

Our Ref: 094/14  
RG Num: 01769/20



The Secretary,  
Environmental & Planning Tribunal,  
St. Francis Ravelin,  
Floriana.

3<sup>rd</sup> January 2022

Case Number: RG/01769/20  
Development Location: 16, 106, Triq il-Mahsel & Triq Il-Hammieri, Qormi.  
Development Description: To regularise warehouse (Class 6A) and office (Class 4A) as built.



With reference to the Planning Authority's decision published on the 22<sup>nd</sup> December 2021 to refuse this application for regularization permission, please note and register that I have been entrusted by the applicant to appeal against this decision in accordance with Article 11 of the Environment and Planning Review Tribunal Act, 2016.

Reasons for refusal have been quoted to be:

1. *The existing development cannot be regularised since the Class 6A use is not in conformity with policy CG 07 of the Central Malta Local Plan. The proposal is therefore in breach of regulation 4(5b) of LN 285/16.*
2. *The existing development cannot be regularised since the use of the site as a Class 6A may result in constant noise and vibrations (as well as the possible constant access of heavy vehicles). This is considered as construing an injury to amenity to the residential setting of the area and therefore the proposal is in breach of regulation 4(5a) of LN 285/16.*

Grounds for Appeal:

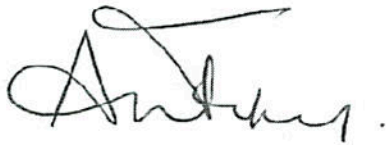
1. CG07 of CMLP infers acceptance of land uses not listed in the policy if there is an overriding reason and therefore the proposal does not automatically breach LN 285/16. While CG07 caters for all designated Residential Areas within the relative areas, one must consider the particular nature of Triq il-Hammieri which is in excess of 15m wide and on the periphery of the residential area.

2. The current use is well established and has been ongoing for at least the past eighteen years without incident or complaints by the neighbours. This definitely proves that there is no injury to amenity to the residential setting.
3. The warehousing activities do not produce noise nor does it cause vibrations.
4. Loading and unloading is rare and carried out almost exclusively with truck access from Triq il-Hammieri.

Request to the Tribunal:

On behalf of the applicant I respectfully ask the Tribunal to assess and confirm that the existing use does not constitute an injury to amenity nor does it breach regulation 4 (5b) of LN 285/16 such that the application should be reconsidered favorably and the Regularisation Application approved.

Yours sincerely,



Perit Adrian Falzon