

PA
377

PERIT DAVID ZAHRA
B.E. & A. (HONS.), M. SC. CONS. TECH.
CONSERVATION ARCHITECT

SEPTEMBER 30TH, 2017

OUR REF.: 880-12
YOUR REF: EC/00096/17

THE CHAIRPERSON
ENVIRONMENT AND PLANNING REVIEW TRIBUNAL
BLOCK B, ST. FRANCIS DITCH,
FLORIANA



PERMIT: PA/02933/12
LOCATION: SITE AT TRIQ HAL-FAR, L/O BIRZEBBUGIA
PROPOSAL: RENEWAL AND AMENDMENTS TO PA0381/05 - TO CONSTRUCT INDUSTRIAL DEVELOPMENT FOR MAINTENANCE AND PROVISION OF ANCILLARY SERVICES TO LOCAL AND FOREIGN OWNED TRAILERS INCLUDING SANCTIONING OF PART OF BOUNDARY WALL AS BUILT.

RE: APPEAL WITH RESPECT TO THE ISSUANCE OF EC/00096/17

With reference to Mr D. Cutajar's correspondence, on behalf of the Executive Chairperson, dated 13th September 2017, received on the 23rd September 2017 by registered mail, as per provisions included in Development Planning Act, Chapter 552 of the Laws of Malta, Article 11 of the EPRT Act, we are respectfully requesting the Environment and Planning Review Tribunal to consider the following considerations when reviewing the appeal with respect to the issuance of EC/00096/17:

- With respect to the operations outside the site boundaries, a DN/876/17 has been submitted on the 6th September 2017, following all the necessary approvals by the MIP and other competent authorities, to include:
 - revisions to the site boundaries (EC/00096/17 - 1)
 - new access based on revised MIP road alignment (EC/00096/17 - 5)
 - opening to integrate the new annexed areas with the site (EC/00096/17 - 5)

- it is pertinent to point out that the site were "zamma t'oggetti varji go ghalqa adjacent" is part of the revised site extents (EC/00096/17 - 6) and this area is presently cleared as per photos attached to DN/876/17
- With reference to the weighbridge (EC/00096/17 - 2), the undersigned is informed that the preparatory works were already on site, even before the site was entrusted to Alfaran Trailers Maintenance and Logistics Services, and the remaining works for the installation of the weighbridge were completed once MIP indicated that a change in the site extents was possible.

The process is already underway to get the necessary clearances from the MIP to enable the submission of a DNO to sanction this development since now this falls within the revised site extents.

- The remaining elements of EC/00096/17 (3 & 4) allege that the permit conditions 7a and 7d and the use in general of certain areas of the park are not in accordance with the permit and approved drawings.

The use of the park falls under 'Class 5B - GENERAL INDUSTRY' as defined in LN74/2014 for "use for the carrying on of an industrial processes not contemplated by Class 5A or Class 5C".

The main use of the circa 10,335sqm park is the maintenance of trailers. Considering the scale of the park and the nature of the structures, the workshops are sometimes for ancillary services rendered to trailers undergoing repairs which include the temporary unloading and holding of cargo whilst the trailers are awaiting repairs, or for the use of maintenance on fishing equipment, which are probably what the EC is referring to. However, such ancillary usages have never superseded (and will not) nor taken over the primary authorized use of the site and have hence always been ancillary and complementary to the primary use;

Notwithstanding the above, we believe and understand that such activities still fall within the range of activities contemplated by Class 5B of the said legal notice, and considering the proportion of the site occasionally utilized for such uses, does not constitute a 'change of use', which is however is still not required for activities in the same class, but the LN requires the notification of such uses.

When considering that the above alleged activities are not the main use of the site, as acknowledged in the EC itself, and is not contemplated to be as such, and that any on-site operations are governed by the agreements with MIP and operational permits issued by other entities, we believe that as long as the physical development itself is in accordance to the approved permits, and that the alleged 'different' use/s fall within the same Class of LN, we fail to understand why enforceable action by the authority was considered in the first place in this regard.

In conclusion we respectfully request the Environment and Planning Review Tribunal to consider this request with due urgency and render the enforcement notice in caption as null since the elements deemed to be in breach of the said permit PA2933/12 are addressed via subsequent DNO applications (or shall be addressed shortly) and hence no enforceable action exists on site.

Should you require further information, do not hesitate to contact the undersigned.



Perit DAVID ZAHRA
B.E. & A. (Hons), M.Sc. Cons. Tech.
Conservation Architect