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03<sup>rd</sup> September, 2018

Environment and Planning Review Tribunal

Block B, St. Francis Ditch,

Floriana

Application No.: PA 0703/18

Our Ref.: 61/17

Location: Site at (field), Ta' Bajtra, Zurrieq, Malta

Proposal: To sanction existing rubble wall dividing fields and pre-1994 agricultural store used for agricultural implements. Construction of proposed underground reservoir and pump room.



**Re: Request for Appeal**

Dear Sir/Madam,

With reference to PA 0703/18, the following are my counter arguments against the reasons for refusal published onto this development application:

**Refusal Reason 1** - *The proposed sanctioning of the store runs counter to policy 2.5B of the Rural Policy & Design Guidance (RPDG) 2014 since the footprint exceeds that of the pre-1994 building. In addition, the proposal is also counter to policy 2.5A of the Rural Policy & Design Guidance (RPDG) 2014 in that applicant does not till the required minimum land area to be eligible for an agricultural store. 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. The proposal also runs counter to Rural Objective 4 of the Strategic Plan for Environment & Development which seeks to protect the landscape by controlling the location and design of rural development.*

**Comments:**

Abstracts from Policy 2.5B: Agricultural stores for arable farming established before October 1994

Policy Abstract	Comments
"There will be a presumption in favour of existing storage facilities for arable farming that were erected before October 1994 when the Authority is considering applications for development permission for the upgrading and modernisation of arable farms"	As seen in <b>Appendix A: Aerial Photos</b> , the building in the 1994 Aerial photo has the same footprint area as the 2017 photo. The perspective of the 2017 photo is showing the room and side walls making the room seem larger than it actually is.

Abstracts from Policy 2.5A: New, or Extensions to, Agricultural Stores for Arable Farming

Policy Abstract	Comments
"Permission may be granted for the construction of a building (or an extension to an existing building) for farming facilities intended for sustainable farming"	The building is already existing and pre-1994. This policy should be considered for buildings which are being proposed for construction or extensions on existing buildings. Since no construction or extensions are being proposed and only the sanctioning of the pre-1994 building is included, it should not be subject according to policy 2.5A but according to 2.5B of RPDG (2014)

**Refusal Reason 2 - The demarcation walls proposed for sanctioning/ reconstruction run counter to criterion 3 of policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014, in that the stipulated height of 0.6m has been exceeded and has resulted in land fragmentation and the creation of a land parcel less than a tumolo thus in conflict with criterion 4 of policy 2.9 of the RPDG 2014.**

**Comments:**

The applicant is willing to lower the wall being sanctioned, to 0.6m if the PA requests it in order to comply with criterion 4 of policy 2.9 of the RPDG 2014.

**Refusal Reason 3 - The proposal has resulted in the demolition of rubble walls and so runs counter to Legal Notice 160 of 1997 - Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations and, Legal Notice 169 of 2004 - Rubble Walls and Rural Structures, Conservation and Maintenance Regulations (Amendment). Both regulations declare rubble walls and non-habitable structures as protected, in view of their historical and architectural importance, their contribution to the character of rural areas, their affording a habitat for flora and fauna, and their vital importance in the conservation of the soil and of water.**

**Comments:**

No boundary walls are being proposed for demolition. The proposal of this application includes only the sanctioning of the built-up boundary wall, which is marked in conventional colours. Therefore, while acknowledging refusal reason number 3, it should be dismissed.

**Refusal Reason 4 - The concrete flooring has resulted in the loss of agricultural land, thus counter to Policy 1.2D of the Rural Policy and Design Guidance 2014 and Rural Objective 1 of the Strategic Plan for Environment and Development which seeks to ensure soil conservation.**

**Comments:**

The concrete flooring mentioned above is in fact beaten earth (fill material) as specified in the uploaded drawings. This has been compressed over time with use. Nonetheless, the applicant is willing to remove the above-mentioned beaten earth and replace it with agricultural soil if requested by PA.

**Refusal Reason 5 - The proposal cannot be considered further unless the following illegal development is first sanctioned or removed and this in terms of Regulation 17 of Legal Notice 162 of 2016. The illegal development consists of the demolition of the old traditional rubble walls and the concrete platform within the site.**

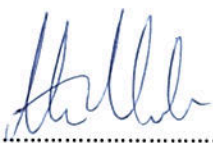
**Comments:**

Unlike what has been said in Refusal Reason number 5, the proposal does not include demolition of old traditional rubble walls and the above-mentioned concrete platform is in fact beaten earth (fill material) as specified in the uploaded drawings. This has been compressed over time with use. Nonetheless, the applicant is willing to remove the above-mentioned beaten earth and replace it with agricultural soil if requested by PA.

**General Comments**

As can be seen from the above comments, it is good to note that the applicant is willing to comply with current policies and amend the existing if necessary as seen in various situations in the above comments.

Regards,



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Perit Arielle Abdilla  
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