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PA

## First Report to the Environment and Planning Review Tribunal

Case Number	PA/07747/16
Merits of Appeal	Against Refusal
Location of Site	Site at Tal-Bur it-Twil, Tal-Gholjiet, Gudja, Malta
Appellant Name	Mr. Raymond Mallia
Architect Name	Perit Daniel Grima
Proposal	Sanctioning of pre-1978 agricultural store including extension and rubble walls. Proposed timber gate.

### 1.0 The Proposal, Site Location, and Constraints

- 1.1 This is an appeal against the refusal of PA/07747/16 for the sanctioning of pre-1978 agricultural store including extension and rubble walls. This application also proposes timber gate.

- 1.2 The site is located at Site at Tal-Bur It-Twil, Tal- Gholjiet, Gudja, Malta

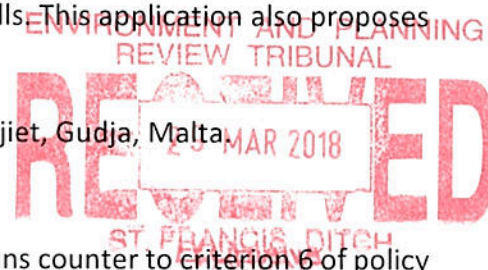
### 2.0 Reasons for Refusal

- 2.1 The proposed sanctioning of the agricultural store runs counter to criterion 6 of policy 2.5A of the Rural Policy & Design Guidance (RPDG) 2014 that the applicant does not till the required minimum land area of 20 tumoli to qualify for a 28sq.m agricultural store.

In addition, the applicant is already in possession of other structures within the registered land parcels, thus the proposal also exceeds the maximum storage entitlement as specified by criterion 6 of Policy 2.5A of the Rural Policy & Design Guidance (RPDG) 2014 in this regard as well. It therefore also runs counter to the Thematic Objective 1.10 of the Strategic Plan for Environment & Development which only allows for rural development which is legitimate or necessary.

- 2.2 The proposed sanctioning of the agricultural store runs counter to criterion 1 of policy 2.5A of the Rural Policy & Design Guidance (RPDG) 2014 in that it has not been endorsed to by the AAC and ERA on agricultural and environmental grounds respectively.

The proposal runs counter to Rural Objective 1 of the Strategic Plan for the Environment and Development which seeks to limit agricultural development to that which is necessary and legitimate in view that the proposal is not in the interest of agriculture because the site is on top of a hill which is accessed from a relatively narrow passageway and is not ideal to have an agricultural store. Any storage should be located somewhere more easily accessible and on the vicinity of the applicant's largest arable tilled land holdings.



### **3.0 Comments on Appellant's Arguments**

#### **3.1 The Appellant has the following comments to make:**

##### **3.1.1 *Re: Reason for Refusal no. 1***

The applicant has the number of tumoli required by this policy.

In addition, the other structures within the registered land parcels are not an obstacle for this application. Firstly, the pre-1994 structure measuring c. 25sq.m is not the property of the applicant; it is owned by a third party. In fact, the access to this structure is from the property of third parties.

Secondly, there is the pre-1967 structure measuring c. 9sq.m. Although this structure is pre-1967 and therefore legal, and even so when combined with the 28sq.m. agricultural store proposed, it does not exceed the maximum storage entitlement of 40sq.m. if the applicant has 20 tumoli of arable land as specified by criterion 6 of Policy 2.5A of the Rural Policy and Design Guidance (RPDG) 2014, there is still a demolition plan in place for this structure, and therefore there will be no obstacle on this ground.

##### **3.1.2 *Re: Reason for Refusal no. 2***

The proposed application does not run counter to criterion 1 of policy 2.5A of the Rural Policy and Design Guidance (RPDG) 2014. Firstly, the AAC did not endorse the application as they could not assess the genuineness of the application because '*proof of arable farming as defined in the Rural Policy and Design Guidance, 2014*' was not submitted. The applicant is a registered farmer with the Agriculture Directorate as per Doc 33. Furthermore, he has received money from support schemes for farmers, as proved by submitted document. This support is only given if the land is worked, even after performing the necessary official inspections, and therefore given if there is arable farming as explained in the RPDG 2014. This is therefore proof that arable farming is being performed.

Secondly, the ERA did not endorse the application on environmental grounds, mainly because the proposed site is on top of a hill which is accessed from a relatively narrow passageway. The proposed site is on top of a hill because the proposed agricultural store is an extension of an existing legal agricultural store already in place. It would not be ideal to build another agricultural store somewhere else, when in the proposed site there is a smaller agricultural store already in place, and this would be just an extension of such store. Furthermore, although it is accessed from a relatively narrow passageway, the passageway is wide enough to pass through without any problems. Moreover, the proposed agricultural store will not have any negative impact on the environment.

### **4.0 Request**

- 4.1 For the above-mentioned reasons, the appellant respectfully requests that the Environment and Planning Review Tribunal to refuse the decision as issued with the refusal notice and to accept this appeal.



Avv. Graziella attard

29<sup>th</sup> March 2018