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Architect and Civil Engineer

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Our Ref: 033/10

25th January, 2022.

Chairman,
Environment and Planning Review Tribunal,
Malta Environment &
Planning Authority,
St. Francis Ravelin,
Floriana.
e-mail: info@eprt.com.mt



Application No. PA 1617/10
Location : Site at Triq L-Imdina, Zebbug
Proposal : To Sanction Existing Building (Works to include additions and alterations)

Re: Appeal Against refusal.

Dear Sir,

With reference to the above mentioned file and the refusal of the application, I would like to appeal the decision for the following reasons:

The 3 reasons for refusal are based on the fact that the site is located ODZ. It is of utmost importance to note the following permits were approved on the site in question:

• **PAPB 545/33/74 – APPROVED**

To erect (a) boundary wall as per plan submitted provided its height does not exceed 12 courses and all external walls are erected in franka stone,
(b) to reinstate only existing rooms as per plan submitted provided all external walls are erected in franka stone.

• **PAPB 1503/33/74 – APPROVED**

To erect (a) boundary wall as per plan submitted provided its height does not exceed 12 courses and all external walls are erected in franka stone, and provided that near the entrance gate a splayed lay by 6 feet deep for a distance of 20 feet on either side of this gate is left for parking purposes.(b) to reinstate only existing rooms as per plan submitted provided all external walls are erected in franka stone.

- **PAPB 2121/80/33/74 – APPROVED**

To erect rooms provided that all external walls are erected in franka stone. This is a covering permit for the works already carried out.

- **PAPB 2047/80 – REFUSED**

An application to demolish an existing factory and construct light Industry garages. I have viewed this application as was agreed in the last Appeal's Board Meeting and would like to point out the following:

- The application states “ It is proposed to replace existing factory space by a new factory for Light Industry Namely Forming and Welding of Termoplastic products. No Deleterious Waste or By-Products envisaged.” This application confirms that the site was a committed industrial area.
- In this file there is a note by the applicant Mr. Micheal Ciavola c/o Vogue Labels, Mdina Road, Qormi that states that “ This plot of land is surround with high boundary walls which contain a warehouse that has been used previously for a waste manufacturing plant already used for manufacturing purposes. Three Phase Electricity is brought up to the place and the land is all ready for development to a modern factory”. This statement by the applicant again confirms that the site was a committed industrial area.

- **DECLARATION BY DR. GUIDO PACE SPADARO & COPY OF WATER & ELECTRICITY BILLS**

The declaration by the WSC and the bills show that the premises is of commercial nature.

- **MDC DECLARATION**

The declaration by Perit Maurice Galea stating that the premises in question was used for industrial purposes.

- **DECLARATION BY PREVIOUS OWNER**

The declaration by the previous owner Mr. Michael Ciavola stating that the premises in question was used for industrial purposes.

- **PERMIT PA 5824/96 (Permit opposite site in question)**

This application was refused by the DCC Board by was approved by the Appeals Board on Wednesday 29th March, 2000 and the works are “To erect warehouses in existing Ready Mix Plant Yard”.

- **PERMIT PA 6614/00 (Permit opposite site in question)**

Application PA 6614/00 was approved by MEPA on 12th February, 2003 for the removal of a ready mix plant and construction of warehousing. This application is located opposite my client's application and is a committed commercial / industrial site.

It is also to be noted that the declaration by Dr. Guido Pace Sparado and the Water & Electricity Bills show that the premises is of commercial nature and from research carried out at the MDC, my client has obtained a declaration by Perit Maurice Galea stating that the premises in question was used for industrial purposes.

Therefore from the above mentioned information, it is very clear that although the site in question is located ODZ, the site is committed with varies permits for commercial / industrial nature that even included a factory. Therefore the proposed application is not changing the nature of the site from agricultural in nature to commercial but is just asking for changes from commercial / industrial to commercial / industrial.

A copy of the Trading licence is also being attached showing the industrial use of the site in question.

It is also important to note that opposite to the site in question, Application PA 5824/96 to erect warehouses was refused by the DCC Board but approved by the Appeal's Board and Application PA 6614/00 was approved by MEPA on 12th February, 2003 for the removal of a ready mix plant and construction of warehousing. This application is located opposite my client's application and is a committed commercial / industrial site. If the removal ready mix plant into warehousing is seen as a planning gain, then the removal of the factory on my client's site should also been seen positively and as a planning gain.

To conclude, the site is a committed industrial site (with permits on site) and is located adjacent to other committed industrial / commercial sites and is not a virgin site located ODZ. My client has also demolished the large Industrial garage that was located in the centre of the yard.

Whilst thanking you in advance, please do not hesitate to contact me if any further information is necessary

Yours faithfully,



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Edgar Caruana Montaldo
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