



Sterling Chemicals Malta Ltd. Attn: Simone Ferlin
C/O 44
Triq San Frangisk
Sliema SLM 2069

Date: 23 May 2013
Our Ref: PA/03033/12

Dear Sir/Madam

Application Number: PA/03033/12
Location: Factory HF 51, Qasam Industrijali, Hal Far, Birzebbugia, Malta
Proposal: Installation of LPG bulk storage in a facility/factory already covered by permit PA/04236/08.

Environment and Development Planning Act, 2010
Notification on Development Permit Application Report and Board Date

Enclosed please find a copy of the Development Permit Application (DPA) Report prepared for the above mentioned development application.

In accordance with the provisions of Regulation 8(4) of L.N. 514/2010 you are invited to make written submissions on the contents of the DPA report, if you so wish. Any written submission received will be attached to the DPA report and referred to the Environment and Planning Commission (EPC). Written submission should reach the Malta Environment & Planning Authority within **21 days from date of this letter** otherwise the Authority will assume that you have no submissions to make on the contents of the DPA report. Fresh plans may not be presented with the DPA submission or during the EPC sitting. Late submissions and submissions with erroneous reference numbers will not be considered by the Commission.

This application shall be decided at Environment and Planning Commission B at the meeting of 14 June 2013. Sitting will be held from 09:30am onwards and this application is item 16 on the agenda. The meeting shall take place at the Malta Environment and Planning Authority, Hexagon House, Spencer Hill, Marsa.

Yours faithfully


Roderick Micallef
Secretarial Assistant
EPC Secretariat

cc: Wallace Farrugia

FOR GUIDANCE

The EPC shall decide applications in order of item number on agenda and not on a first come basis. It is envisaged that four (4) files to eight (8) files per hour shall be presented and discussed at the Board.

Section: Granted - Scheduled for EPCB
Board No.: 16

APPLICATION No. PA/03033/12

1. Application Details:

Applicable Policy: DC 2007
Press Date: 15 December 2012
Application Type: Full development permission

Applicant: Sterling Chemicals Malta Ltd. Attn: Simone Ferlin
Architect: Wallace Farrugia

Drawing Numbers: Site Plan - PA3033/12/1A
Part existing and proposed Plan - PA3033/12/36a
Part existing and proposed Elevation - PA3033/12/36b
Civil Protection Directorate Conditions - PA3033/12/35

Proposal: Installation of LPG bulk storage in a facility/factory already covered by permit PA/04236/08.
Location: Factory HF 51, Qasam Industrijali, Hal Far, Birzebbugia, Malta

2. Representations:

3. Notes To Committee:

- 3.1 The executable version of this development permission shall not be issued until such time that the application for the environmental permit/registration is submitted to the satisfaction of EPD Environmental Permitting and Industry Unit.

4. Case Officer's Report:

4.1 SUMMARY OF ISSUES

The proposed development is acceptable since the proposal complies with general design consideration of relevant MEPA policies.

4.2 PROPOSAL

This full development permission application proposes installation of LPG bulk storage in a facility/factory already covered by permit PA/04236/08. The storage will be in 3no. 2,250 Ltr tanks.

Each tanks measure 1.2m in diameter with a height of 2.4 (including base plinth which measures 1.7m x 1.7m and 0.15m high.

The proposed tanks will be replacing an existing tank of 1,000 Ltrs which is located in the same location.

A chain link fence the height of the tanks will surround the tank enclosure.

4.3 SITE DESCRIPTION

The site is located within/ the limits to development of Hal Far industrial estate - see site plan 1A. The site consists of an existing pharmaceutical factory with a site area of 3295m².

The site is bordered by two roads, one at the northwest another at the southeast.

4.4 SITE HISTORY

PA 4236/08 - Factory at Hal Far for Sterling Chemicals Ltd. This excludes the installation of a plant and operation as an API for manufacturing which is subject to a separate permit. Granted on 22/04/10.

PA1820/09 - Outline application for wind farm for a maximum of 5 wind turbines and installation of a temporary wind monitory mast. Pending.

TRK 148537 - Installation of manufacturing plant and obtaining an operations permit for the production of active pharmaceutical ingredients (API), and the installation of LPG storage tanks in a facility/factory already covered by permit PA 04236/08. Undergoing EIA process.

4.5 CONSTRAINTS

Nil.

4.6 POLICY CONTEXT

The relevant policy documents are:

- Structure Plan, 1990.
- South Malta Local Plan, August 2006.
- DC 2007.

-- Structure Plan Policies

BEN 1 - development being a cause of nuisance will not be permitted.

BEN 2 - requires good urban design.

IND 6 - The Planning Authority will give favorable consideration to the development of the service industry sites already identified under the Temporary Provisions schemes, and will designate further such sites in the relevant Local Plans at locations where no such designations have been made.

-- South Malta Local Plan

MAP HF1

Policy SMHF 01 – Industrial Zoning.

-- DC 2007

4.7 CONSULTATIONS

- Internal Consultations:

Environment Protection Directorate (EPD) (refer to doc 37)

The EPD commented that the installation of 3 LPG tanks as shown at Doc. 1d. poses no objection from an environmental point of view since the tanks will be located within the confines of the approved footprint of the facility/factory.

The EPD carried out screening of the proposal for any required assessments and studies. In terms of the Environmental Impact Assessment (EIA) screening, the EPD commented that in view of the fact that the proposed development includes the installation of LPG bulk storage with a total capacity of 6750 l (approx. 6.75 m³) and is already covered by PA 4236/08; the proposal does not qualify for further EIA assessment in terms of the EIA Regulations, 2007 (L.N. 114 of 2007, as amended) given that the thresholds stipulated by the same Regulations are not exceeded.

The EPD also noted that the site in question is already being covered through TRK 148537, for which the EIS is currently ongoing. A number of conditions have been recommended by EPD and are being included as recommended permit conditions in this report.

- External Consultations:

Malta Resources Authority – Clearance from MRA has been submitted by the applicant, (documents 1l) prior to the validation of this application.

Civil Protection Directorate – No objection subject to conditions (refer to doc 35).

Occupational Health and Safety Authority – No reply to letter dated 11/02/13. (doc 30a)

4.8 DISCUSSION

The proposed LPG storage tanks are to be placed above ground level and have a low surrounding fence. They are to replace an existing smaller tank as described above. The proposed tanks are small scale, relatively inconspicuous and have minimal aesthetic or functional impact on the building hosting it or its surrounding areas, in accordance with Structure Plan Policy BEN1.

Provided that adequate safety precautions are in place, locating a fuel tank in an industrial area does not conflict with the area's committed uses and approved designated zoning (industrial) as laid out in Map HF1 and Policy SMHF 01 of South Malta Local Plan. The proposed structures are deemed to be ancillary to the main industrial uses on site.

In terms of visual impact and height, the LPG tank and its surrounding fencing are relatively very small in size and low in height and should have no impact on the streetscape or any of the considerations necessary when judging building heights in Hal Far.

4.8 COMMUNICATION WITH ARCHITECT/APPLICANT

No communication with the architect or applicant was required to be carried out.

4.9 CONCLUSION

The proposed raises no particular planning considerations since it is located within the confines of an existing industrial unit and within the Hal Far industry zone.

Environmental issues have been submitted to the satisfaction of the Environment Protection Directorate whilst relevant conditions are being recommended where appropriate.

In view of the above, the proposed development is recommended for approval.

5. Recommendation: GRANT - subject to the following conditions:

1 Environmental Conditions:

a. Removal and re-use of soil, and management of waste generated by site preparation, excavation and construction operations:

(i) Any soil on the site shall not be built over but shall be collected for re-use in accordance with the Fertile Soil (Preservation) Act, 1973. A permit from the Director of Agriculture may be required to this effect.

(ii) The deposition and reuse of any soil removed from the site shall be approved in advance by MEPA's Environment Protection Directorate if it would involve deposition or re-use in any site which is located Outside Development Zones or within a scheduled or otherwise legally protected site.

(iii) Contaminated soils are to be managed and disposed of in accordance with the legal provisions laid down in Legal Notice 184 of 2011 [The Waste Management Regulations of 2011] as amended by Legal Notice 441 of 2011 and L.N. 168 of 2002 [Waste Management (Landfill) Regulations of 2002] and its amendments. (d) Inert waste material resulting from demolition may be reused as fill material within the site (as long as this is in line with the approved plans and other conditions of this permit), or shall be deposited at facilities permitted by MEPA and in accordance with the legal provisions laid down in Legal Notice 184 of 2011 [The Waste Management Regulations of 2011] as amended by Legal Notice 441 of 2011 and Legal Notice 106 of 2007 [Waste Management (Activity Registration) Regulations of 2007].

(iv) All operations concerning the management of waste are subject to the legal provisions of Legal Notice 184 of 2011 [The Waste Management Regulations 2011] as amended by Legal Notice 441 of 2011 and Legal Notice 106 of 2007 [Waste Management (Activity Registration) Regulations of 2007].

b. All operations concerning the management of waste are subject to the legal provisions of Legal Notice 184 of 2011 [The Waste Management Regulations of 2011] as amended by Legal Notice 441 of 2011 and Legal Notice 106 of 2007 [Waste Management (Activity Registration) Regulations, 2007].

c. Inert waste material/rock resulting from excavations or from demolition may be reused as fill material on site or shall be deposited at facilities permitted by MEPA and in accordance with the legal provisions laid down in Legal Notice 184 of 2011 [The Waste Management Regulations of 2011] as amended by Legal Notice 441 of 2011 and Legal Notice 106 of 2007 [Waste Management (Activity Registration) Regulations, 2007].

2 a) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.

c) Copies of all approved drawings and documents shall be available for inspection on site by MEPA staff at all reasonable times. All works shall be carried out strictly in accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and shall modify the drawings and documents accordingly.

d) Where applicable, all building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by MEPA's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of MEPA when the setting out of the alignment and levels is required.

e) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and official formation levels prior to the commencement of any development hereby being permitted.

f) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permission must be maintained in a good condition and it shall remain displayed on the site until the works are complete.

g) The enclosed Commencement Notice shall be returned to MEPA so that it is received at least five days prior to the commencement of any works hereby permitted.

h) Where applicable, the development hereby permitted shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

i) The height of the development shall not exceed the permitted number of floors and the height in metres as indicated on the approved drawings.

j) There shall be no service pipes, cables or wires visible on the front elevation or on any other elevations of the building which are visible from the street or public space.

The conditions imposed and enforced by the Civil Protection Department are at document PA3033/12/35. The architect/applicant are required to contact the Civil Protection Department, throughout all the construction phases of the development hereby approved, to ensure that the development is carried out in conformity with the conditions imposed by the Civil Protection Department].

An eventual development permission would also be issued subject to the following standard text:

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

A third party may have the right of appeal against this permission. Any action taken on this permission when such an appeal has been made, or until the time limit for the submission of such an appeal has expired, is undertaken at the risk that this permission may be revoked by the Environment and Planning Review Tribunal or quashed by the Court of Appeal.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority (including MEPA), as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment Protection Directorate (within MEPA) to obtain any necessary operational permit or registration. This requirement does not apply to Class 4, 5, 7 and 8 uses as listed in the Development Planning (Use Classes) Order (1994), or its subsequent amendments.

This report to the Environment & Planning Commission has been prepared and endorsed by:

Case Officer: Bernard Ferry BA(Hons)

Endorsed By: Perit Michelle Piccinino

Signature:

Signature:

Date:

Date:

Environment & Planning Commission Decision: