



27<sup>th</sup> April 2021

Architects Project Ref. 2019.45

## **NEW APPEAL TO DECISION NOTICE FOR PA/03453/20**

Letter to the Chair of the EPRT Board,

On behalf of my client and with reference to the Decision Notice for PA/03453/20 submitted at doc. 113a based on the case officer report submitted at doc. 91a (dated 07.03.2021), kindly find herein comments being raised both as clarification and justification against the reasons for refusal as established by the Directorate for consideration during this appeal. The notes and comments are listed in the same order of the report for your ease of reference:

### **Point 1: The Residence**

The residence is an approved structure by virtue of PAPB/05816/89, which file has unfortunately been lost and cannot be traced (confirmed within the DPA Report at Page 10 of 13). While the original file cannot be traced, the applicant is in possession of a court decision referring to the same file whereby the same applicant was challenged in a Court of Law on the legality of the structure.

The document uploaded in doc. 69b is unequivocal proof that the residence is legally established as both the applicant and the structure were found to be not guilty. It is therefore through the decision of the Courts dated September 1994 that the residence cannot be considered as an illegal structure.

### **Point 2: Agricultural Store**

The position, location and extent of the agricultural store is to be seen in conjunction with the sites' specific constraints. While the AAC and rural policy both recommend that an agricultural store be located close to the entrance to the site, the Board is asked to consider that the sites context is such that this would result in a change in elevation of 30m (10 floors) while the present location is in close proximity and level to the adjacent tilled fields.

Moreover, it should be considered that Policy 2.5A of the Rural Policy and Design Guidance (RPDG, 2014) also refers to relaxations of the maximum allowance based *"on the basis of the type, nature, the number of years in operation and the annual turnover. Such additional storage requirements shall have the form of light/demountable structures that are made of recyclable material such as timber that blends with the environment. This structure shall have an area of 5m<sup>2</sup> per tumolo, capped at a maximum of 60m<sup>2</sup>"*, this over and above the entitlement to a permanent stone structure of 20m<sup>2</sup>.

With reference to the allowable relaxations on the same Policy by which a refusal is being recommended, we therefore ask the Committee to consider the agricultural store favourably at 50m<sup>2</sup> since it occupies less land area than what the applicant may be permitted to construct through this policy.

### **Point 3: Olive Oil Production & Storage Facility**

The structure of 51.77sqm should be considered in light that the applicant tills 14.5 tumoli of land producing local olive oil, seeded produce, jams and preservatives. Having said that, in order to mitigate the impact of this structure and limit land uptake within the rural area, we are proposing the relocation of this structure to site above Structure 'D' (Above-Ground Open Reservoir) thereby reinstating the area occupied by Structure 'E' to virgin land. Drawings are being uploaded to reflect this mitigation measure for the consideration of the Board.

### **Point 4: Above-Ground Open Reservoirs**

The Board should acknowledge that the AAC found no objection to the above ground reservoirs as these structures are clearly pre-1994 structures. Through the mitigation measures in Point 3, the smaller reservoir would be roofed and below ground level. These measures would leave just a single visible above ground reservoir, similar to existing commitments in the area as per attached aerial photograph.

### **Point 5: Deposition of Soil**

The area is recognised by the provision of terraced fields as also indicated and confirmed by the AAC. Furthermore, the land in question has been tilled for 30+ years, predating structure plans which recognise the area as an Area of High Landscape Value. Therefore, it may also be argued that the applicants' interventions on the site are such that have elevated the area such that it be considered as an Area of High Landscape Value.

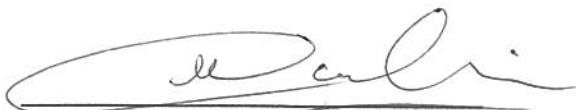
### **Other Comments**

Moreover, the Board should also consider in its decision that the applicant/perit are using every possible opportunity to maximise the soft landscaping land area and reduce the sprawl of hard landscaping and accretions which appear to have taken place through the years, limited these areas solely to what is necessary, ie:

1. Vehicular Access to the Residence and Arable Land
2. Water Collection (draining to reservoirs for irrigation)

For any further clarifications to this letter as may be required, please do not hesitate to contact the undersigned on +356 99021401.

Sincerely,



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