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ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL  
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21<sup>st</sup> November 2016

The Secretary,  
Environment & Planning Review Tribunal,  
Floriana.

Madam,

Application No. : PA/2072/16  
Location : Site at Qasam Barrani, Mellieha  
Proposa : Construction of a farm for the rearing of sheep/goats and for the production of cheeselets – the proposal consists also the sanctioning of existing structures, upgrading of same structures (including 2 stables) and the construction of new structures including paved areas, landscaping and other ancillary items.

I am writing on behalf of applicant, Mr. Michael Bartolo, to submit an appeal against the refusal issued by the Planning Commission, in respect of the above-mentioned application. A copy of this refusal, which was issued on the 8<sup>th</sup> November 2016, is attached.

The proposed development was the establishment of a new livestock farm for the rearing of sheep/goats, which includes an area for the production of cheeselets. The development includes also the sanctioning of existing farm structures and horse stables, and the construction of additional structures.

The reasons given for the refusal were the following:-

- 1 The existing/proposed farm structures and stables have resulted in the loss of garrigue habitat, running counter to policies 1.2F & 1.2H of the Rural Policy & Design Guidance (2014) & policy NWCO 13 in the North West Local Plan (NWLP), for the protection of natural habitats. Hence the proposal runs counter to the Rural Objectives of the Strategic Plan for Environment & Development (SPED), particularly Rural Objectives 1.7 and 4.3(a), which seek to control the cumulative effect of rural development and to protect the most sensitive landscapes of cultural importance and natural beauty.
- 2 The development runs counter to the provisions of policy 5.2 (4) of the Rural Policy & Design Guidance (RPDG) 2014 in that the floor area of the structures requested for sanctioning exceeds the maximum permitted floor area of 25 sq. m. per stable, and since the structures are constructed in masonry stone instead of timber.
- 3 The proposal cannot be considered further unless the following illegal development is first sanctioned or removed and this in terms of regulation 17 of Legal Notice 162 of 2016. The illegal development consists of the illegal reclamation of garrigue land into arable land.

As can be seen from the above, the main reason given for the refusal concerns the loss of garrigue habitat. This is definitely not the case and this can be seen from the attached photos – both aerial and also from those taken on the ground, show the garrigue area which is present within the area of the farm. This is quite considerable, even due to the fact that the applicant keeps also a colony of bees on his farm and this garrigue has been kept untouched and also enhanced by the attention which the applicant gives to this area. This is evident from the attached close-up photos of this garrigue. On the other hand, the aerial



# LUDOVICO MICALLEF A&CE

72 'Villanelle' Triq ta' Mellu, Mosta

photos show quite clearly that the vast majority of the land surrounding the farm is in fact irrigated, agricultural land and not garrigue.

Furthermore, I want to point out two significant facts namely: -

- **The North West Local Plan does not designate any environmental constraints on the site in question, and does not designate the site as a garrigue area (DPA report).**
- **The Board minutes of the Planning Commission meeting held on the 26<sup>th</sup> September 2016 state that - "Also, the proposal does not encroach on the garrigue". (copy attached).**

The other reason given for the refusal concerns the floor area of the structures requested for sanctioning, which exceeds the maximum floor area of 25 sq. mts., per stable, and since the structures are constructed in masonry stone, not timber.

This reason for refusal was addressed in amended drawings, which were submitted in the period between the first and second hearing by the Planning Commission.

Furthermore, in the meeting of the 29<sup>th</sup> September 2016, the Planning Commission also requested the inclusion within the landscaping scheme of 4 indigenous trees as per Circular 4/16.

This request has also been complied with and six in no. indigenous trees have already been planted on site and photos of these trees submitted together with the amended landscaping plans.

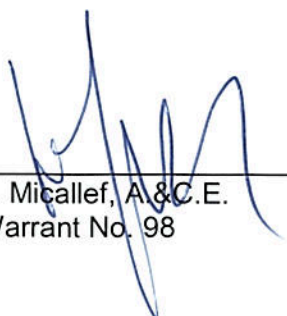
Finally, it has to be noted that the applicant is registered as a small ruminant producer at 'Olivia', Triq Qasam Barrani, Mellieha, presently keeping 13 sheep and also producing cheeselets. The proposed additions will enable the applicant to keep up to 2 horses and 36 adult female sheep, as well as upgrade the cheeselet production area to comply with minimum hygienic requirements laid down in Council Regulation 853/2004.

Also, both the Veterinary Regulation Department and the Agriculture Advisory Committee gave a positive recommendation to the proposed development (DPA report and Planning Commission Board Minutes).

In view of the above-mentioned points, I respectfully request the Environment and Planning Review Tribunal to uphold this appeal, rescind the decision of the Planning Commission and order the issue of the relative development permission.

Whilst thanking you for your attention, I remain,

Yours faithfully,



L. Micallef, A & C. E.  
Warrant No. 98