

DPA Report for Case Number : PA04299/06

Representations

By a letter dated 18th August 2006 The Xewkija Local Council objected to this development (RED 13) for the following reasons:

1. Tal-Kus is not suitable for civic amenity site
2. The proposed site lies within the boundary of Mgarr ix-Xini Regional Park, covered by permit PA 3341/04, a park included in the network for European cooperation in the Field of Scientific and Technical Research. Furthermore, it impinges on sites of archeological and ecological importance and thus runs counter to numerous respective Structure Plan policies and Local Plan Policies and other related legislation including LN 160 of 2002
3. The decision of MEPA Board of 12 February 2004 whereby the site of Tal-Kus was committed for such development, is ultra vires as it breaches Article 13(5) of the Development Planning Act.
4. The proposal, in concept, runs counter EU SEA directive 2001/42/EC whilst, in siting, runs counter to Habitat Directive 92/43/EEC
5. Environmental Impact Assessment process undertaken to commit the site for such developemts is flawed, and
6. The proposed development runs counter numerous environmental planning policies, both national and European Ones.

Officer's Report

1. PROPOSAL:

This is an application for a full development permission to construct a civic amenity waste management facility and widening of approach road

This proposal forms part of a series of similar proposals to establish a network of 5 Civic Amenity sites for the general public to dispose of household waste and segregated recyclable materials. These sites will contribute to the implementation of the overall programme of segregation and separate collection of household waste and eventually reduce the load on the landfills.

2. THE SITE:

The site covers an area of 1150sqm. It is located adjacent to the out of development zone and near the site identified in the Approved Gozo Local Plan as a waste Transfer Station. Presently the area is degraded land and is subject to a large volume of illegal dumped material.

3. PREVIOUS APPLICATIONS ON SITE:

PA 7491/03: A request for an outline development permit.

Granted on 27th June 2006.

4. POLICY CONTEXT

4.1 Gozo Local Plan (July 2006)

Designates the area as a level 3 scheduled area as.

GZ-Util-15: Solid waste in Gozo shall be processed through a waste transfer station. Moreover, MEPA, in conjunction with Wasteserve Ltd. And the Ministry for Gozo, will seek to identify land for a Civic Amenity Site subject to the following criteria: 72

1. the location is within or close to (within 100 m) of the community(s) it is intended to serve;
 2. the site is situated on degraded land;
 3. the site has adequately positioned and designed pedestrian and vehicular access to accommodate the anticipated level of movements it will generate;
 4. provides access and suitably hard-surfaced and drained off-road parking and turning space for vehicles using or servicing the site;
- v. the site is located, designed and operated having due regard to the need to minimise its impact on the amenities of residential areas and other environmentally protected areas where relevant;
- vi. a landscape scheme shall be submitted and approved with any permit application, which shall be implemented in its entirety within the first planting season and thereafter maintained;
- vii. the submission and approval of a satisfactory Environmental Impact Assessment;
- viii. The location shall lie more than 100 m from areas used for quiet recreational uses or similar sensitive locations and developments, particularly with regard to potential problems of noise, vibration, pollution and visual intrusion; and
- ix. The site is not larger than 2000 sq. m.

Additionally, in accordance with the Waste Management Subject Plan, Local Councils will identify locations for small drop off centres known as 'bring in sites'. Where a site is not managed and problems associated with smell, vermin and litter cause complaint, measures will be taken to close the site and revoke its licence, unless the necessary management procedures are put in place and effectively implemented.

GZ-RLCN-1: The areas indicated on MAP 13.1-A and MAPS 14.2-E to 14.15-E (where applicable) include areas and sites that have been scheduled by MEPA for their environmental, scientific or cultural importance or are proposed for scheduling according to the provisions of Structure Plan policies RCO's 1-5 and RCO's 10-12. Scheduled sites and 115 areas designated by MEPA for protection include also Natura 2000 Special Areas of Conservation (SACs) of international importance. In addition to all the minor islets, the areas indicated on MAP 13.1-B shall be designated as Areas of High Landscape Sensitivity (AHLSS).

Apart from the normal restrictions on development in rural areas, there shall be a strong presumption against the creation of new built structures (including cultivation and animal husbandry related structures) in AHLs. The guidance provided in the Explanatory Memorandum to the Structure Plan clauses 15.34 to 15.40 shall also apply. The strategic guidance emerging from the Structure Plan Review may include additional areas and shall introduce a hierarchy of importance within the AHLs.

4.2 Structure Plan for the Maltese Islands (December 1990)

PUT 3: Efficient management and conservation of resources, including the recycling and reuse of waste materials.

PUT 15: Provision of controlled centres will be provided for use by the public for the deposit of refuse. Separate containers/skips will be included to facilitate waste recycling.

PUT 16: Sites will be identified at strategic locations in relation to the main areas of population, commerce, and industry for the transfer or treatment of municipal, commercial, and industrial inert/non toxic waste.

PUT 18: Government will actively investigate the need for, and most appropriate facilities for the treatment and safe disposal of hazardous and toxic wastes.

PUT 19: The relevant local plans will give consideration to the siting of transfer stations in suitable locations for the onward transmission of waste material to the recycling plant.

4.3 Space for Waste: The Waste Management Subject Plan

SWM 1: MEPA will support public/private/voluntary sector initiatives to reuse, recover and recycle waste in accordance with Policies in this Plan.

SWM 2: MEPA will support measures that encourage separation of waste at source for reuse or recycling.

SWM 4: MEPA will, in having regard to the proximity principle, seek to ensure that an appropriate network of waste management facilities is provided for waste arising in the Islands, so as to ensure self-sufficiency in treatment and disposal capacity.

SWM 8: MEPA will support proposals for the provision and erection of plant/buildings for recycling, transfer, storage and other treatment or handling of waste provided that:

1. the proposed site is located near to the likely sources of waste and/or the markets for the recycled or recovered materials; and

The proposed site is located:

- within an existing industrial site or on land which is permitted or allocated for industrial or similarly related development; or

On land previously used for waste disposal or minerals development; or

At a waste management facility provided that the proposed development is connected with the waste management operation and is for temporary period commensurate with the operational life of the existing facility; and

1. the proposal will not give rise to unacceptable impact on local communities or the environment.

SWM12: MEPA will support proposals for new household waste and recycling facilities including small drop-off centres known as bring sites and larger household waste recycling centres provided that:

- the proposal is suitably located in relation to the existing network of sites;

the proposal will not give rise to unacceptable impact on local communities or the environment.

5. CONSULTATIONS:

Consultations were not carried out in this application in view that all necessary consultations were concluded in the outline application and there was no material difference from the previous application.

6.COMMENTS:

This proposal is one of the envisaged network of civic amenity sites, 4 in Malta and 1 in Gozo. These facilities will enable the general public to dispose of the household wastes as well as source segregated recyclable materials. Whilst there are a number of existing small household recycling facilities, normally known as bring-in sites, these sites cater for larger range of household waste. These proposals are therefore in line with Policies SWM 8 and SWM 12 quoted above.

Compatibility with adjacent uses.

One of the major concerns with these developments is the issue of bad neighbourliness. As noted in Policy GZ-UTIL-15 the site in question is immediately adjacent to the site identified in the Local Plan as a Waste Transfer Station. The civic amenity site and the works on the proposed approach road complement this Waste Management Facility. This facility will be supervised; in fact the site is proposed to have a site manager's office adjacent to the proposed weigh bridge. A gate will be strategically positioned to prevent unauthorized access to the site. Most of the waste to be accepted consists of dry recyclables and receptacles are proposed to be closed containers. The actual operation of the site will be subject to an environmental permit. According to the information given during the process of the outline applications it was stated that waste delivered to these

sites will be inspected on arrival. Staff will provide guidance and assistance to the public, especially when handling potentially hazardous waste, and ensure that wastes are placed in the correct containers.

Access and Traffic

A civic amenity will consist of a central area, where skips and bottle banks will be located such that various household wastes can be discarded separately. These will be easily accessible for direct car unloading. Good accessibility and efficient traffic flow within these sites are considered to be crucial for their proper functioning. A one way vehicle circulation area is proposed for better circulation management. The EIS included a qualitative study on traffic generation and impacts. Part of these mitigation measures have been included for this application, these include that the vehicle speed should be restricted to 20 mph and any loaded HGV leaving the site will be properly sheeted.

Other Considerations

The site preparation will mainly involve the removal and levelling of existing material on site. To ensure that no damage is done to the possible cart truck the debris will have to be removed carefully prior to any engineering works. A condition in the permit will be imposed to this effect.

In view that the site is surrounded by scheduled areas a full Construction Management Plan was requested to ensure that the impacts during construction are minimized. The drainage from the vehicle circulation area within the CA site will be collected within a reservoir for contaminated water. The clean runoff water from above the site office will be collected and re-used.

The removal of any rubble walls to widen the existing lane will be re-used to re-erect any missing boundary walls. Any extra material will have to be used within the civic amenity site.

A landscaping plan will be requested to mitigate any visual impact the operations may have on the surrounding areas. This has to be submitted to the Authority within 3 months from the issue of this permit.

The control of light emission of the site and that of the approach road has to be considered. A lighting plan together with the design of the light and area of influence will be requested this will also be requested to be submitted within 3 months from the issue of this development permit. Lighting of the site and to the approach road has to be

7. CONCLUSION:

The proposed network of Civic Amenity facilities will give full coverage to both islands and thereby provide a mechanism of achieving improved recycling and management of waste across Malta. Considering all the above comments, the development is favourably recommended subject to the conditions listed.

GRANT - subject to the following conditions:

1)

Any uprooting of trees shall be subject to the provisions of LN 12/01.

2)

No approval is hereby granted for the display of any sign or advertisement. These must form the subject of a separate application for advertisement consent.

3)

Any soil on the site shall not be built over but shall be collected for reuse. A permit from the Director of Agriculture is required to remove the soil from the site. All soil shall be deposited at the place indicated by the Director of Agriculture.

4)

Loading and unloading shall take place solely within the premises, and not from/on the public pavement or street.

5)

Any storage of fuel, oil, chemicals or other potential contaminants must take place in sealed containers, within a bunded concrete compartment with sufficient capacity to absorb spillage or leakage, to prevent pollution.

6)

The waste management operations on site are subject to a Waste Management Permission approved by MEPA, which, shall be read in conjunction with this development permission.

7)

RESERVED MATTERS: -

The Landscaping and Lighting Schemes shall be submitted for the approval of MEPA within 3 months from the issue of this permit.

8)

In order to ensure the submission, as per condition 7 of this development permit, implementation and maintenance of the landscaping scheme, this development permission is subject to a bank guarantee of Lm4,000 (Four Thousand Malta liri), in favour of the Malta Environment and Planning Authority. The bank guarantee shall be managed as follows:

i) Upon submission of the landscaping scheme, the bank guarantee shall be reduced to Lm 3,000 (Three thousand Malta Liri);

ii) When the landscaping scheme is implemented in its entirety, the bank guarantee shall be reduced to Lm 1,500 (One thousand, Five Hundred Malta Liri). The landscaping scheme shall be implemented within the first planting season following completion of the development hereby approved, failing which the bank guarantee shall be forfeited; and

iii) The remaining Lm 1,500 (One thousand, Five Hundred Malta Liri) of the bank guarantee shall be retained for a period of five years to ensure the maintenance of the landscaping. During this period, any trees that die or become severely diseased shall be replaced with the equivalent or greater number of trees of the same species and age as soon as planting is possible. Failure to maintain the landscaping properly will result in the forfeiture of the bank guarantee.

In the event that the applicant fails to submit the landscaping scheme within the stipulated time limit, or fails to implement the scheme within the stipulated time limit, or fails to properly maintain the landscaping, then the outstanding bank guarantee shall be immediately forfeited.

Its forfeiture would not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

9)

During construction all vehicles leaving the site shall be power washed on the wheel wash facility.

10)

A concrete or tarmac surfaced access road shall be provided for a distance of 50m. from the public highway prior to the commencement of lorry movements out of the site. The surfacing shall be kept in a good state of repair and kept clean and free of mud, dust and other debris to the satisfaction of the Malta Environment & Planning Authority until the completion of site restoration.

11)

All loaded lorries leaving the site shall be sheeted.

12)

The provisions in the Cultural Heritage Act must be observed at all times. Any infilled fissures (debiens), caverns, hollows, Pleistocene deposits or other features of potential geological, palaeontological or archaeological interest which are discovered

must be reported immediately to the Superintendent of Cultural Heritage and the Director Environment Protection Directorate and no further works or activity must take place which would disturb these features until the Superintendence of Cultural Heritage has completed its investigations. In such cases, when archaeological findings are discovered, depending on their extent and importance, the approved development may be required to be amended as requested by MEPA and/or the Superintendent of Cultural Heritage as provided by the Cultural Heritage Act, so as to accommodate preservation in-situ of the discovered archaeological findings as required by Structure Plan Policy Arc 2, and the Cultural Heritage Act.

13)

a) All works shall be carried out strictly in accordance with the approved plans and the conditions of this permission. Where a matter is not specified on the plans then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and modify the plans accordingly.

b) Before any part of the development hereby permitted commences, the enclosed green copy of the Development Permit 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 permit must be maintained in a good condition and it shall remain displayed on the site until the works are complete.

c) No building material, waste material, machinery or plant shall obstruct the pavement or the smooth flow of traffic on the road in the vicinity of the site. The deposit of materials or the placing of equipment in the street must be authorised.

d) Copies of all approved plans and elevations must be available for inspection on site by Malta Environment & Planning Authority staff at all reasonable times.

e) Where the street bordering the site is unopened or unformed, it shall be opened up and brought up to its proper and approved formation levels **prior to the commencement of the building operations** hereby permitted.

f) This development permission is valid for a period of FIVE YEARS from the date of this notice but will cease to be valid if the development is not completed by the end of this five year period.

g) The enclosed Commencement Notice shall be returned to the Malta Environment & Planning Authority so that it is received at least five days prior to the commencement of the development hereby permitted.

h) It should be noted that a third party may have the right of appeal against this permission. Any development which is carried out 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 Planning Appeals Board or quashed by the Court of Appeal.

i) The permit is issued on condition that, where applicable, any excavation shall be subject to the requirements of the Civil Code regarding neighbouring tenements.

14)

No services shall be located on the roof of the site office.

15)

All external apertures and balconies shall not be constructed of gold, silver or bronze aluminium.

16)

The development hereby permitted shall not be brought into use until the Final Compliance (Completion) Certificate, certifying that the development has been carried out in full accordance with the plans approved by this permission and with the other conditions imposed in this permission, has been issued by the Malta Environment & Planning Authority. Prior to the issuing of any Compliance Certificate for this development, this applicant shall submit, to MEPA,

(i) A clearance from the Public Health Department to operate premises.