

**CONSERVATION ORDER**  
**SECTION 46 OF THE DEVELOPMENT PLANNING ACT 1992,**  
**ACT I of 1992**

The Planning Authority believes that the following property, namely

**Ghajn Tuffieha**  
**Mgarr, Malta**

(as per plan 1 herewith attached) is of Ecological and Scientific Importance such that the site has been listed as Scheduled Property in terms of Section 46 of the Development Planning Act 1992, Act I of 1992

The Authority also believes that the property is in need of conservation and is hereby issuing a conservation order in respect of the above site as described thereto in accordance with Section 46 of the Development Planning Act, Act I of 1992.

Conservation in this context refers to :

- the sustaining of the ecological equilibrium of the area;
- the rehabilitation of degraded areas;
- the removal of derelict structures; and
- the restoration of historic buildings.

Conservation will be mainly achieved through education and efficient management of the area.

Whereas the Ghajn Tuffieha area is of considerable value from an Ecological and Scientific point of view, is largely open to the public and visitor impact affects its state of conservation:

- (i) The area is to be maintained and conserved by means of a continuous maintenance program, within the parameters used for the scheduling of the same area and according to the various levels of protection (as per plan 1 as described above and clauses 15.34 to 15.40 of the Explanatory Memorandum of the Structure Plan for the Maltese Islands, and according to international conventions, treaties or directives that Malta may be party to or is required to uphold);**
- (ii) The maintenance of the said site is the responsibility of the Government, namely the Environment Protection Department of the Ministry for the Environment who may provide for the management and conservation of the site through contractual agreements with third parties (hereinafter referred to as “the site managers”);**
- (iii) The Environment Protection Department and the site managers shall consult with the Planning Authority regarding the part of the site or area that is to be conserved, following site inspections as necessary and no work of**

**any kind shall be undertaken on site prior to the approval of the Planning Authority;**

**(iv) Any development that may be acceptable in the site shall be subject to a development application, unless otherwise directed by the Planning Authority, and no work shall be taken in hand prior to approval by the Planning Authority.**

**(v) The conservation of historic structures shall be subject to a development permit and only undertaken following consultations with the Planning Authority and the Museums Department and according to an approved method statement following recognised international principles.**

The following conditions and provisions are to be applied, whilst conserving the area.

**A. Restoration**

1. Within the first two years of the issue of this order, a study shall be commissioned by the Environment Protection Department in order to establish the time scales involved in the erosion of the cliff edge at the Ghajn Tuffieha tower's location and action taken on the results to restore and/or relocate the specified tower (Scheduled Grade 1, as per Government Notice No: 729/95). The tower may be used to support wardens' activities, subject to the necessary clearance permits or licenses required from any other Government entity.
2. The Sound Locator, Crew Quarters and Beach Post (as per plan 2 herewith attached), shall be restored by the Environment Protection Department within three years of the issue of this order, following consultations with the Museums Department and subject to the necessary permits. These structures shall only be used for educational purposes.
3. Existing rubble walls shall be restored using traditional materials and methods. The site managers and the Environment Protection Department shall submit a plan identifying the interventions required and the time frame for execution of these works within one year from the issue of this order. New rubble walls may be constructed where necessary, except on the clay slopes and in Level 1 areas. Such new rubble walls shall be the subject of a development application and supported by scientific reports evaluating any possible impact of their construction.
4. The reservoirs at the old sewage treatment plant (as per plan 3 herewith attached) shall be restored by the Environment Protection Department and used for water storage, subject to the necessary permits being issued and any other permit, license or clearance that may be necessary for the Department or the site manager to obtain from other Government entities.

**B. Regulation of Activities**

In Level 1 and Level 2 areas (as described in plan 1 herewith attached), the following regulations shall apply:

- No offroading, motor-cycling, cycling or horse riding shall be allowed on the clay slopes or on Level 1 Areas. Access to these areas for such activities shall be restricted by low rubble walls. Where access to these sites is necessary for other activities, bollards may be used;
- No camping shall be allowed in the Level 1 and Level 2 areas. For the Level 3 area, Structure Plan Policy REC 9 shall apply;

- Removal or introduction of sand, pebbles, stones and clay shall be strictly prohibited;
- No removal or destruction of any native species of flora and fauna shall be allowed;
- No new development, except for the provision of sanitary facilities and minor developments directly associated with the management of the site shall be allowed. Any such development that may be allowed shall be the subject of a development application;
- No commercial development of any type shall be allowed in Level 1, Level 2 and Level 3 areas;
- Any sporting, leisure or group activity to be carried out in the area, shall be first approved by the site managers, in consultation with the Environment Protection Department and the Planning Authority;
- No barbecues or picnics, except on the main beach (as per plan 4 herewith attached), and as per rules established by the site managers, shall be allowed; and
- Removal of litter shall be carried out regularly, through an approved methodology. To this effect, the site managers shall submit a method statement and cleaning programme for approval by the Environment Protection Department and the Planning Authority, within three months of the issue of this order.

In general, traditional and essential activities such as farming, bathing and trekking, ambulance and fire brigade entry, site managers's vehicle entry for maintenance purposes, removal of litter and beach cleaning support (kept to the barest minimum), are accepted in the conservation area, but shall be regulated by the above and by the site management rules.

Activities that contribute to the degradation of the area, are not acceptable. These include off-roading, abseiling, any function, which attracts or may attract a significant number of people, bathers driving down the clay slopes and any other activity that may generate a significant level of noise.

### **C. Enforcement**

The site managers shall ensure that wardening activities are provided all year round particularly during the summer season where wardens shall patrol the area all day on weekends and on afternoons and evenings during the weekdays. The warden's role shall mainly consist of guiding the flow of human activity along footpaths, away from sensitive areas, act as a medium of education, control access to various parts of the conservation area, support actual conservation measures, and generally acting in accordance with the provisions of the management plan and this Conservation Order.

### **D. Further Management**

1. A number of existing footpaths need to be rationalised using appropriate signage, eventually creating a Nature Trail, whilst others should be closed and re-vegetated. Areas within footpaths that constitute a danger to passers-by should be rehabilitated using appropriate material. Within the first six months after the issue of this order, a plan for the establishment of a nature trail shall be devised by the site managers and submitted for approval by the Planning Authority and the Environment Protection Department.
2. Alien trees, shrubs and plants present on site shall be removed and eventually replaced with native ones. Esparto grass and *Tamarix africana* should be widely planted, especially on the clay slopes, in order to reduce erosion. All plantations shall be subject to a landscaping and habitat restoration plan, devised within six months of the issue of this order and approved by the Planning Authority and the Environment Protection Department.

3. The landscaping scheme shall include a phasing out and replacement programme for all alien trees, shrubs and plants, as well as non-alien species that may be inappropriately sited from an ecological point of view.
4. Posidonia banquettes shall be allowed to develop on the beach below the steep promontory joining Il-Qarraba to the mainland, on the Gnejna side (as per plan 5 herewith attached), so that the communities that they maintain can be studied.
5. In addition to the above, the site managers shall, within three months of the issue of this order, publish a set of rules which any visitor to the area should observe, based on the above and which shall be made available to the public.

If the said scheduled property is in any way damaged or altered in contravention of this Order, the Authority shall exercise its powers of enforcement, as set out in Section 46, 52, 53 and 55 of the Development Planning Act, Act I of 1992.

The Chairman  
Planning Authority