

The Executive Chairperson
Planning Authority
St. Francis Ravelin,
Floriana

Date: 25/03/2020
ERA ref: EA 00007/20

Dear Sir,

Planning Application: PA 08934/19
Description Proposal: To sanction change of use from disused farm into residential and to sanction internal changes to pre 1968 building and to sanction the installation of crusher, removal of soil and change of use from agricultural land to a construction yard/inert waste recycling plant
Location: Site at, Barumbara and Yard at, Triq Dwardu Ellul, Xghajra

Environmental Impact Assessment Regulations, 2017 (S.L. 549.46)

ERA's recommendation and representation on the said development proposal are being lodged in its capacity as an external consultee and an interested party in accordance with the Development Planning Act and the Development Planning (Procedure for Applications and their Determination) Regulations, 2016 (L.N. 162 of 2016).

Reference is made to the Project Description Statement (PDS) which was referred directly to ERA on 25th February 2020.

Following review, it has been determined that the nature of the proposal is such that it does not merit further assessment through EIA studies, since the relatively basic issues identified in the screening (namely rural land uptake, intensification and proliferation of physical development and site formalization) cannot be adequately addressed through detailed EIA studies.

ERA Conclusion and Recommended Way forward

The development raises significant environmental concern and is considered objectionable from an environmental point of view, as already indicated in ERA's earlier screening reply (Doc 54a on E-Apps). ERA also objects to the malpractice of first carrying out such development illegally irrespective of the environmental impacts, and then applying for retroactive sanctioning of the *fait accompli*. Such practice should not be rewarded through retroactive sanctioning.

In this regard, the illegal development should be removed, and the site is to be properly restored to its original conditions (agricultural land).



Without prejudice to the above, should the proposal be considered favourably by the Planning Authority against ERA's objection, environmental-related conditions and environmental permitting requirements may be applicable, and ERA would thus need to be re-consulted accordingly. However, such details are currently considered superfluous, in view of the overall objection to the proposal.

Yours faithfully,

Ryan Busuttil

Environment Protection Officer
f/Director Environment & Resources