



MEPA REFORM

Change for Sustainable Growth

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INTRODUCTION

Without doubt, MEPA is a very high profile organisation in the Maltese society.

Its very existence touches an element which is at the very heart of a society that may be defined by its insularity. It deals in the natural and built environment. It faces the day to day dilemma of a decision making process that strives to balance the need for socio-economic development within a sustainable context.

Increasingly our environment is becoming more important; not only from the way we plan to use the eco-systems services but also in the way we plan not to use them. This is the dilemma that MEPA continuously faces through its operational responsibilities.

Over the years there have been a number of attempts to reform MEPA or its predecessors. These reforms have achieved some results but still left much to be desired. It is therefore important that this reform exercise is more thorough and includes a much wider consultation than any of the previous attempts. This is important since MEPA operates not just in a national and insular context but in a reality where we, as part of the European Union, have agreed to set new benchmarks, meet obligations and address an ever-rising level of expectations.

Previous attempts at reforming MEPA have focused primarily on legalistic issues. MEPA does not operate in a vacuum. There is a very high level of interface with many spheres of society ranging from the political sphere to the individual citizen. Issues may exist in any of these interfaces and these can hamper either MEPA's independence or its modus operandi. Reform attempts which do not address external issues such as shared responsibilities for the environment with other regulatory agencies, relationships with clients and their professional agents, and the varied expectations of civil society, are destined to achieve only partial success.

MEPA's difficult task generates considerable debate in the community but the importance of its role is widely acknowledged. Moreover in spite of the criticism, MEPA is arguably the most transparent public organisation in Malta. This

transparency is so real that many instances can be quoted where challenges to MEPA's decisions are often based and heavily reliant upon information made publicly and freely available by the Authority. Therefore reform initiatives, further to those which had been announced in the previous legislation and which are to be placed on the agenda of the House of Representatives, should be directed to the identification of the principal areas which MEPA needs to focus upon to address the real and perceived credibility deficit that it is currently experiencing. The aim of this report is to identify action areas and outline measures which are deemed necessary to implement a successful reform process aimed at reinstating the respect that this Authority deserves.

MEPA, in 2003, declared its vision statement

"We cherish our environment and plan to nurture it, together"

The Authority strives to achieve this aim through responsibility, partnership, service and commitment. The underpinning values are those of justice, professionalism and integrity. Through these means MEPA aims to direct its processes to better converge with its mission statement.

MEPA pledges its commitment to:

- 1.Sustainable development by balancing pressures on the use of land and environmental objectives.
- 2.Consistency and consolidation of policies.
- 3.Transparency, accountability and efficiency.

The translation of these ambitious objectives into tangible realities is not envisaged to constitute an easy task.

MEPA'S INTERFACE WITH GOVERNMENT AND ALL LEVELS OF SOCIETY

As indicated earlier, success of the reform does not solely depend upon internal interventions. Action on MEPA's interface with the political level, other public entities, NGO's, private entities, the media, applicants and their professional representatives as well as the public at large, is critical.

It is acknowledged that some of the criticism levelled at MEPA is justified. However there are a considerable number of instances where MEPA is placed in a position to shoulder other agencies' responsibilities. Part of this burden may be attributed to MEPA's efforts to be proactive in facilitating the application process through a one-stop-shop. In other instances, MEPA is blatantly and unjustly accused of shortcomings which are either non-existent or are so distorted that they paint a completely different picture. Several instances are on record where in spite of public statements to correct allegations, certain sectors persist in perpetrating incorrect information. This could easily have been verified before being disseminated with the result of creating a sensation. Whilst freedom of expression is pivotal in a democratic society, one should always keep in mind ethical obligations towards the general public and should undertake more rigour towards impartiality and the truth.

The proposed changes will definitely require a review of the resources currently available and which already do not meet the full complement required by the organisation to fulfil all its obligations. The Authority needs to become more attractive as an employer and be able to compete with the private sector on the job market to attract and retain staff.

These elements are discussed in more detail in Section 12 relating to Resources

DESIRED TARGETS

The Authority's fundamental objective is the improvement of the quality of the service it provides. The aim of the proposed changes is to see the organisation focuses on its core responsibilities and rationalise its functions through a change process involving all stakeholders in the environment field. The delivery of a high quality of service should assume a primary focus at all levels.

The end results of the proposals in this reform document are targeted to achieve substantial improvement in the role and credibility of the Authority by:

- Implementing the principles of better regulation in all processes.
- Promoting greater consistency in the interpretation of policy.
- Guaranteeing an all inclusive process by providing the best possible system for public notification and participation.
- Facilitating and defining the access to planning and/or environment related information
- Ensuring that the public is provided with fair and adequate options of redress.
- Simplifying and consolidating the policy development process.
- Ensuring that policy review and formulation is based upon the most reasonably complete, updated and correct information
- Ensuring that there is accountability at each decision stage.
- Prioritising and focusing MEPA's most precious resources in an effort to direct them to the core functions and more strategic roles of the Authority.
- Ensure that there are the requisite human, temporal, pecuniary and physical resources to achieve objectives.

This will necessitate changes to:

- main and subsidiary legislation
- the current organisational setup
- MEPA's internal operation procedure

PROPOSED CHANGES

1. THE SETTING UP OF AN ENVIRONMENTAL AND PLANNING SCREENING UNIT

At present, in spite of the various policy documents and legal frameworks, persons may sometimes mistakenly assume that a particular parcel of land may be developed in a manner or for a use which, in reality is far from being the case. This scenario leads to raised expectations which, down the application process will meet with barriers and inevitably, lead to frustration.

It is being proposed that an Environmental and Planning Screening Unit (EPSU) is set up reporting to the Director General.

The Authority will require prospective applicants to set up meetings with the EPSU to assess the possibility of certain proposals being actuated and to identify the planning and environmental constraints in the area. Also, should the proposed development require further studies, such as an EIA, the client would be notified at that stage and consequently the costings can be planned in advance. Applications falling under the criteria listed below will require prior processing by the EPSU:

- Applications that are classified as Major Projects;
- Outline Development Applications;
- Applications affecting Scheduled Properties;
- ODZ applications;
- Applications which may have an impact on Natura 2000 sites and Special Protected Areas;
- Applications for proposals subject to IPPC permits.

The services of the unit shall be at a fee which will entitle the applicant to a pre-submission meeting prior to the initiation of assessment by the EPSU. Should additional meetings be requested by the applicant, an additional fee will be applied.

The Authority will also review its vetting process to create an effective filter for these types of applications which are submitted without being first subjected to planning and environmental screening by the EPSU.

This process will be more beneficial for the client since it reduces the processing time and the probability of having an application running aground way too late in the application process.

The Unit will be required to give a reasoned justification in cases where it makes a negative assessment but without prejudice to the final decision. If the Applicant, even in view of a negative assessment still insists on formally submitting the application, the Authority will expedite the process for a decision based on the EPSU's assessments.

2. THE SETTING UP OF AN INTER-DEPARTMENTAL EXPERT COMMITTEE

At present, the Case Officer on behalf of the Director of Planning, shoulders all the responsibility of the recommendations to the decision bodies regarding development proposals. The land-use planning situation is becoming increasingly complex. Not only national legislation, subsidiary legislation and planning policy documents need to be evaluated but also international obligations and EU directives need to be followed. Statutory regulatory bodies at present are being consulted to submit their views on planning applications. The Case Officer may not always be the most competent to evaluate the different weightings which all submissions by other regulatory Authorities in an application require.

It is being proposed that the Inter-Departmental Expert Committee be set up, chaired by the Principal Permanent Secretary and falling under the direct responsibility of the Prime Minister.

The legal remit of the current Inter Departmental Planning Committee should be extended and the new body renamed as the Inter-Departmental Expert

Committee (IDEC). This will be set up to make a collective recommendation to all government entities on situations which are referred to it by MEPA's Director of Planning where serious objections or conflicting opinions have been raised by statutory regulatory bodies.

The IDEC would consider these situations from a technical point of view and give a conclusive recommendation to MEPA's Directorates after an assessment of all relevant information according to the respective competences of the members of IDEC.

The IDEC should also have the role of giving an opinion and propose strategic direction during the formulation of plans and policies prior to these being issued for public consultation. It is considered of utmost importance that the IDEC works closely with the Strategic Environmental Assessment (SEA) Audit team before finalizing its recommendations. For this reason it is being proposed that the SEA Audit Team should also fall under the direct responsibility of the Prime Minister.

3. PARLIAMENTARY STANDING COMMITTEE FOR THE ENVIRONMENT

Currently MEPA assesses applications ranging from the simplest to the most complex including those of strategic and national importance. It is evident that the range of impacts is therefore as varied as the nature and the extent of the development. Besides the economic aspects, there are also social and environmental implications. Aesthetic, cultural, and environmental values affect the quality of life of the citizens which in turn is a major factor in determining public expectations and reactions. It is therefore inevitable that the application process is prone to various pressures.

The proposed Code of Ethics goes some way in resolving the issue of managing undue pressure. Any reports of undue pressure reaching the Chairman shall be communicated to this committee.

To guarantee the independence and the integrity of the Authority, the Parliamentary Standing Committee shall, inter alia, have the responsibility to:

- Monitor the operations of the IDEC
- Ensure that the application process is relieved of undue pressure

4. THE PLANNING APPLICATION PROCESS

The MEU, falling under the Office of the Prime Minister, had carried out a detailed analysis of the processes within the Development Control Unit in MEPA on the instructions of the minister responsible. It had concluded a document detailing the required setup and proposals for reform which had eventually received ministerial approval. Unfortunately, MEPA was not given the financial and human resources to proceed with the implementation of these measures.

One of the major changes approved in the document is that the planning process has to be strengthened by encouraging and facilitating the negotiations and consultations within the Planning Directorate rather than having these at decision stage. MEPA feels that this opportunity should be given priority. With these changes in place, the following proposal may be considered.

The current system provides for the client another means of redress whereby, should the application be refused, a request for reconsideration may be

submitted. Thus, in effect, the reconsideration process opens up a second round of negotiations which unnecessarily lengthens the application process. MEPA is concerned that this facility is being resorted to quite lightly as changes which may have been carried out before the decision are being left to the post-decision stage.

It is therefore being proposed that a request for reconsideration is limited only to contestations of permit conditions.

This change in the system may only be implemented if adequate resources are made available to guarantee greater accessibility of the Directorates to the applicant during the application process.

5. IMPROVED SYSTEM OF NOTIFICATION AND WIDENING THE RIGHT OF REDRESS

The Development Planning Act gives the citizen the right to submit representations, including objections, on development applications within a specific timeframe from publication according to law. Details of applications are published in two weekly papers, placed on the MEPA website and posted to the Local Councils together with the site plans of the proposed development. A site notice is also affixed on the site of the proposed development. The Registered Objectors have rights at law, including that of being informed of changes in submitted plans, being notified of the date of the board's sitting and submitting an appeal in front of the Planning Appeals Board.

At present, the system is giving rise to different types of complaints, the major complaint being that of not always being able to guarantee that the site notice will remain fixed during this crucial period. This notice is also sometimes interpreted

as a 'permit' rather than as the notification of an application. The site notice is a fragile instrument, liable to removal by accident or purpose.

Consequently, the public may be deprived of this means of notification especially if one misses the notification in the press or on the MEPA website. The Local Councils do not always publicise the information which MEPA sends. This leads to the widespread complaint that the neighbours or interested parties lose their right to appeal in instances when they would not have lodged an objection on time.

Further complications may arise when an applicant submits fresh plans. Neighbours or interested parties may have initially decided not to object to a development since it would be deemed acceptable. Subsequent plans however, may have affected these people who, not having placed an objection and therefore are not legally registered with MEPA, are

not duly notified of the changes submitted. They are then faced with a development which is, from their point of view, sufficiently different from the one which they had deemed to be acceptable – and at that point they have no means of redress.

MEPA takes note of the proposals already made by Government in this regard and further proposes to make significant changes to reduce the helplessness interested parties may feel when caught up in such situations.

- On application for a development permit or registration of appeal, a site notice is fixed to the site of the development clearly specifying the type of request. It is further suggested that the Local Councils monitor this to ensure that this site notice will be fixed on time and will remain fixed and visible for the duration of the application process, failing which a fine may be raised, payable to the Local Council. Expired

notices are to be removed by the applicant after receiving notification of these decisions. It is further suggested that the Local Council shall monitor the removal of expired notices.

- Notifications of refusals and approvals shall also be published in a weekly paper with a wide circulation, on the MEPA Website and posted to the Local Council.
- Any person may register an interest or make an objection during the whole application process up to the time of decision by any one of the Commissions or the MEPA Board. Such persons will be considered as registered objectors with the right to appeal as established by law.
- Moreover, any person who is not a registered objector may also submit an appeal if this is done within 5 working days from the publication of the decision

6. ACCESS TO INFORMATION AND PUBLIC PARTICIPATION

At present, access to information is regulated by sections of the Development Planning Act and by Legal Notice 116/05 which transposed by the Aarhus Convention. The duration of Public Consultation for planning application and for policies is also stipulated at law. MEPA is arguably the most transparent institution of government. Its award-winning website is a goldmine of information. MEPA was a leader in adopting and introducing public consultation processes to our society.

There are aspects however, which need to be addressed.

CONSULTATION

- In the case of the Local Plans and in subsidiary plans, after a round of public consultation, the Authority shall be bound to go for another public consultation exercise if subsequent changes in the documents affect:
 - zoning designation
 - height limitations
 - scheduling

COMMUNICATIONS

- Consolidate market research to service the Authority's needs in compiling the Communications Strategy and Customer Relationship Management.
- The aspect of communications needs to be built-in to all processes in the Authority and communications cannot remain an end-of-pipe solution.
- The role and functions of the Communications Office of the Authority needs to be strengthened and it must remain answerable to the MEPA Board. It needs to be allocated appropriate and adequate resources, both human and financial to ensure adequate dissemination, participation and education in all media on aspects pertaining to the environment and to land-use planning.
- Personnel need to be trained to represent the Authority in the media and all public speaking events.

CUSTOMER INTERFACE

- Reinforce and consolidate efforts to provide a call centre function within the Directorates to facilitate response to enquiries. As a means to this end, the Customer Relationship Management of the Authority needs to be adequately resourced.
- All information which may be viewed by the public should be clearly defined and made accessible.

7. THE MEPA BOARD AND THE DEVELOPMENT CONTROL COMMISSIONS

THE MEPA BOARD

In the discussion leading to the formulation of this Document, there was a conscious decision by MEPA Board to limit its recommendations regarding reform proposals about the MEPA Board. However, there was a general feeling among Board Members that the Chairman and the Deputy Chairman of the Authority should be appointed on a full-time basis in view of the responsibilities they shoulder.

The Development Control Commissions

The members appointed to the DCCs are currently part time individuals. MEPA feels that certain measures with regards to the operation of these Commissions will go a long way in addressing certain concerns.

It is therefore being proposed that:

- The DCCs are reduced to 2 boards from the current set up of 3, and members appointed as full time staff. A reduction in the number of members constituting the Commission may be considered.
- The two Commissions will deal with the following types of applications:
 - Commission A: Applications in ODZ, UCAs and Major Projects.
 - Commission B: All other applications within scheme.

- In view of the different competencies required, Commission A should have a wider representation of members with expertise on urban design, architecture, environmental, rural and heritage issues.
- The DCC Chairs or their representatives should also attend MEPA Board meetings as non-voting members.
- Since members are appointed on a full time basis, it is being suggested that in order to attract the right calibre of person, members should have a longer tenure of office, and a salary commensurate with the responsibility of the post.

These proposals will enable the DCCs to hold regular meetings with the Directorates to discuss technical matters, to assess recommendations and to allow more time to carry out site inspections.

8. THE PLANNING CONSULTATIVE COMMITTEE

This committee is also constituted at law but is currently dormant. This Planning Consultative Committee (PCC) has the remit to advise government and MEPA on planning policies on which it is consulted, or on its own initiative. This PCC is composed of a wide spectrum of Civil Society and NGOs.

It is being proposed that the PCC is reactivated to enable it to act as a voice of civil society on planning and environmental matters.

9. THE PLANNING APPEALS BOARDS (PAB)

Currently the Planning Appeals Board is a quasi-judicial tribunal completely independent from MEPA. It is established and regulated by the Development Planning Act and the members are appointed by the President of the Republic on the advice of the Prime Minister.

In view of the fact that the administration for the PABs is financed by MEPA and the offices of the PABs are on MEPA premises, the impression is created that this is an integral part of the Authority. This is not the case and every effort should be made to rectify this perception. It is recommended that the location, finance and administration of the Appeals Board should be completely independent of MEPA.

In view of the recommendations made in this document, MEPA also suggests that a review of the number, composition and operation in these Boards be undertaken.

Legislation needs also to take into account the right of redress in front of the Planning Appeals Boards on matters involving environmental decisions. This is a crucial requirement in the Legislation in the light of access to justice directives under the second pillar of the Aarhus Convention, and the Environmental Liability Regulations already in force in Malta.

Given that the chairs of the PABs have to be lawyers, the hearings are taking a legalistic approach. Planning and environmental issues are taking a secondary role and recourse to justice is taking more time to reach a conclusion. The system needs to render added value to the client.

Legislation should be amended to allow for a different composition of the Boards. This document has already given proposals on how the citizen's right to appeal can be extended. The two existing panels should consider appeals reflecting the same grouping of types of applications and expertise of members as proposed for DCC A and DCC B.

The Minister has already announced Government's intentions to amend the DPA to allow for the submission of an appeal, in specific situations, to stop the execution of a permit. It is therefore being proposed that a third PAB panel should be constituted and regulated in such a manner that it can deal expeditiously with this type of appeal (Third Party) and with appeals from Enforcement Notices.

It is being suggested that enforcement must be coupled with a setting up of a strong court session which will deal solely with planning/environmental prosecution. This will be under the aegis of a magistrate who will have been well trained on such matters. With this in place the Authority would be in a position to recommend prosecutions against offenders knowing that such cases will be dealt with swiftly through this specialised court. Provisions applicable to the imposition of fines in the Development Planning Act should also be brought into force.

This will shorten the time frames in cases where MEPA requires immediate action on Enforcement Notices.

10. AESTHETICS BOARD

The architecture of today is the history of tomorrow.

While MEPA is doing its utmost to obtain acceptable designs in most buildings and urban spaces, it is felt that with the help of external expertise this will be managed better.

It is being proposed that:

- A committee is to be set up between the Kamra tal-Periti, the BICC and the Faculty of Architecture to advise on aesthetical aspects of applications being processed.
- This will be considered as an external consultee who should make a recommendation during the standard consultation period as stipulated by legislation.

- MEPA needs to build capacity for urban design issues within Forward Planning and will update the subsidiary Plans to include urban design guidance in consultation with the Aesthetics Committee. Forward Planning shall assess the design of all streetscapes and address the problems where they arise.

11. CORE FUNCTIONS OF THE AUTHORITY

MEPA's visibility is primarily due to the vast array of responsibilities that it carries. Originally set up as the land-use regulator, it included responsibilities for mapping services, land surveying, enforcement, and subsequently included environmental regulation, environmental inspection, environmental permitting, littering, construction site management and much more. It may be safely said that MEPA's operations affect directly the daily lives of all citizens. MEPA feels that this is the appropriate moment to take stock and rationalise the core functions of the Authority to those which strictly relate to land-use planning and environment.

It is being proposed that:

- Various aspects of the construction process will become self regulatory.
- A Building Regulations and Standards Unit (BRSU) is set up, under an established authority to establish standards and certify the attainment of these standards on matters such as :
 - energy use and efficiency
 - building regulations
 - sanitary regulations
 - building services
 - fire and safety
 - noise and vibration

- This unit is to be consulted on the above matters in each application and has the right to veto any application which does not conform to standards.
- On completion of a project this unit will certify that the project is compliant with all aspects of the standard regulations before it can be allowed to operate.
- Requests for compliance will be assessed by this unit. In the process MEPA will be consulted only about planning and environmental matters before the full compliance certification is issued by this unit.

Also,

- A National Enforcement Agency should be set up to carry out enforcement on behalf of all government entities. This shall include the relevant units of ADT, ALE, MEPA, OHSA, Tourism and all other agencies which require enforcement of regulations and direct action. This National Enforcement Agency needs to be properly resourced.

Further,

- Construction Site Management Regulations and Littering are to be devolved to Local Councils since these already have an enforcement system in the form of Local Wardens.

MEPA will retain the functions of:

- Regulating and formulating land use and environmental plans and policies.
- Processing planning and environmental applications.
- Handling reports regarding planning and environmental illegalities. MEPA will follow up on each case by sending its inspectors. If on inspection it results that irregularities have been committed, a formal notice will be communicated to the offender. In cases where enforcement action is necessary, instructions will be communicated to the National Enforcement Agency.
- Environmental Permitting to regulate environmental impacts arising during the operational phase of establishments posing a potentially significant risk to the environment, such as through pollution of air, water or soil, usage of hazardous substances, as well as through noise and energy usage.
- Mapping agency & land surveying.

The setting up of a National Enforcement Agency will free MEPA's inspectors to focus on illegalities in ODZ's. This agency, properly resourced, will be prompt and efficient in effective enforcement. The Building Regulations and Standards Unit will be responsible for the technical aspects of development and will relieve MEPA of aspects of development which are not related to land-use and environmental planning and regulation. Local Councils are more sensitised to issues pertaining to their locality. They already carry the cost burden of Local Wardens so the remit can easily be extended in this direction.

Currently there are a number of overlaps of responsibilities with other regulatory agencies.

It is proposed that a review is undertaken on overlaps of responsibility with other agencies and consolidate functions as required according to the core competences of the respective authorities.

12. RESOURCES

A. FINANCES

A system should be introduced to ensure that new legislation, including EU proposals, is properly assessed in terms of its administrative burden in order to ensure that the resources necessary for implementation are identified at an early stage and made available, with appropriate prioritisation. Similarly, the work carried out by MEPA as the technical arm on behalf of the Ministry responsible for the Environment, particularly in connection with EU-related work, should be properly quantified and charged separately. Sufficient resources should be allocated for these tasks to ensure that these do not impinge on the Authority's other roles and in particular its ability to be a client-oriented organisation. In particular, dedicated resources need to be assured for the purposes of fulfilling EU reporting requirements. The lack of timely reporting to the EU Commission is the most common source of infringements that are levelled against Malta. Delays in information gathering and reporting invariably also lead to delays in the development of plans and programmes to manage impacts on the environment.

It is the intention of MEPA to become more reliant on revenues that are generated from its own activities and to decrease the dependence from the subvention monies that are allocated by the Ministry of Finance.

MEPA is largely funded from a subvention totalling about €5,600,000 from the Ministry of Finance, the Economy and Infrastructure (MFEI), and through the established service fee structure. Our major operational costs are largely associated with processing permits, compliance monitoring and reporting activities however these costs are not totally recovered through the fees currently being charged. Whereas in reality charging schemes are designed to recover costs based on the development planning fees or through the polluter pays principle in accordance with government and Ministry of Finance guidance, in effect this is not the case. The charges mentioned above are not sufficient to render the Authority autonomous to finance most of its operations. For the Planning Directorate cost recovery should be through the Development Planning Fees and charges for other services

(selling of plans, maps and others), whereas for the Environment Directorate the charges should reflect the polluter pays principle, which means that the operators pay for this service and in principle means that costs are reflected back to the consumer of the goods the operator is producing.

Current legislation should be amended to allow the regulator to operate a number of charging schemes with the purpose of recovering costs associated with activities in relation to holders of licenses under various regulatory regimes. These should generate a significant portion of total income and underpin expenditure within MEPA in these areas. These charges when set, shall take account of local circumstances and government direction, including a public consultation process. Nonetheless MEPA has to ensure that regulation costs are recoverable through charges.

Charging principles may include:

- The full recovery of costs associated with processing permits, compliance monitoring and reporting activities
- Cost recovery of the whole regulatory function
- Reviewing and adjusting the charges to follow operation efficiency.

MEPA should therefore undertake a review of the overall operation flows and the resources required to implement the requirements of the Planning and Environment Acts with a view to determining which tasks are to be recovered through the charging scheme. This review process shall seek to calculate time and human resources required to deliver the provisions of both Acts. Data on the workload breakdown need to be collected and evaluated so that each activity can be timed and costed. The review group shall make proposals as to how best to improve the process, where applicable, and to attribute a cost to that operation. The charging regime would then have to reflect this cost. This review would therefore ensure that the process will be transparent and that it represents good governance.

However this is not enough, and the Authority needs to focus more on the cost pressures that it currently faces with a view to minimising these costs, making them more predictable and stable. MEPA has already embarked on an exercise to identify:

- Cost cutting measures including getting value for money;

- Reviewing current practices and stream line operations in line with established Quality Management Systems and Standards;
- Where possible re negotiate contracts and agree on service levels; non compliance with agreed service levels will be liable to financial penalties;
- Enhancing current services to the public and MEPA customers. MEPA will also undertake a regular systematic survey of client/public expectations and perceptions of the quality of delivery of the Authority's service;
- Developing further the on-line services against a system of payment and using eApplications to generate revenue in this area.

A special effort needs also be undertaken to reduce the carbon footprint of MEPA's building to be in line with those of more efficient buildings. Apart from having the benefit to protect the environment, such initiative will also impact on the financial bottom line.

In conclusion, it is therefore imperative that in order for MEPA to tackle the financial sustainability of the organisation it has to embark on the review of its operation, identifying and quantifying cost elements and cost pressures with a view to enable charges /fees to be set equitably and to exercise cost control on its various activities.

B. HUMAN RESOURCES

The Environment Protection Directorate should have sufficient capacity in order to monitor and safeguard the Environmental Liability Directive, now an obligation under EC law, so as to provide an effective deterrent and mechanism for remediation of environmental damage.

Our main assets reside in the intellectual ability to innovate, create, think differently and inspire. In the local scene the shift in ICT mentality has made great strides and the success recorded in this sphere is primarily due to the efforts by all (government, university, technical colleges and others). This is certainly the case for the specialised staff that the MEPA requires to be able to satisfy its highly dynamic regulatory role.

There is what we call the educational deficit in addressing the needs of the various other sectors primarily connected with economic and environmental sustainability. People who will be

employed with MEPA need to have the educational background and continuous training that is essential for them to be able to deliver on their job.

MEPA is experiencing a shortage of staff in various spheres. As the single largest professional employer outside the University of Malta, MEPA needs specialised staff. Unfortunately a number of factors are conspiring to make recruitment difficult, if not downright impossible. In so far as planning qualifications go the University does not hold graduate or under-graduate courses specialising in spatial planning but only offers an urban design stream in the architects' course of studies. Graduates are also finding other more attractive salaries and working conditions elsewhere. MEPA is now finding it increasingly difficult to attract new blood into its ranks and as the work is increasing, due to Malta's obligations under the EU Acquis, this added work load must still be shared among the remaining staff.

Although salary scales are higher than what the Public Service offers, when compared to private enterprises, these become less of an influencing factor when the new graduates seek new work opportunities. The market rates are higher than what MEPA offers. One measure that has been successfully used elsewhere is to award a market adjustment to certain job grades that are in great demand elsewhere. This serves to attract / retain staff to MEPA, when we know that there are attempts (and there have been successful ones at that) to deplete our hard won resources.

This situation is not sustainable with the net effect being that specialised staff is seeking alternative employment elsewhere and it is already having an impact on the deliverables to the public and degradation to the value added service that MEPA seeks to deliver.

The reactions by the competent authorities to MEPA's requests to increase and even replace the staff complement have not been very helpful in solving the lack of capacity and a re-evaluation needs to be carried out based on what the Authority actually needs in terms of institutional capacity.

Efforts must therefore be directed to creating the right environment, the correct staff complement and protection from direct and unjustified criticism.

The Authority requires specialised staff with more varied backgrounds and competences and not only

having graduated with the ubiquitous degree in Chemistry and Biology. The Authority also needs engineers, planners, economists, and lawyers with specialisation in Planning /Environment laws and many others. In this regard recognizing the role of the planning function through a chartered status of qualified planners would be helpful.

The Authority is having to invest considerable time and financial resources to upgrade the competences and skills of the staff that it had to recruit. Normally the inductees need time to become really efficient in their work since they need to become accustomed to the provisions of the legislation, regulations and the vast amount of EU directives that are transposed into Maltese legislation and others that are yet to come into force. This however becomes all the more difficult if officers are recruited to work in areas that have not featured in detail in their studies.

It is therefore being suggested that:

- MEPA prepares a needs analysis of the educational background and competences of the staff that it needs to recruit keeping in view the bulk of legislation and other obligations we have to follow; the institutional capacity analysis to be undertaken has to also take into account the present resources element and identify areas of opportunity for further training;
- Hold discussions with Institutions such as the University of Malta, MCAST and the ETC with a view to having Educational Courses tailor-made to the MEPA requirements;
- Possibly seek EU aid to train MEPA staff in the areas that cannot be covered by the local educational institutions;
- Formulate refresher courses for staff already in MEPA employment as identified by the training needs analysis.

It is to be mentioned that as an Authority, apart from the regulatory role, we also have the responsibility and a duty to teach and lead others into complying with the regulations with the least effort. We need to reinforce our position to facilitate the standing of the Authority, enhance people's perception of it and get back the respect we deserve, and maximise on our intellectual capital that has tangible value. Fact based decision making is important and unless the proper reviews and studies are carried out it will be useless embarking into a course of action that may not satisfy the need of the reformed Authority in the medium and long term.

