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REVIEW TRIBUNAL****RECEIVED**
18 JUN 2021Office:
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OUR REF: 6189FLORIANA

PA REF: PA/00834/21

DATE: 16 June 2021

The Chairman
Environment & Planning Review Tribunal
Floriana

Application No.	PA/00834/21
Location:	Myrth, Triq il-Punici, Xlendi, Munxar
Proposal:	To excavate site, forming part of applicant's property to create a side garden.

APPEAL AGAINST REFUSAL

I write on behalf of Mr John Vella of 31, Triq il-Helsien, Xewkija, Gozo, in order to file an appeal from the decision dated 1 June 2021 and published on 16 June 2021 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:

The proposed excavations for the construction of a side garden runs counter to the Strategic Plan for the Environment and Development Rural Objective 3 for the protection of the rural landscape, particularly protected areas and areas of high landscape sensitivity. The site lies within a Special Area of Conservation and a Natura 2000 site and should therefore be kept completely free from any development.

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

1. The site lies OUTSIDE the Special Area of Conservation and the Natura 2000 as can be verified

3. The site, which is located adjacent to applicant's own building at the end of the road, is open and accessible to the public with the consequence that it is frequently used as an illegal dumping site of all sorts of rubbish.
4. The Superintendence of Cultural Heritage found no objection to this development.
5. Finally the proposed interventions will not adversely affect nor have any negative impacts on the scheduled area.

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