

**P E R I T**  
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Our Ref: JZ204601

Your Ref:

Date: 28 July 2021

Environment and Planning Review Tribunal  
 St Francis Ravelin,  
 Floriana



Dear Madam / Sir

Re: Appeal against the refusal to grant development permission for application  
 PA/00377/21

Sanctioning of agricultural stores and demolition of structures: land at, Ta' Dwiemes,  
 Sqaq Has-Sajjied, Zabbar.

On behalf of my client, Mr Joseph Zerafa, the applicant for application number  
 PA/00377/21, I am, hereby, presenting an appeal against the decision taken by the  
 Planning Authority to refuse permission.

We respectfully contend that the structures for which sanctioning is being sought qualify  
 under Rural Policy and Design Guidelines (2014) Policy 2.5B: Agricultural stores for arable  
 farming established before October 1994.

Qualification under this policy is conditional on two criteria being satisfied:

Criteria 1: subject to consultation with AAC concerning the applicant's status

The applicant's status as a registered farmer is evidenced by documentation submitted  
 during the planning application process. Documentation was presented in which the land  
 in question was registered with the Ministry of Agriculture and Fisheries and showing that  
 the applicant was working the land. The said documents are dated 16 January 2003.

The applicant is in the process of updating the registration under the more recent IACS  
 system. He had not been aware that the previous registration scheme had been scrapped  
 and superseded by the latter-day one. The fact that the applicant was unaware of the new  
 IACS system should not be taken to imply that his status had been altered, and that he did  
 not persist in cultivating the land and remained a part time farmer.

Further proof that the applicant was working the land is the MRA documentation (also  
 presented during the planning process) dated 14 November 2008 regarding ground water  
 source for irrigation for the agricultural activities being conducted on site.

Documentation sent by the Paying Agency (Ministry for Resources and Rural Affairs) to the  
 applicant on the 15<sup>th</sup> September 2010 is further indication that the applicant was  
 identified as a person undertaking agricultural activities.

Photographs submitted during the planning process clearly show that the said land is under cultivation.

The recommendation by the AAC was based on the absence of the applicant on the IACS system. There is an argument that says that evidence had been provided that attests to the status of the applicant as a farmer and the land registered as being used for agricultural purposes. The applicant is currently waiting for a reply to his application to be included in the more modern system that has superseded the previous registration scheme. The relevant documentation will be presented in due course.

Criteria 2: The existing building is visible on maps / aerial photos taken before October 1994

As can be seen from the 1994 aerial photograph, the structures which the applicant wishes to have sanctioned were erected before October 1994 and hence comply with Policy 2.5B.

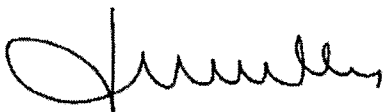
In our opinion, contrary to the claim made by the Planning Directorate, the structures in question are completely visible in the said aerial photograph. To avoid any ambiguity regarding the matter, and to address any uncertainty arising from the possible lack of clarity of the aerial photograph, I am presenting as part of this appeal, an affidavit taken by the applicant to the effect that the structures were indeed erected before 1994 and were and still are being used for agricultural purposes.

With reference to claims that the proposal runs counter to SPED Thematic Objective 1.10, we respectfully submit that this is a bona fide and legitimate small agricultural holding. A refusal for this application would likely lead to the applicant giving up the hitherto agricultural activity and the subsequent abandonment of the fields. Thus, this application is in line with the aspirations of all relevant SPED policies.

In summary, the salient matters of fact are that these structures are required to store equipment used for agricultural purposes including irrigation, the applicant has been cultivating the land for many years before the Rural Policy was published in 2014, and that in conformity to the said policy the buildings were in existence in their entirety before October 1994.

The structures subject to this application qualify for sanctioning by virtue of the Rural Policy and Design Guidelines (2014).

In the light of the above, we respectfully submit that the Review Board kindly considers the issues concerning the case and that that the original decision to refuse development permission is reversed and the application is favourably entertained and development permission be granted as requested.



**Joseph Spiteri**

Enc. Affidavit by Mr Joseph Zerafa re existence of buildings prior to 1994