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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
26 MAY 2021
ST. FRANCIS DITCH
FLORIANA

The Planning Commission
Planning Authority
St. Francis Ravellin,
Floriana

Application Number: PA/03648/20

Location: Tal-Palma Yard, Area K/A, Il-Ballut, Mgarr

Proposal: To sanction a tented structure and the removal of soil to create a parking area for heavy vehicles.

In terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016 we hereby submit our plea for appeals on the decision which was published on 12 May 2021.

Reason 1

The proposal cannot be considered further unless the following illegal development is first sanctioned or removed and this in terms of regulation 17 of Legal Notice 162 of 2016. The illegal development consists of the excavation of works, building of new walls, laying of concrete platform on which a batching plant has been placed and other machinery in one of the illegal structures.

Counter Argument

The excavation works carried out after the application was submitted have been included in the plans submitted on the plans submitted on the 29th April 2021, cover the illegalities in EC/00040/20 and the plans have been submitted to the PA before the decision to refuse the proposal was taken. The tribunal may wish to note that the amended plans is proposing that the excavated stores are roofed over with concrete slabs and soil is placed over the roof of the stores, this will completely screen the stores as these have been excavated below street level and therefore the placing of soil on the roof and the planting of olive trees will return the views to and from the site to it's original rural setting.

Reason 2

The proposed development, which is being objected to by the Agricultural Advisory Committee, Environment and Resources Authority and the Superintendence of Cultural Heritage runs counter to the provisions of policy 1.2D of the Rural Policy & Design Guidance (RPDG) 2014 in that the proposed sanctioning of tented structure, hard landscaping and are creating parking area for heavy vehicles is considered excessive and have lead to the unjustified take up of agricultural land, sealing of soil and formalisation of the site. The proposed development, therefore does not comply with the provisions of Policy Guidance Areas for Open Storage (2005) and runs counter to Thematic Objective 1.10 and to Rural Objective 1.1, 3 and 4 of the Strategic Plan for Environment and Development in terms of land-use in that the proposal is not considered legitimate or necessary within the rural area.

The amended plans have produced a balance between the needs of the applicant and the rural characteristics of the area, furthermore the Tribunal may wish to note a list of approved applications on site which were granted on site, these permit which constitute a legal commitment and portray a planning approach towards the area in general, the permits grated in the area that we are listing in this report all relate to development which are all counter to policy 1.2D of the Rural Policy & Design Guidance (RPDG) 2014, the departure nfrom the provisions of policy 1.2D is recorded in the following Planning Permissions

Related PA Reference	Project Description	Publishing Date
PA/03126/15	dwelling with underlying basement	PA/00426/20
PA/00426/20	Construction of residence	05 August 2020

The fact that in these cases policy 1.2D is being wavered in favour of the development confirm that departures from the sam policy have been approved on site.

Reason 3

The proposed development runs counter to SPED para. 3.1 which requires the sustainable use of land and describes the need for a sequential approach in order to ensure that land take up in the Rural Area is considered as a last resort where it is essential for the achievement of sustainable development.

The applicant is a construction company who owns a number of heavy vehicles which he uses in his business, it was in the last year that the site started to be used for the parking of heavy vehicles after

the applicant was awarded a government contract for roadworks which requires the applicant to work outside normal hours, this coming and going from his warehouse at the early hours of the day has created friction with the neighbours and after a number of police reports the applicant has to resort to an emergency makeshift store to avoid legal issues with the neighbours where the heavy vehicles were previously stored, the applicant will return the area to its original state once the roadworks contract is extinguished.

There for the reasons listed above reasons we respectfully ask the Environment and Planning Review Tribunal to favourably consider our plea for appeals.

Regards,
Simon Spiteri



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