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Our Ref: 12121

29th May, 2019

The Secretary
Environment and Planning Review Tribunal
St. Francis Ravelin
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
- 3 JUN 2019
ST FRANCIS RAVELIN
FLORIANA

Dear Sir,

Appeal against refusal of PA 3346/16 - Birgu

Please refer to the refusal given to the application submitted by my client Mr. Donald Magro to carry out works at Vittoriosa.

We consider this decision as being unfair for the following reasons.

Reasons of refusal 4 and 5 are of a technical nature. We had addressed these issues in fresh drawings we had submitted to the Authority but as stated in the DPA report these drawings were not even considered since our application "was objected to in principle". Therefore how can one give technical reasons as reasons for refusal when the drawings submitted to address these issues were already submitted and not processed.

With regards the first three reasons of refusal, these are incorrect because the application was processed under the wrong policy.

According to the Grand Harbour Local Plan our site lies within the Urban Conservation Area. Hence how can one use a Rural policy for a site within the UCA. In actual fact our site is an open area within a UCA which enjoys a certain level of protection. Indeed reason 2 of the refusal is based on the fact that our site lies within a UCA. Hence reason 1 of the refusal (defines our site as a rural area must surely be incorrect).

On the other hand reason 2 which correctly applies UCA policies once again is of a technical nature and hence cannot be "objection in principle". It refers to the visual impact due to the building height. We had submitted photomontages from various view points as requested and as one may note the proposed building is practically not visible from any point. Hence it does not affect the traditional urban skyline.

The third reason of refusal states that our proposal will impact the ecological importance of this site. This is definitely not the case since our site was until a

few years ago a fully developed site as can be seen from the attached survey sheet. On this site there was a historical building know as il-Palazz tal-Caliph. Historical evidence of this building will be presented during the processing of this application. We limited our proposal solely to the committed area.

May I also point out that our site adjoins a permitted apartment block as can be seen from the attached photos whilst on the other side of the road there is the primary school.

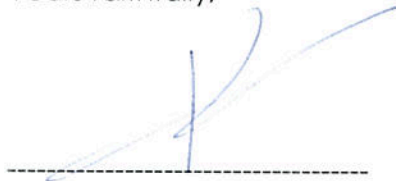
Finally may I point out that during this application we consulted the Birgu Local Council who are totally in favour of our application. The reason for this is that according to government Cottonera Strategy. Birgu needs to have a home for the elderly. The local council made various attempts to locate adequate sites but they were not successful. Hence a site selection exercise had already been carried out but no alternative site was identified.

May I also add that various homes for the elderly were permitted by Planning Authority on sites outside the development boundaries. Details of these permits are to be given during the processing of this application.

In view of the above we consider that this application was not processed in the correct manner since our amended drawings were not considered whilst no site selection exercise was requested.

For this reason we would like to respectfully request that you review this application and approve our proposal.

Yours faithfully,



Charles Buhagiar A&CE.

Encl: copy of refusal, bank receipt, site plan, survey sheet

P.S. Mr. John Boxall, mayor of Birgu to be asked to give evidence

c.c.: Mr. Donald Magro