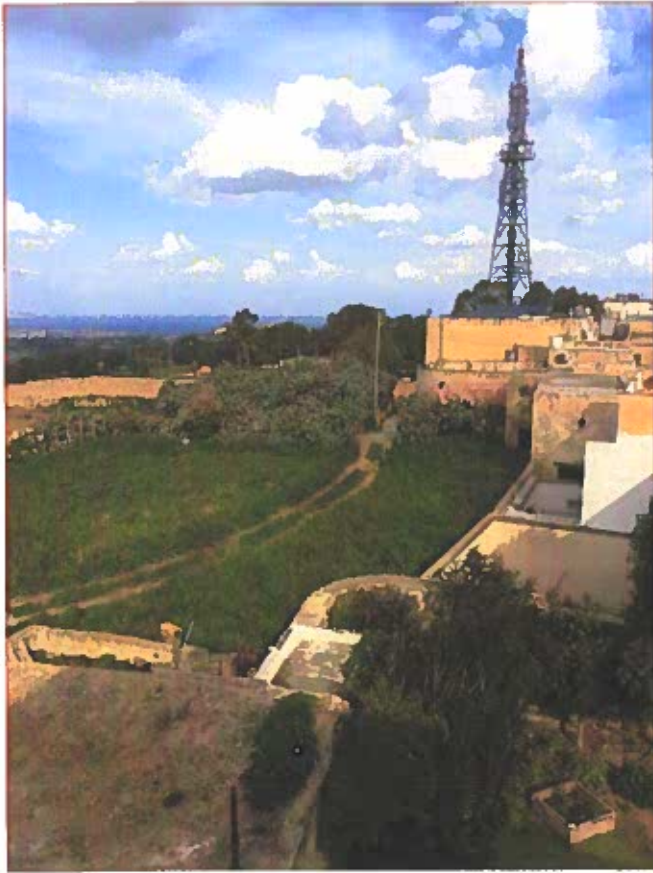
The land in question is located along the periphery of the existing urban conservation area. Until recently the land was used solely for agricultural purposes. The land was never intended to be developed. In fact, the digitized line indicating the development zone boundary was clearly interpreted from the Temporary Schemes and follows the same configuration. However, the thickness of the original boundary line was not enlarged or scaled as were the maps; the digitized line is now shown as composed of points. Had the original thickness of the boundary line been scaled up it would now show as being about 5 metres thick. This has left a literal loophole for the land in question to be exploited as a developable plot.

This land shown in the image below should be left as agricultural land.



### **Development Permission Applications**

Once the outline development permission PA 5214/08 for the construction of maisonettes was issued on this land, the cultivated fields were abandoned. This permit, however, expired on 1 April 2012 and it is not renewable. This was confirmed by the Environment and Planning Review Tribunal. A full development permit application (PA0481/13) on the same land was eventually approved but no commencement notice was submitted and the land was not committed. An application for its renewal (PA 2995/20) is now before the EPRT under a third party appeal against its approval.



The image above shows the proposed development and blank party walls that will be created along the back gardens in the area.

There is still time to protect the Gharghur UCA from this urban sprawl development.

### **Superintendence of Cultural Heritage**

On 18 October 2019 (SCH 003/2019/444) SCH wrote to the Planning Authority regarding the development on this site as proposed in both PA 0481/13 and PA 0229/19. **The SCH noted that they were not consulted during the processing of PA 0481/13** which is the permission being renewed with PA 2995/20. The SCH made the following observations regarding development on this site:

*"The site in question is a large tract of agricultural land partly located within the Urban Conservation Area and partly Outside the Development Zone of Għargħur, extending downwards towards the valley overlooking the Grade 1 Victoria Lines. The Victoria Lines is an Area of Ecological and Scientific Importance and Area of Very High Landscape Sensitivity as indicated in policy CG 22 of the Central Malta Local Plan (Maps CV1-2). The Victoria Lines were completed in 1897 and have been placed on the Tentative List for inclusion as a UNESCO World Heritage Site. It is noted that the proposed development is still covered by a valid development permit (PA 00481/13), on which the Superintendence was not consulted.....The land in question borders the Urban Conservation Area of Għargħur and extends downwards into the valley overlooking the Victoria Lines. A footpath leading from Triq Kromb il-Baħar towards the Victoria Lines passes along the site footprint in question ....rural area in a zone that is registered in the Local Plan as a listed area and a site of scientific importance, as indicated to Central Malta Local Plan Policy CG25 (map SE1). The Planning Authority is therefore urged to implement its policies to ensure the protection of the natural and cultural landscape. It is opinion of this office that the proposed development also runs counter to planning policies, particularly, Policies P2, P3, P5, P6, P13, P14, P15, P16, P42.*

***In view of the above, the Superintendence strongly objects to this development application."***

On 29 November 2019 the Superintendence of Cultural Heritage again wrote to the Planning Authority regarding the application PA 0229/19 on this same site:

*"The Superintendence reiterates its position (doc. 281a), that the proposal will impact strongly on the nature of this conservation and rural area in a zone that is registered in the Local Plan as a listed area and a site of scientific importance, as indicated to Central Malta Local Plan Policy CG25 (map SE1). It is the opinion of this office that the proposed development also runs counter to planning policies, particularly, Policies P2, P3, P5, P6, P13, P14, P15, P16, P42.....In view of the above, the Superintendence reiterates its strong objection to this development application."*

In view solely of the facts that:

- a) the Victoria Lines Fortifications have been placed on the Tentative List for inclusion as a UNESCO World Heritage Site and
- b) The SCH were not consulted regarding application PA 0481/13

the former development permission PA 0481/13 should be revoked and the development zone adjusted in the Local Plan to stop any development in this area.

### **Environment and Resources Authority**

In a letter to the Planning Authority, dated 9 December 2019, the Environment and Resources Authority made the following recommendation for a pending development application on this same site (PA 0229/19):

*“This site forms part of a stretch of fields bordering the urban conservation area of Gharghur and extending down into the valley on to the Victoria Lines. Access to the proposed development is limited to a 3metres wide alley with just one entry and exit point. The proposal will ruin the skyline of this picturesque corner within the Gharghur Urban Conservation Area and destroy the character of this conservation and rural area in an area zone which is also listed as a site of scientific importance along a popular public footpath leading to the protected Victoria Lines, Malta’s most extensive national monument. In this regard, the comments in the previous ERA’s memo are still valid and are being reiterated.*

***For these reasons we call on the Planning Authority to refuse this proposed development, and similar urbanisation of ODZ sites.”***

The observations made by ERA are still valid. The Local Plan should be adjusted accordingly as suggested.

### **Gharghur Local Plan**

The only article (7.1.1) in the Local Plan for Gharghur states:

*“Gharghur is a characteristic rural village situated between Naxxar to the west and Madliena to the east. The locality is an important example of a typical village still totally surrounded by rural areas of good quality agricultural land. This provides for the quiet, serene atmosphere found within this locality with abundant green natural areas around it. It is therefore quite different from the neighbouring localities of Mosta and Naxxar that have become heavily urbanized through development. Gharghur still retains a natural delineation all around the village, separating it entirely from surrounding localities. Considering that the whole Local Plan area is highly urbanized, localities like Gharghur provide the rural open spaces that are lacking in other localities.”*

During a third party appeal against a proposed development on this land, the Planning Directorate made an astounding sweeping statement that contradicts not only the Local Plan policy for Gharghur but plain common sense:

*"As regards to the appeal itself, the Authority acknowledges the particular character of Gharghur but all decisions relating to new development have to be decided upon approved plans and policies and not on a general character of a village or town."*

Surely the general character of the village or town should take precedence over any technicalities and personal interpretations of policies. The distant and not so distant views of urban conservation areas all around Malta and Gozo are being obliterated by this ribbon type development. The former Valletta Courts of Justice extension is a case in point where technicalities and interpretations of policies predominated over common sense resulting in a building that could have undermined the UNESCO World Heritage status of Valletta.

### **Loss of Agricultural land**

The land is useful agricultural land that forms part of a series of fields that border the urban conservation area of Gharghur and extend down into the valley on to Victoria Lines. The images below show the farmed land under consideration before it was abandoned. The Environmental Constraints Map GRM4 for Gharghur clearly indicates the land as forming part of an agricultural area and land of very high landscape value.



### Traffic Congestion & Policies P13, P15 & P16 of DC15

The access to the land is extremely restricted and convoluted. The main alley is 270 metres long to the transmitting station and 180 metres to the site *with no other exit*. Sqaq Kromb il-Bahar, which leads to the actual site is only about 2.8 metres wide. The entire system of alleys averages a width of only 3 metres so there is practically no space for the passage of a car and a pedestrian let alone for two cars. Anybody entering or leaving the alley often ends up having to reverse the whole way back to allow another vehicle to pass.

Sqaq Charlotte is already extremely congested and narrow. It is already congested and certainly cannot take any further development. It is a dead-end alley that is extremely difficult to manoeuvre with a motor vehicle without damaging both the buildings and the vehicles. The image below shows the parking situation at the end of the alley.



The present scarcity of parking space and associated problems in the area are enormous. This has been the cause of much frustration and, as pointed out by the Gharghur Local Council in their representation to another application on this site in an email dated 17 January 2019, many serious arguments between the residents and visitors alike. The Gharghur Local Council had objected to the proposed development on this site.

The area certainly cannot take any more development and traffic. Any further development within the area will not only aggravate the congestion and parking problems that already exist but will also undermine the social harmony amongst the residents.

The site will not be readily accessible to fire tenders and will go against Policies P13, P15 and P16 of DC15.

The development goes against various SPED objectives formulated to regulate the development of conservation areas. These are listed in the last section.

### **Destruction of rural character**

The proposed development will be accessible from Sqaq Kromb il-Bahar and Sqaq Charlotte. The former alley is particular not only for its traditional winding, narrow lanes bordered with old and restored village houses but also because it integrates the village core with the surrounding rural areas. The attached images show the urban to rural character displayed along the exact location of the proposed development.

The development goes against the SPED objectives formulated to regulate the development of rural areas listed in the last section.



The rubble walls leading off the existing buildings and the winding earth paths to the fields will be destroyed by the development thus going against Subsidiary Legislation 552.01- Rubble walls and rural structures (conservation and management). As stated above the land forms part of a series of fields

that border the urban conservation area of Gharghur and extend down into the valley on to Victoria Lines. A footpath leads from Sqaq Kromb il-Bahar down to the Victoria Lines. The proposal will destroy the very nature of this conservation and rural area in a zone that is registered as a listed area and site of scientific importance in the Local Plan.

Sqaq Charlotte is already congested and certainly cannot take any further development. It is a dead end alley that is extremely difficult to manoeuvre with a motor vehicle without damaging both the buildings and the vehicles. This alley also led to the outskirts of Gharghur and to the fields shown in the images above.



Thus the development goes against many of the policies governing both the urban and the rural conservation areas including AHF 8, UCO 6, 8, 10, RCO 1, 2, 4 & 5 and SL 552.01.

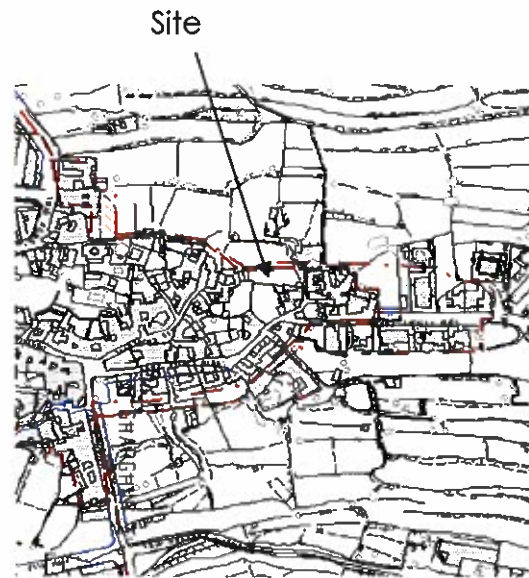
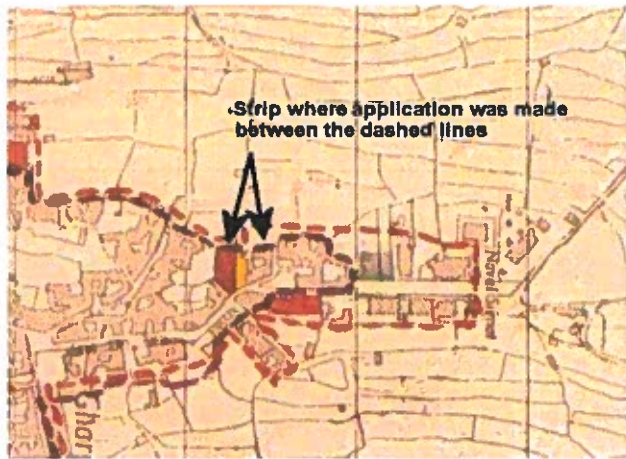
The development also goes against numerous SPED objectives formulated to regulate the development of rural and conservation areas. These are listed in the last section.

## Urban Conservation Area and Development Zone

The land does not constitute an infill site and should never be considered as being within the development zone. The urban conservation area of Gharghur is clearly defined by the actual built-up fabric and not by any digitized line on a map. The proposed development constitutes urban sprawl in a zone that clearly should remain agricultural.



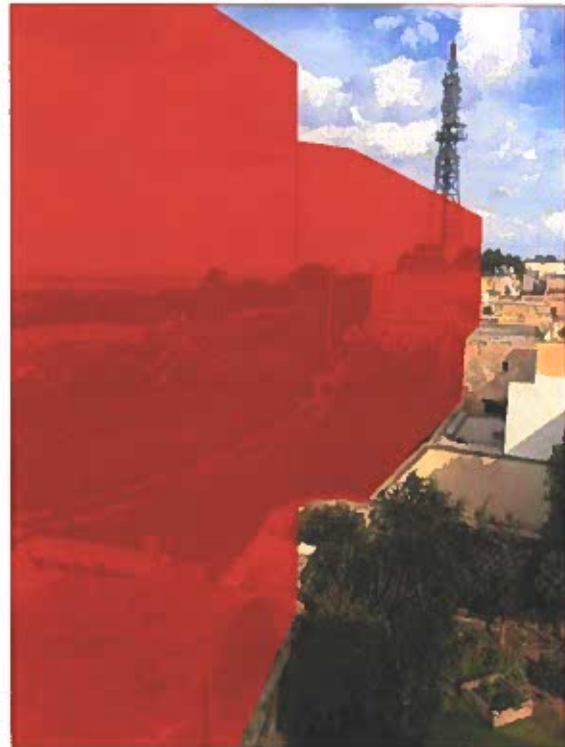
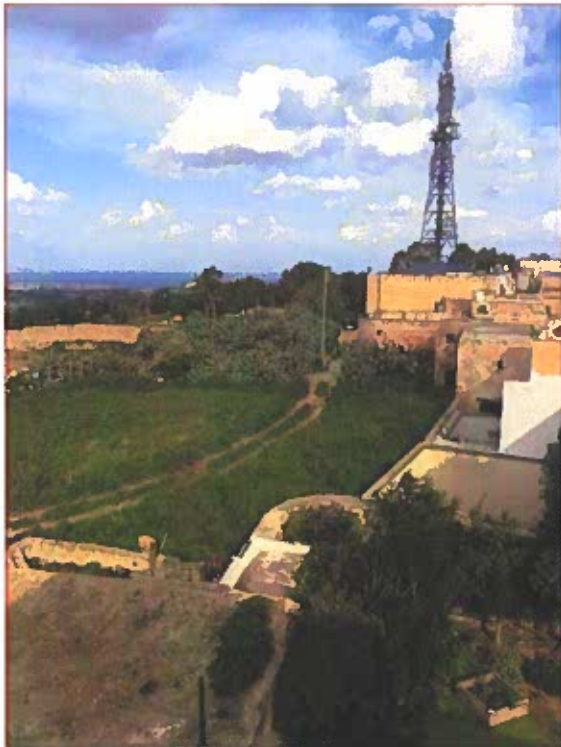
The scale at which the demarcation line of the scheme boundary was originally drawn up in the schemes was 1:2500. This means that a line with a thickness of 2mm, as it was originally draughted, would actually measure 5 metres and with a distance of another 2mm from the buildings, the strip ended up a width of about 7-8 metres in the newly digitized format of the map server. When the maps were eventually digitized the thicknesses of the demarcation lines of the scheme boundaries were obviously reduced but still followed the general paths of the original schemes since the thickness of the digitized line does not enlarge proportionally in this format. When the demarcation line was originally drawn, the land was never intended or planned by the authorities to be developed but merely to join two sections of the village. In fact, the site was never colour coded in brown unlike other areas on the same drawing indicating that it could not be developed. This space between the lines should not be interpreted by the Directorate as being within scheme. This will also set a precedent for other areas.



These agricultural fields were clearly outside the original development schemes and UCA boundary. Only the brown areas were to become developable.

### Policy P2

The proposal also goes against Policy P2 of DC15 through the creation of 3 and 2 storey high blank party and rear walls along the UCA border and existing gardens as shown in the images below.



## Policy P6 Transition Design

This policy merits a complete quotation:

*Specifically, where development is sited immediately adjacent to an UCA, it will not be higher than the height of the predominant buildings located within the stretch of the perimeter block with frontages in the UCA in question (refer to Figure 18 (a)), so as not to visually dominate the streetscape or other spaces within the UCA. **If it adjoins a garden in the UCA, it will be of an appropriate height in relation to the garden wall and set back from that wall by a minimum distance of 3 metres. In this manner the height of the new building will reflect its context and be related to the height of the wall, the size of the garden or space, the distance of the building from that garden, and its overall effect on the garden.***

Clearly this policy alone also completely rules out any form of development on this site.

## Strategic Plan for Environment and Development (SPED)

This proposed development runs counter to a number of SPED objectives:

**Thematic Objective 1: To manage the available potential space and environmental resources on land and sea sustainably to ensure that socio-economic development needs are met whilst protecting the environment and limiting land take up within the Rural Area by:**

**T.O.1.6** - Reducing development densities of urban settlements

**T.O.1.7** - Increasing green open space

**T.O.1.10** - Ensuring that socio-economic development protects rural areas from being exploited by uses which are not legitimate or necessary

As stated above and as can be seen from the attached images, the area was until recently useful agricultural land.

**Thematic Objective 7: To promote the efficient use of resources including local stone, water and soil, and manage waste in a manner that safeguards natural processes, and minimises impacts on cultural heritage, landscape and human health by**

**T.O.7.6** - Controlling the location of development to prevent soil sealing and erosion

**T.O.7.7** - Protecting agricultural land and gardens to prevent loss of soil and soil sealing

**T.O.7.9** - Controlling demolition of buildings and structures and excavation of sites

The site is agricultural land with access from a vernacular alley.

**Thematic Objective 8: To safeguard and enhance biodiversity, cultural heritage, geology and geomorphology by**

**T.O.8.7** - Controlling activities which might have an impact on areas, buildings, structures, sites, spaces and species with a general presumption against the demolition of scheduled and vernacular buildings

**Urban Objective 2: To improve the townscape and environment in historic cores and their setting with a presumption against demolition of property worthy of conservation by**

**U.O.2.2** - Encouraging good restoration practices and conservation

**U.O.2.3** - Adopting a context driven approach to the control of building heights within Urban Conservation Areas

**Urban Objective 3: To identify, protect and enhance the character and amenity of distinct urban areas by**

**U.O.3.7** - Protecting and greening open spaces which contribute towards the character and amenity of urban areas, reduction of soil sealing and support biodiversity with a view of developing ecological corridors

**U.O.3.10** – Reducing traffic in traffic-sensitive urban areas by promoting pedestrianisation, shared space streets, traffic calming and green modes of travel

**Rural Objective 1: To facilitate sustainable rural development and the diversification of activities within the Rural Area to sustain agriculture and safeguard its distinctiveness by**

**R.O.1.1** - Protecting good quality agricultural land from development

**R.O.1.7** - Controlling the cumulative effect of rural development

**Rural Objective 2: To ensure that existing rural recreational resources are protected, enhanced and accessible and to facilitate the provision of new recreational facilities which enhance the public's rural experience in a manner which does not have an unacceptable adverse impact on protected areas, species and areas of high landscape sensitivity by**

**R.O.2.3** – Reappraising the network of country pathways identified in subsidiary plans and prioritise for implementation

**R.O.2.4** – Ensuring public access to rural areas whilst minimising the negative impacts, particularly from vehicular access on protected areas and areas of high landscape sensitivity

**Rural Objective 4: To protect and enhance the positive qualities of the landscape and the traditional components of the rural landscape by**

**R.O.4.3 a** – Protecting sensitive landscapes of cultural importance and natural beauty

**R.O.4.3 d** – Strengthen the existing framework for the protection of rubble walls

**R.O.4.4** - Carrying out a reappraisal of designated areas and strategic open gaps identified in subsidiary plans to prevent coalescence of urban development and identifying further areas for designation

**R.O.4.5** – Encouraging the reuse of existing structures worthy of conservation, in a manner which is compatible with the rural character and prevents formalisation of the countryside

**R.O.4.6** - Reviewing the hierarchy of rural settlements to guide the nature, scale and type of development within them

The proposal goes against each and every sub-section of this rural objective.

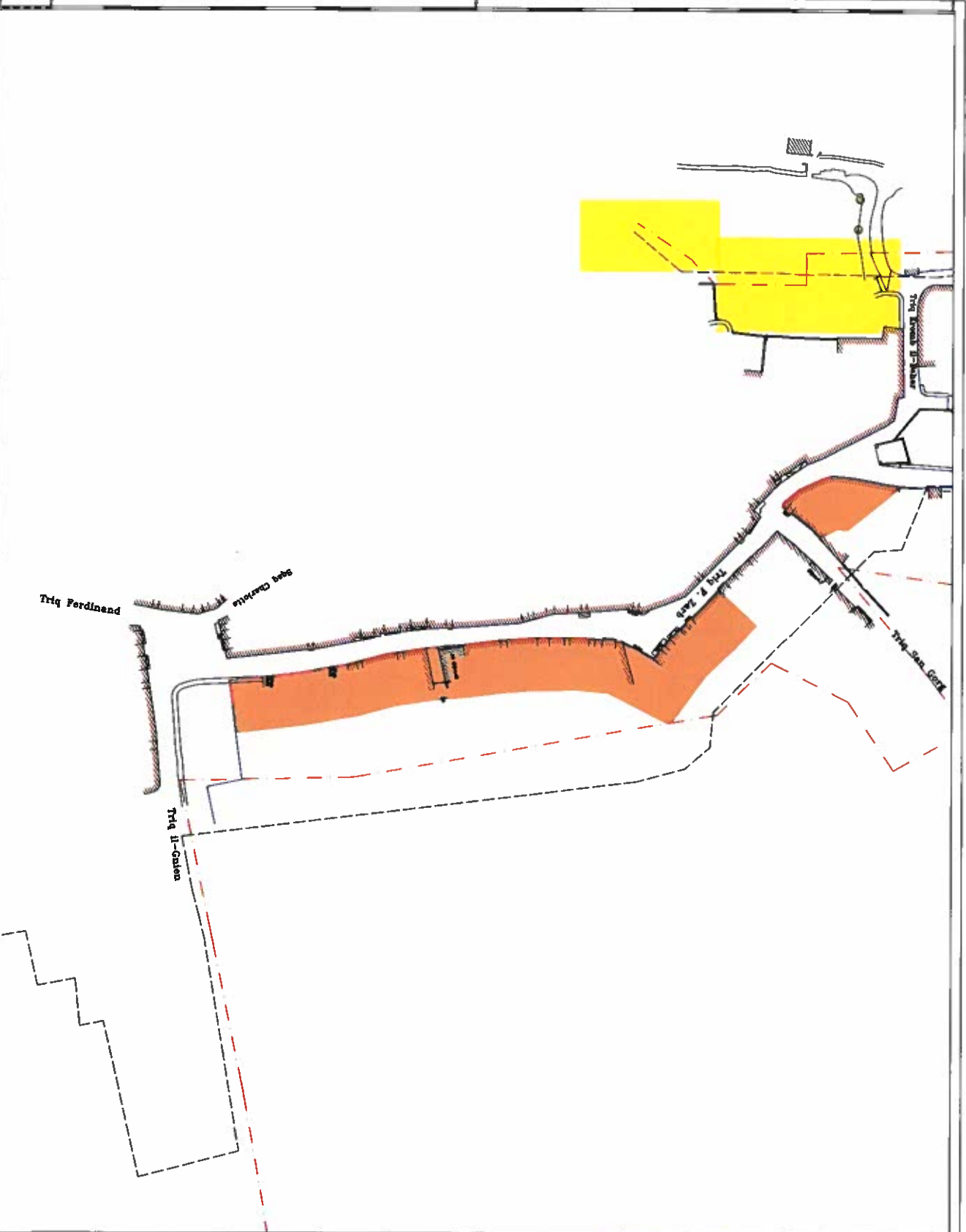
### **Conclusion**

In conclusion, the development zone boundary in the area should not be interpreted as extending beyond the edge of the existing garden walls. The Local Plan limits to development should be amended to prevent the ruination of this Urban Conservation Area of Gharghur and before any further attempts are made to extinguish the rural and tranquil setting this part of Gharghur still enjoys.



Perit Patrick Calleja

Cc Gharghur residents  
Hal-Gharghur Local Council  
Dr.Claire Bonello



- Existing Field White
- Existing Building
- Existing Vegetation
- Street Furniture
- Spot Level
- Formion Level
- Level to Development
- Urban Conservation Area
- Terrace/Development (Residential)
- Alignment
- Proposed Alignment



**PLANNING AUTHORITY**

**Subsidiary Plan  
Minor Modification**

**Charghur**

**Proposed**

|                   |                    |                  |           |
|-------------------|--------------------|------------------|-----------|
| Scale             | 1:500              | Reference        | 831E3-30  |
| City of Valletta  | Plan No. 23        | Map Coordinates  | 569807980 |
| U.T.M.            | Q.99N.23           | Leaf Index       | M.S.L.    |
| Sheet Coordinates | 74684/280          | Plan Coordinates | 38161/001 |
| Sheet Drawn by    | M. Azzopardo (LMA) | Plan Checked by  | L. Fenech |
| Approved by       |                    | Drawn by         |           |
| Checked by        |                    | Checked by       |           |
| Reviewed by       |                    | Reviewed by      |           |

The information on this plan has been carefully prepared by the Planning Authority and is intended to be used for the purposes of the subsidiary plan. It is not to be used for any other purpose without the prior written consent of the Planning Authority.