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Our Ref: 20001

18th October 2021

To the Chairperson,
Environment and Planning Review Tribunal
Saint Francis Ravelin
Floriana

Dear Sir/Madam,

Re: Appeal from the decision on PA/05219/20 dated 13th October 2021

I am writing this appeal on behalf of my client, Ms Frances Napier holder of ID card 851047M of Les Morgans, Triq il-Karmnu, Benghajsa, Birzebbugia, with regards to the decision to refuse a planning permit for the sanctioning and proposed amendments related to an animal sanctuary operated by a registered NGO Cats and Dogs Shelter VO/0173.

The decision to refuse the permit was based on untrue information. The first reason is that the proposed structures are not lightweight construction material and create a negative visual impact. This is untrue because the AAC cleared the same structures, and new drawings were submitted to comply with the policy requirements and L.N 241 of 2013 'Minimum requirements for animal sanctuaries regulations'. The later regulations require that structure and surface be constructed in hard solid construction for the welfare of the animals and facilitate the regular cleaning of the premises. The site is also screened by an approved boundary wall in PB 1314/90.

The second reason was based on the fact that soil was removed to accommodate the structures and that this was excessive. However, when comparing the proposed structures as described in the Project Description Report, the maximum number of dogs that can be accommodated is 26, whilst the ACC mandated that the animal sanctuary can accommodate 50 dogs. It means that additional space can be accommodated on-site, which can take these areas that have already been built. It is also incomprehensible how the conservation of soil takes precedence over the welfare of the animals and the fact that the owner of the site need sot earns their daily living to live and feed the dog. It is essential to state that these types of persons offer an invaluable service to our society. Their work should be rewarded, not humiliated by enforcement notices and refusals with unjust decisions that please a selected few. Also, the fact that the proposed

development was cleared from all consultees was not even factored in and given due consideration by the board, who was only interested in showcasing their administrative power and punish the weak and vulnerable.

Regarding the decision to refuse the permit based on the fact that there was an enforcement notice that is being contested in court, the board only stated that the enforcement notice covers the whole site when in reality, this refers to the dwelling that was not part of the application and had nothing to do with the animal sanctuary. Also, it must be pointed out that the approved drawings for the dwelling in PAPB 890/89 show that this structure was built following the approved site plan and drawings. In contrast, the planning authority conveniently picked upon a single condition over and above other material considerations. The construction of this dwelling was also certified by the same Authority that it conforms to the permit and drawings. This matter was brought to the Authority's attention multiple times, but the Authority itself turned its back on its word.

Also, Article 97 paragraph (1) of the Development Planning Act (2016) mandates that the Authority has only the power to issue stop notice concerning the part of development where the illegal development exists and not concerning the whole development. Thus, requiring the applicant to comply with this excessive requirement and refuting the permission hinders the enjoyment of the property by my client, even when a separate application can be filed to deal specifically with the site area being affected.

Therefore, my client's grievance is clear and consequent for these reasons whilst reserving further documentation and submissions as permissible by law. My client is appealing to the decision for PA5219/20, thereby requesting the Environment and Planning and Review Tribunal to overturn the decision favourably for the benefits of my client and the good of the animals and the environment that reside in the place.

Yours faithfully,



Perit Mark Vella

PERIT MARK VELLA

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c.c.: Frances Napier