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***Mare Nostrum: WP 5 Existing Practices and Impediments to Implementation  
Municipal/Regional Case Studies***

**Malta Case Study Report  
Grand Harbour**

***Executive summary***

Within the context of the EU sponsored Mare Nostrum project, we have conducted research into the legal-institutional implementation gaps in **coastal planning and management** in the Maltese Islands, with a focus on the **Grand Harbour** area.

Malta is a small island state and has a strong focus on coastal activities, such as fishing, shipping and tourism, so the entire country could be viewed from a coastal zone management perspective. This may explain the absence of a dedicated coastal legislation; instead the coastal zone comes under an extensive number of sectoral laws and policies that apply to the whole island. Although certain documents (e.g. the Structure Plan & the National Environmental Policy) make reference to the 'coastal zone', there is no legal definition of its exact location and extent. Malta is a signatory party to the **ICZM Protocol** under the Barcelona Convention, but its implementation, including the coastal setback rule under article 8, is still in preparation.

Coastal planning and management in the Grand Harbour is principally governed by the Structure Plan, the main national planning legislation, and the Grand Harbour Local Plan. The **Structure Plan** is the only legal document specifically referring to securing public access to the coast including harbours, and makes provisions for the government to appropriate shore land into public ownership, to acquire illegal developments and encroachments, and to provide detours where public access to the coast is not practical. However, the currently available, draft version of the **Strategic Plan for Environment and Development** (SPED), which is to be the successor to the Structure Plan, does not make explicit reference to securing public ownership of the coast or removing illegalities. The **Grand Harbour Local Plan** (GHLP) contains further specific policies, such as the exact location and status of protected sites and the

designation of land within or outside the development zone. The overall strategy of the GHLP is to open up areas for tourism and promote tourism as a catalyst for other initiatives. MEPA, the **Malta Environment and Planning Authority**, is the main responsible body for drawing up environment and planning policies, regulating development, and implementing, controlling and enforcing plans and policies. The proposed demerger of the two arms of the authority is currently planned for late 2014.

From our research, which was based on desk research and interviews with a wide variety of local stakeholders, it emerged that the main implementation gaps for coastal planning and management in Malta, and in the Grand Harbour in particular, are the **lack of empowerment of citizens and local authorities and lack of enforcement of the existing policies and laws.**

People are often not aware of their legal rights in the planning process. Legal recourse becomes severely limited if one fails to register an interest in a planning application by making a representation within the defined 20 day period. Apart from limited avenues for public consultation, survey respondents also claimed they were not adequately informed about decisions that could affect them, a requirement that is laid down in the Aarhus Convention. Representatives from the local councils, the highest local authority of public representation, claims that it lacks the necessary administrative influence and resources to defend the interests of their respective communities.

Fragmentation of roles and responsibilities has been clearly outlined as one of the major impediments to the implementation and the enforcement of legislation and policy. Lack of resources, in the enforcement unit of the environment and planning authority, has led to a huge backlog in dealing with illegalities and infringements. It is further evident from the data collected and the interviews conducted that the identification of loopholes remains a key strategy for developers in bypassing development restrictions. Lodging appeals on technicalities, and fragmentation within authority structures themselves, are also pertinent problems.