



Letter of Appeal

Project Ref: 00118
Planning Permit: PA 08387/18
Date: 24th May 2019

As per Article 13 of the Environment and Planning Review Tribunal Act, 2016, we hereby wish to put forward the below mentioned arguments, by way of appeal to the Board decision on PA 08387/18.

- Reference can be made to the approved site plan (doc 1a), and the case officer’s DPA report (doc 79a) – whereby it is noted that the site is bound in its entirety by a “Development Zone Including Rationalization”.
- The board noted that P35 was to be applied with the presupposition that the site fronting the development *may* be an ODZ. P35 clearly states that a setback of 4.25 is *applicable* for developments fronting ODZ, but makes no direct reference to rationalization areas. It is therefore incorrect to apply P35.
- The undersigned and the applicant made this known immediately during the board – yet the board refused to take into account this fact.
- The applicant has therefore been left aggravated by the board’s decision to impose a setback of 4.25m;
 - o Going counter to the recommendation of the case officer
 - o Applying P35 incorrectly, basing the policy on a presupposition that the fronting site *may* be an ODZ, thereby incorrectly and unjustly curtailing the applicant’s development for no valid present reason or policy.
 - o Ignoring the abovementioned arguments already put forward to the board during the same board hearing.

To that regard, we have submitted fresh drawings including a 4.25m setback in order to proceed with the application process and obtain the development permit, whilst without prejudice reserving the applicant’s right to contest this condition (minute 167d), and request the EPRT to re-assess the case and consider a setback of 3.1m as originally intended and recommended for approval.

Sincerely,

Karl Borg,
B. E. & A. (Hons.)(Melit.), A. & C.E.
PERIT