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SOVRINTENDENZA
TAL-PATRIMONJU KULTURALI
SUPERINTENDENCE OF CULTURAL HERITAGE

9th July 2007

Mr. Vincent Magri
Chief Executive Officer
WasteServe Malta Ltd.

Dr. Godwin Cassar
Director General
Malta Environment and Planning Authority

Re: Waste Separation and Civic Amenity Site at Tal-Kus, Xewkija

1.0 Background

- In 2004 the Local Councils of Sannat and Xewkija start an initiative to create a Regional Park in and around Mgarr ix-Xini with the intention of conserving and better managing the area's natural and cultural environment.
- An EIA was compiled in 2004 on behalf of WasteServ for the development of a Waste Separation and a Bring-In Site at Tal-Kus.
- The EIA was not submitted to the Superintendence for review or consultation
- In summer 2005 a major archaeological excavation was initiated at the site of Ghar ix-Xih by the Superintendence and the University of Malta, with funding provided by the Mgarr ix-Xini Regional Park. This resulted in the discovery of a Punic and Roman shrine and of a rare paleontological deposit.
- MEPA issued Outline Development permit on 31/7/2006.
- A copy of the Cultural Heritage Section of the EIA was submitted to the Superintendence after the issue of Outline Permit PA 7491/03.
- The Superintendence identifies various faults in the methodology used by the Cultural Heritage Study and finds it incorrect in its conclusions, throwing doubt on the final recommendations of EIA.
- WasteServe agrees with the Superintendence on 1/3/2007 to finance a second Cultural Heritage Study, with the objective of reviewing the development's cultural heritage impacts on the Tal-Kus area.
- The second Cultural Heritage Study was carried out according to a Brief prepared by the Superintendence, and was completed on 5/7/2007 (attached).

2.0 Summary of the new Cultural Heritage Study

The study establishes that the area of Tal-Kus must be considered as an area of high cultural landscape value.



The cultural value of this landscape is clear from the survival of considerable archaeological remains right across this area, including a major archaeological and geological site at Ghar ix-Xih within a 100 meters from the proposed development.

The cultural heritage remains are located both within the area of illegal dumping and immediately around the perimeter of the same dumping. This indicates the existence of a dense scatter of remains both under and beyond the development area.

Illegal Dumping in recent years has covered much of this important cultural heritage landscape. This landscape is however still surviving under the mounds of illegally dumped material. This point has been clearly established by the recent monitored clean up of the Civic Amenity footprint by WasteServe, which has exposed the original garigue, as well as extensive signs of historic quarrying and other rock-cut features.

The proposed development has considerable visual impact, both because the Tal-Kus area is an integral part of the larger Mgarr ix-Xini scenic landscape, as well as due to the direct impact this development will have on the visual sightline enjoyed from Ta' Cenc.

One should note inter alia that the Superintendence has recently requested MEPA to Schedule Ta' Cenc ridge as a Grade A Monument, partly on account of the site's important cultural heritage landscape and the important cultural sightline enjoyed from that position.

3.0 Technical Conclusions

In view of the points raised by the archaeological study, the Superintendence wishes to make the following additional observations:

The EIA was wrong in its assessment of the Tal-Kus area as being of low cultural heritage value, having failed to identify the various important archaeological, scenic and cultural values noted above.

The conclusions of the EIA and the attendant mitigation measures must therefore be considered equally wrong and must be re-considered.

In addition to the above, the EIA made a critical mistake in not tackling in any way the situation of rampant illegality existing within the Tal-Kus area, including within the very footprint of the proposed development. No measure for the direct and immediate reversal of this state of illegality is contained in the EIA.

In these conditions the granting of a development application at Tal-Kus could be considered as tantamount to the sanctioning of an existing state of illegality. A sanctioning furthermore that would also involve the definitive condemnation of the cultural heritage assets existing in this and the surrounding area.

One notes finally that the Archaeological Study within the Tal-Kus EIA was totally outdated when the PA outline permit was granted as it failed to take into account the results of the important archaeological excavations going on at Ghar ix-Xih. Processing an outline permit on the basis of an outdated study (besides its other inadequacies) was both an unwise and risky procedure by the EIA Co-ordinator and the MEPA Case Officer.

Furthermore the absence of any substantial consultation with the Superintendence at any stage of this application has placed the cultural assets and the cultural landscape of Tal-Kus and of Mgarr Ix-Xini at even greater risk.

4.0 Recommendations

Should the existing Outline Development Permit for a waste separation plant at Tal-Kus be confirmed, the Full Development Permit should include the following recommendations as essential mitigation measures necessary for the protection of the cultural heritage assets of the Mgarr Ix-Xini area.

4.1 Construction work at Tal-Kus should as much as possible not impact the original guarigue lying buried under the mounds of illegally dumped material. To this end any construction should be sited as much as possible within the footprint of the illegal quarry sited within the application footprint.

4.2 Construction is furthermore to be as much as possible low-lying and avoid impact on the skyline.

4.2 Without prejudice to 4.1 and 4.2 above, any construction at Tal-Kus that cannot be sited within the quarry limits, and must therefore impact the buried guarigue landscape, will as far as possible be reversible and avoid rock-cutting.

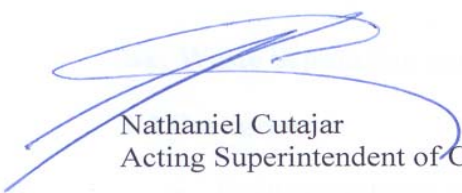
4.3 A geological survey is to be carried out of the illegal quarry, on a brief prepared by, and report directly to the Superintendence of Cultural Heritage. The survey is to be carried out after the quarry has been cleared of dumped material but before the start of construction works.

4.4 Archaeological monitoring should be present during all excavation works, including any clean up of the illegal dumping. The archaeological monitor will operate on a brief prepared by, and report directly to the Superintendence of Cultural Heritage.

4.5 The full development permit for the Waste Separation Plant must include landscaping measures which are to be in keeping with the overall design requirements of the Mgarr ix-Xini landscape. In particular the landscaping design should attempt to comply as closely as possible with the Mgarr Ix-Xini Regional Park requirements and objectives.

4.6 Finally Government should consider taking direct action and reversing the state of illegal dumping at Tal-Kus with an appropriate restoration of this important, but badly polluted landscape. Measures for its restoration should include the following:

- Removal of all illegal dumping, not only within the footprint of the current development, but over the entire area overlooking the Mgarr ix-Xini Area
- Improved monitoring, policing and enforcement of the area to stop the worsening of the illegal dumping in this area of great scenic and cultural value.
- Develop strong long-term management capability of this landscape through closer co-ordination of the central governmental bodies with the Mgarr ix-Xini Regional Park initiative.



Nathaniel Cutajar
Acting Superintendent of Cultural Heritage

- C.C.
- The Permanent Secretary, Ministry for Rural Affairs
 - ✓ The Permanent Secretary, Ministry for Gozo
 - The Permanent Secretary, Ministry for Tourism and Culture
 - The Chairperson, Mgarr ix-Xini Regional Park