

DR. JOSHUA GRECH
B.A., LL.D., Adv. Trib. Eccl. Melit., M.Juris

The Secretary,
Environment and Review Tribunal,
P.O. Box 172,
Marsa,
Malta

Friday, 29th January, 2021

Dear Secretary,


Re: Appeal from PA 1828/20 - to sanction existing retaining wall and to construct an agricultural store and a reservoir

Please find attached an appeal application on behalf of Laurieann Zammit of 'Mystic Rose', Triq in-Naggara, Xewkija, Gozo.

Together with this application also, please find attached the payment fee duly paid by the appellant.

Please acknowledge receipt of this appeal.

Best regards,



Avv. Joshua Grech

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
29 JAN 2021

ST. FRANCIS DITCH
FLORIANA

In the Environment and Planning Review Tribunal

Appeal Number: /2021

Planning Reference Number: PA 1828/20

Location: Site at Sqaq off, Triq Wied Sara, Ghasri, Ghawdex

Description: To sanction existing retaining wall and to construct an agricultural store and a reservoir

Appeal Application of Laurieann Zammit of 'Mystic Rose', Triq in-Naggara, Xewkija, Gozo

By virtue of a decision of the Planning Commission of the 15th December, 2020, published on the 30th December, 2020, the application mentioned above has been approved to sanction existing retaining wall and to construct an agricultural store and a reservoir.

The appellant has been admitted as a registered objector in terms of Article 71 of Chapter 552 of the Laws of Malta.

The appellant would like to lodge its appeal from the decision particularly limited to the condition mentioned above.

The appeal is being lodge based on the following grounds:

1. The mentioned permit application should not have been issued in the very first place since the only access to the site in question have been illegally and irregularly developed. In fact, to this end, during the application process, this issue has been brought to the fore, and the ERA had pointed out this issue but the Planning Commission did not take notice of the said grievance. This has been duly reported to the Compliance and Enforcement Directorate by virtue of complaint number CM3237/20;
2. That furthermore, this first aggrievance has been confirmed given that on the 28th January, 2021, an email communication, herewith attached confirms that a planning application bearing number PA/708/21 'to sanction widening of passage to create better access to the agricultural field' has been lodged. This further stresses the point that the application has been granted and approved on a site having main access from an illegal and irregular development. The merits of the application at this moment of presentation of this appeal are not accessible and therefore no further information and grievances can be given at this moment;
3. That without prejudice to the above grievances, with respect to the construction of an agricultural store, in terms of the Rural Policy and Design Guidance 2014, the applicant shall be in possession of between 10 and 20 tumoli of land in order to be entitled to construct an agricultural store. From the submitted available

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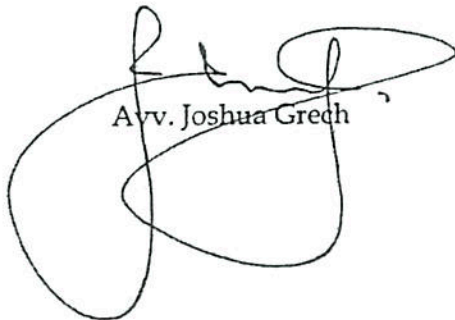
~~documentation, it does not appear that the applicant holds such property and therefore the proposal does not meet the necessary requirement under the policy;~~

4. That a total change of the aesthetic value of the property has been effected on site and the application in itself runs counter to the submissions by Superintendence of Cultural Heritage that "any alterations to rubble walls, rubble walls are dry stone walls, constructed in loose unhewn or rough-dressed stones which stand by gravity and friction without the use of any binding agent." The application and eventual approval of the permit therefore would be confirming the illegal development committed on site and this as can be verified on site;
5. That the application further runs counter to policy GZ-RLST-3: Small Rural Settlement in connection with new development taking fresh land and therefore should not have been approved in the first place;
6. That furthermore, the application will inevitably lead to a drastic difference in the topography and levels of the site, give that the stone wall which used to be a rubble wall has been built at different levels and should not have been approved since it has not obtained the relative approval from the Planning Authority and / or any other relative entity;

Therefore, in view of the above, the appellant is humbly lodging this appeal against the approval of the permit referred to above.

The appellant reserves the right to make further submissions and to present any documentation in support of its appeal during the hearing of this appeal.

Attached is a copy of receipt of payment of appeals fee.



Avv. Joshua Grech