



23rd August 2021

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/2333/21

Lokazzjoni: Store at, Kunvent, off Triq San Leonardu c/w unnamed Road, San Leonardu, Xaghjra

Proposta: Alterations to PA 5195/18 to remove condition 3 relating to use by water treatment plant. To sanction also internal partitions of storage rooms on ground floor and mezzanine level and lightweight structures. To sanction minor differences in apertures on façade.

Ref. Taghna:

Ref. Tribunal:

Michael Axisa

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was refused by the Commission and the decision was published on the 28th July 2021.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 In refusing this application on the basis of a wrong interpretation and application of the policy, the authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of Sped which mitigate in favour of enhancing and consolidating development in developed areas.
- 1.3 The proposed development is in line with the local plan policies regulating the site, and is not contrary to the provisions of the applicable policies.
- 1.4 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.
- 1.5 The original intended use did not materialise, even though effort were made. The said use is now redundant and hence an alternative use which is complimentary to the context of the said development is being sought.
- 1.6 The proximity of the said site to the Treatment Plant imposes limitations on the any alternative uses for the property, and once may not and should not simply dismiss this proposal simply because the proposed use is not for the rearing of animals. Storage in rural areas, which may also be a need for agriculture, is a use which should also be catered for and hence the reasoning of the Authority is incorrect.
- 1.7 Similar and identical proposals were approved in numerous cases. Hence even by applying the principle of paribus ceribus, and namely that similar situations ought to be determined in the same manner, the Authority was manifestly wrong in refusing this proposal.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to issue the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



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