



Our Ref. 20052

Your Ref. PA/07933/20

14th October, 2021

The Chairman

The Planning Authority,
Environment and Planning Review Tribunal,
St. Francis Ditch
Floriana



PA Case File:

PA/07933/20

Location:

Garage No.1, Sqaq il-Baghal, Siggiewi.

Proposal:

Proposed change of use from stores to chicken farm.

Request for Appeal to decision of Refusal

Dear Sir,

I the undersigned architect and civil engineer, write on behalf of my client Mr. Raymond Bajada with reference to the refusal of the above captioned application regarding the site at Garage No.1, Sqaq il-Baghal, Siggiewi.

The proposed development application was refused by the Environment and Planning Commission solely on the following ground;

- 1 The site proposed for development lies within the buffer zone of a source used for the abstraction of water intended for human consumption. The proposal therefore runs counter to criterion 5 of policy 2.3B of the Rural Policy & Design Guidance (2014) which specifies a minimum distance for new farms from groundwater abstraction sources.

My client feels aggrieved by the above decision and is hereby appealing for the following reasons:

First Ground – The site does not lie within the buffer zone of a source used for the abstraction of water intended for human consumption.

The site lies within the 200m ground water protection zone because it is near Wied Sillani but it is not within 200m of a source used for the abstraction of water as claimed by the directorate and commission.

Second Ground – In the same buffer, adjacent sites to the left and to the right of the site in caption there is an approved farm and an approved batching plant.

One cannot understand why the authority refused the application in caption when there are these commitments with far greater impacts (due to their waste generation/environmental impact) within the immediate surrounding and thus having the same constraints.

The farm is a cow farm approved with planning permit PA/2616/16 while the batching plant was approved by PA/03214/06 and PA/03354/10.

The cow farm generates liquid waste whereas the approved batching plant are for concrete and bitumen production. One cannot understand why these were approved and my client's chicken farm which produces only dry waste collected on slats is considered as a threat to the ground water, even when the national corporation on water in Malta gave there no objection to the proposal.

Third Ground – No Objection from Water services corporation

The water services corporation granted clearance and finds no objection subject to the following:

- The applicant applies for a Public Sewer Discharge Permit at the WSC.
- Any cesspits/settling tanks should be certified by a competent engineer to confirm that they are watertight.
- Any cesspits shall not be connected directly to the sewer network.
- No rainwater system should be discharged directly or indirectly to sewer.
- If any trade effluents are to be discharged, the applicant must install treatment facilities as required.

In conclusion, it is submitted that the proposal is justified, and the policy quoted in the reason for refusal is not applicable or does not warrant refusal. Therefore, in the light of the grounds for appeal submitted in this request for, the Tribunal is hereby being requested to revoke, annul and

cancel the refusal by the EPC and order the issuing of the relative Development Permit, subject to those conditions which the Tribunal may deem fit in line with approved policy.

Regards

A handwritten signature in black ink, appearing to be 'Perit Jonathan Schembri', written over a horizontal line.

Perit Jonathan Schembri