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Our Reference : 15108-3

Date : 21st October 2016

Case Number: PA 3992 / 16
Location: Site at (quarry)Wied Xkora, Siggiewi, Malta
Applicant: Mr. Salvatore Camilleri

The Secretary,
Planning Authority,
St Francis Ravelin,
Floriana.



Dear Secretary,

Further to EPC Board Refusal, my client and myself would like to lodge an appeal against this decision to be determined by the Planning Appeals Tribunal in view of the following submissions:

1. Ancillary Premise to existing Quarry:

The premises is a necessary amenity to an existing quarry located within Wied Xkora in the limits of Siggiewi. The quarry is licensed to operate a stone Crusher for the production of Spalls (Trade Department Certificates submitted previously - pre 1992). Apart from the stone crusher license, the site is also covered with a Trade Department Certificate (red 21a and 1 E) concerning the garage which has a license to store Heavy Vehicles, Motor Vehicle Repairs, Sprayers, Workshop and a Garage. Furthermore, the premises is a pre 1992 building, dating back to the 1980's. One must explain that the property in question is a necessary amenity for the operation of the stone crusher in the quarry.

As explained during my previous submissions, the garage is presently being used for the Storage of Heavy Vehicles, as a workshop and is equipped with all the facilities / tools to repair and maintain its Heavy Vehicles on a frequent basis associated with the operation and transportation of material such as Spalls and Sand from the stone crusher. The applicant also has a permit to spray these vehicles in order to keep them in a good condition. The applicant declared that the heavy vehicles being repaired are ancillary equipment / machinery necessary

for the stone crusher and NOT belonging to third parties, but solely those used within the quarry itself.

Even further, since the property is located within a quarry and has been in operation for the past thirty years, and has not raised any objections from third parties, one can safely conclude that it is not causing nuisance to neighbours or third parties.

2. Protected Area:

The site is located within the boundary of a previous quarry, and thus shall not take up any undisturbed land. The premises lies amidst an excavated quarry area with a permit to operate a stone crusher and thus one cannot understand the Planning Directorate's arguments that the site lies in a rural activity. Furthermore, the water catchment area as per MAP SI 5 in the South Local Plan lies a significant distance away from the site in question. Moreover, the DPA report itself acknowledged that the locality is surrounded with quarries which is a totally disturbed and excavated area. **Moreover, the DPA report had inadvertently stated that the site lies within a sensitive Archaeological area – as per MAP SI 5. A glance at this MAP SI 5 confirms that site lies within a quarry area and not a sensitive Archaeological area.** The development in question shall hardly have a significant visual impact upon the surrounding quarry area and hence the policies and arguments are not applicable for the site in question.

3. Accessibility for all:

The premises shall be used for storage of heavy goods, vehicles and similar equipment / machinery and thus shall be potentially dangerous for persons with a disability. Moreover, the only room which does not have accessibility for all is a small store located at an intermediate level. Circular 2/ 14 states that stores and areas that pose potential risk with persons with a disability by reason of nature of the activity are exempt from assessment by KNPD. Clearly this circular applies for the development in question and thus this property should be exempt from assessment by KNPD.

4. Sanitary issues :

The applicant has a permit from Drainage Department (dated Dec 1993 – red 29 c) to discharge trade effluents into the public sewer.

5. Parking issues :

The property shall be used for storage of heavy vehicles ancillary with the quarry and thus no parking provision is necessary or should be requested. One must emphasise again, that the property shall not be used to repair vehicles belonging to third parties, but solely machinery used within the quarry itself.

In view of the above submission my client hopes that this appeal shall be looked upon favourably.



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