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V.A.T. Registration number 1108-0503

24th March 2016

Our ref: 12036

Your ref: PA/00546/15

The Chairman
Appeals Board
MEPA
St. Francis Ravelin
Floriana



Dear Sir,

Re: PA/00546/16: To sanction change of use from agricultural land to area for parking of vehicles and machinery, deposit of loose fill, creation of new access, gate, rubble walls, and construction of basement.

I write on behalf of my client, Mr. Peter Pal Said with reference to the refusal of the above-mentioned application by the EPC, and appeal against all the reasons for refusal (below 1 to 7) and to request the Appeals Board to reverse the decision of the EPC.

Please note that the lawyer of my client, as well as myself would like to be present during the deliberation of the appeals.

Reference is made to the DPA report relating to the above which suggests a refusal on the following:

1. The proposed sanctioning is not in compliance to Policy 1.2H: Protection of Landscape Features of the Rural Policy and Design Guidance (2014), in that "proposals which would have an adverse impact on importance landscape features, including their integrity or character, will not be permitted."
2. The proposed sanctioning is not in compliance to Policy 1.2I: Country Pathways, of the Rural Policy and Design Guidance (2014), in that "the Authority will safeguard traditional... country pathways and their character, together with any abutting rubble walls, irrespective of their type of ownership" and "proposals which would cause damage to and /or destruction, closure, removal, obstruction or hindrance of public country pathways will not be permitted."
3. The proposed sanctioning is not in compliance to Policy 2.9: Land Demarcation, Walls and Gates, of the Rural Policy and Design Guidance (2014), in that runs counter with the provisions of this policy, in terms of construction methodology, height and land demarcation.

The proposed sanctioning is not in compliance to Policy 2.10: Access to Arable Farm Holdings, of the Rural Policy and Design Guidance (2014), in that the two access proposed for sanctioning are post 2008; are not proposed in suitable material respecting the rural character; the rural area is being disrupted; and the AAC objects to his development.

5. The proposal would result in the significant alteration of a rubble wall/non-habitable rural structure 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.
6. The proposal does not fall within one of the categories of development, namely structures or facilities essential to agricultural, ecological or scenic interests, thus counters to the Rural Objectives 1.1, 3, 4, and 4.3 of the Strategic Plan for Environment and Development (SPED) and to Policy GZ-LMDZ-1: Limits to the Development Zone and Policy GZ-AGRI 1: Land of Agricultural Value of the Gozo and Comino Local Plan. The proposal is not essential to, nor does it enhance agricultural, ecological, or scenic interests.
7. The proposed development runs counter to SPED para. 3.1 which requires the sustainable use of land, Policy TO1.1 which guides development within urban areas and Policy RO3 which requires justification for development to be located in rural areas.

We would like to address the reasons for refusal as follows:

- We would like to present a number of applications which have been approved by the EPC in the vicinity of our client's site and we would like to discuss them during the appeals board meeting.
- In Gozo there exists a problem associated with the parking and storage of heavy vehicles, plant and machinery. The opportunities in terms of location are very limited with the consequence that in the Gozo local plan there are no opportunities for open storage areas.

Kindly acknowledge the receipt of this letter and do not hesitate to contact me should you have any further queries.

Regards,


Dr. Edwin Mintoff