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Our Ref.

PA Ref. PC 28/19

February 8, 2022

The Secretary,
EPRT,
Floriana

Application no.: PC 28/19
Location: Site at, Triq it-Turretta & 87, Triq Patri Matthew Sultana, Kalkara
Proposal: Proposed shifting of building/ front garden alignment and proposed change in zoning. Application also includes the establishment of the height limitation for the area subject to this PC.



Appeal on decision related to PC 28/19

Dear Secretary,

I refer to the decision notice issued by Planning Authority related to PC 28/19 located at Kalkara.

The Planning Authority refused the application on the grounds that:

“The extension to the developable area would prejudice the protection status of the Rural Conservation Area as indicated on Map 23 of the Grand Harbour Local Plan and thus runs counter to the local plan”.

One must note that the first sentence of the decision notice reads as follows:

“The Executive Council took note of the objections raised by the representees in that the site falls within a Rural Conservation Area where no further urban intensification should take place....”

The first thing one must note is that the application was recommended for approval by the planning directorate (refer to DPA at min 137a).

During the hearing of the application, there was no indication that the proposal was being negatively seen. In fact, during the first hearing, dated 30.03.2021, the Council requested a suspension of application to carry out an Archaeological investigation, since the only concerns raised had been related to issues of Archaeology.

The Executive Council requested an Archaeological investigation (which resulted in a clearance from SCH following the same ground investigation- refer to min 147a uploaded by SCH) in its

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first hearing, which one can assume that the direction of the Executive Council was for a favorable decision.

With regards to zoning of area and encroachment onto Rural Conservation area, the same Planning Authority stated the following, in its DPA:

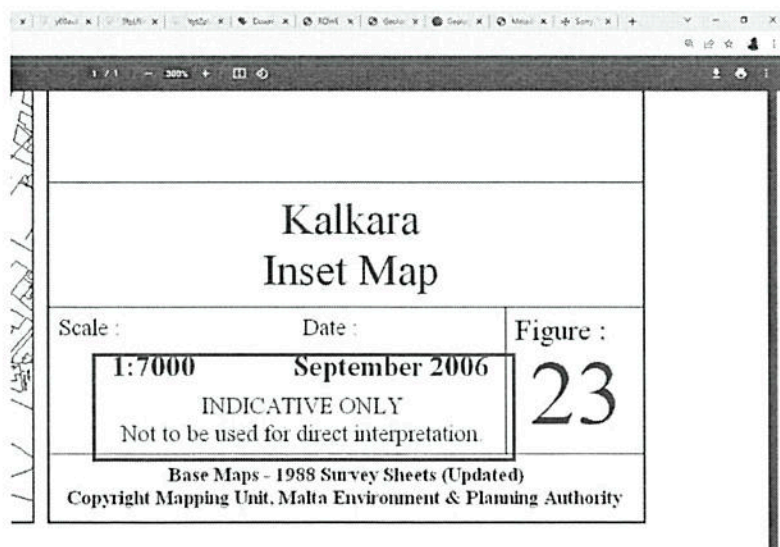
“As shown in figure 11 below, the new developable part (which includes a front garden) has an area of circa 180sqm which land is being taken from the existing schemed road and does not protrude beyond the Development Zone boundary. Accordingly, in spite that the proposed new developable footprint encroaches onto the area earmarked as a Rural Conservation Area as per GHLP, the proposed change is not considered to run counter to provisions of Article 54(2)(b)(ii) of the Development Planning Act especially since only part of the schemed road boundary is being affected while the wider rural context is not being adversely affected.”

The proposed extension of the building alignment is being made in a schemed road and the limits of the schemed road are not being altered (as also confirmed by Directorate), as approved by SMLP in 2006. With the PC and without the PC, the road will in any case be formed and constructed, as we also have no objection from TM.

The proposed extension of building alignment is being made within development zone and the ODZ boundaries are not being altered.

Note also that fig 23 of GHLP, which map indicates the zoning of the area states the following:

“Not to be used for direct interpretation”. This statement was approved by Parliament in 2006.



Also, its illegal to refuse an application being recommended for approval, without informing the applicant/ Architect that the board intends to refuse (when case officer recommended an approval) and not giving change to the Architect/ Applicant submit justifications for the recommendations for refusal, since during the sitting, both applicant and Architect had no knowledge that the Council was going to refuse the application on the grounds above.

On the above, I kindly request the EPRT to favourably consider the PC application,

Tancred Mifsud A&C.E.

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