

The Environment Planning Review Tribunal
Floriana



Application number : PA/07820/21

Location :Mgarr Pumping Station, Triq Martino Garces, Ghajnsielem

Proposal : Rehabilitation of existing pumping station including change of use to a cafeteria (Class 4D) and offices (Class 4A). Application also includes construction of a lightweight structure to form mezzanine and other internal and external alterations.

Applicant : Mr Ivan Falzon

Architect : Perit Mark Frendo

Application of Appeal of Wirt Ghawdex, Ghajnsielem Local Council

Whereby the Appellants premise as follows:

This application for development was approved by the Planning Commission and published on the 9th November 2022.

The property in question is a historical pumping station possibly dating to the British Period or even earlier. It is located within the Urban Conservation area of Ghajnsielem and within the setting of a Grade 1 Scheduled Old storehouse (G. N. 008_97) in Triq Manoel de Vilhena. In particular, the Superintendence draws attention to the location of this pumping station in the historical waterfront of Mgarr Harbour, forming part of a cluster of historical buildings that give a very specific character to this waterfront. The pumping station is a significant example of historical industrial architecture with significant machinery still in situ. It has cultural heritage value, meriting preservation, and protection.

The appellants as duly registered objectors feel aggrieved by the decision of the Planning Commission and are hereby submitting this appeal.

The grounds of appeal are the following:

1. Ground of Appeal

The applicant corporation is not authorised to file such an application.

The application has been filed on behalf of the Water Services Corporation which was set up by means of Act XXIII of 1991. Article 3 of the said Act establishes the functions of the Corporation. These are related to the administration of water resources and the public sewer system and the administration and operation of properties for these purposes – not for entering the catering business. Consequently, the Corporation is acting beyond its remit and the permit should be revoked.

2. Ground of Appeal

The decision is in breach of the Strategic Plan for the Environment

As stated by the Superintendent of Cultural Heritage “The pumping station is a significant example of historical, industrial architecture with significant machinery still in situ.”¹ The existent machinery is integral to the cultural significance of the site. Initially it seemed that the industrial machinery would be retained on site. However, the later plans do not show this machinery on site, leading appellants to conclude that the approved development will be totally stripped of the machinery, reducing it to another outside shell of what it once was. The Superintendent of Cultural Heritage had requested the following at Document 81a: “Moreover, the architect is to clarify the treatment of the industrial machinery and their retention proposed in the latest drawings.” This was not followed up by the developer. Moreover the use as a cafeteria and offices is inimical to the site. There are sufficient cafeterias in the area – a building of such unique heritage value should not be turned into a husk housing yet another eatery for private commercial interests – especially when this application is being filed by the Water Services Corporation.

Appellants contend that this is in breach of Thematic Objective 8 which states as follows:

¹ Dok 98a

Thematic Objective 8: To safeguard and enhance biodiversity, cultural heritage, geology and geomorphology by

1. Identifying, designating and managing areas, buildings, structures, sites, spaces and species for protection and appreciation

5. Setting out a policy framework for culture-led regeneration programmes and projects

6. Re-appraising the value of the character, amenity and distinctiveness of designated areas and sites for their built heritage value

7. Controlling activities which might have an impact on areas, buildings, structures, sites, spaces and species with a general presumption against the demolition of scheduled and vernacular buildings

Moreover the site is not specifically designated for such uses and it is consequently also in breach of the Local Plan and the the following Objective of SPED which indicates that retail and office uses should be channelled to Rabat.

Gozo Objective 1: To ensure that the social and employment needs of Gozo are met and to protect the distinctiveness of Gozo's settlements, cultural and natural environment to support the implementation of Eco-Gozo's initiative by

1. Designating a Business Hub in Rabat for predominantly retail, office, tourism, culture and leisure

3. Ground of Appeal

Breach of Article 72 of Chapter 552 of the Laws of Malta

Appellants filed representations objecting to the proposed uses. This was not even acknowledged or commented upon by the Planning Commission resulting in a breach of Article 72 which requires the Planning Commission to have regard to the representations made during the consultation period.

In view of the above, appellants request this Honorable Tribunal to revoke the abovementioned decision and approved permit.

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Witnesses

1. Applicant corporation and its employees, officers and consultants.
2. Appellants and their experts
3. Għajnsielem Local Council
4. Industrial Heritage experts and historians
5. Superintendent of Cultural Heritage
6. Planning Authority