

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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OUR REF: 5932

PA REF: PA/06237/19

DATE: 27 January 2020

The Chairman
Environment & Planning Review Tribunal
Floriana

Application No. PA/06237/19
Location: Site at, off, Triq ta' Wied I-Ghasri,
Ghasri.
Proposal: To sanction deposit of soil and re-
instatement of existing rubble wall.

APPEAL AGAINST REFUSAL

I write on behalf of Mr Alfred Attard of 'Morning Star' Triq Ghajn Melel, Zebbug, Gozo, in order to file an appeal from the decision dated 14 January 2020 and published on 29 January 2020, whereby my client's application was refused. The application is in respect of the above mentioned development.

The application was refused for the following reasons:

1) The sanctioning of the soil deposited has resulted in the loss of garrigue/maquis habitat and associated features thus counter to Rural Objective 4 of the Strategic Plan for Environment & Development which aims for the protection and enhancement of the rural landscape and the protection of the most sensitive landscapes of natural beauty. Also, the land reclamation affected goes against the principles of Policy 2.8 of the Rural Policy and Design Guidance, 2014 and against the principles of policy TO1 of the Strategic Plan for Environment & Development (SPED), which aims to manage the available potential space and environmental resources, Thus the proposal also goes against the principles of Policy 1.2H of the Rural Policy and Design Guidance 2014 as the proposal has created an unacceptable

adverse environment and landscape impact and failed to protect the existing landscape features.

2) The rubble wall and soil deposition affected has blocked the public foot path which has been present for more than 60 years. These illegalities affected runs counter to Rural Objective 2 of the Strategic Plan for Environment and Development which seeks to ensure that the existing rural recreational resources are protected, enhanced and accessible in a manner which does not have an unacceptable adverse impact on protected areas, species and areas of high landscape sensitivity by ensuring public access to rural areas whilst minimizing the negative impacts on protected areas.

Applicant kindly submits that the above reasons for refusing his application are unjustified for the following reasons:

1. *Reason 1:* Applicant reiterates that the area where the soil was deposited consisted of agricultural land with some patches of exposed rock. Notwithstanding this, Policy 2.8 of the RPDG 2014 permits the conversion of non-agricultural land and the reinstatement of abandoned or derelict agricultural land for agricultural use provided that
 - a) This would not lead or has not led to adverse environmental, topographical and hydrological impact, the latter subject to ERA.
 - b) The site is scheduled as a Class A or B AAI, Level 1 SEI-SI, it is demonstrated that the proposal does not compromise the site scheduling characteristics.

With regard to criteria 'a' ERA stated that "it seems that the soil deposition that was carried out has resulted in the loss of garrigue/maquis habitat and associated features (vide 1998, 2008 & 2016 aerial photos). However, from these aerial photos it is clear that the area consisted of soil with patches of exposed rock. The garrigue/maquis habitat area is from the long rubble wall on the north-west side of the site along the cliff leading down to Wied il-Ghasri.

Regarding criteria 'b', the site is not scheduled and as stated above the soil deposition shall not compromise the scheduling characteristics of the locality since these are located outside the boundaries of applicant's site.

2. *Reason 2:* Applicant kindly submits that there are no public foot paths passing through his land. In fact the whole land down to Wied il-Ghasri on the north-

west side of the site is privately owned. The access to Wied il-Ghasri is from the public road.

In view of the above submissions, the Tribunal is requested to overturn the refusal and grant the permit requested by my client.

A copy of the relative decision and of the site plan are being herewith attached together with the form attesting payment of the fee.



Perit Emanuel Vella
c.c. Planning Authority