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PA

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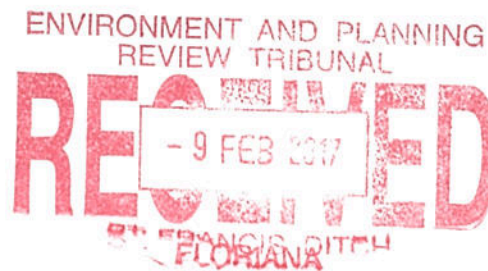
70, Buckeroo, Triq il-Hida, Kappara SGN 4137

Mobile: 79231103

Warrant No. 721

1st February 2017

The Chairperson,
Environment & Planning Review Tribunal,
Planning Authority,
St Francis Ditch,
Floriana,
Malta



TO WHOM IT MAY CONCERN:

P.A. : 05624/16
Location: Site at, Tal- Basli, Marsascala, Malta
Proposal: To sanction as built the consolidation of two pre-1978 rural rooms into one room for agricultural purposes. Erection of proposed timber gates and sanctioning of existing reservoir.


With reference to the above mentioned file my client would like to appeal the decision published on the 11th January 2017 by PA board.

With reference to the decision notice dated 11th January 2017 with a refusal of development permission, the following points are raised against this refusal.

I would first like to start by pointing out the disappointing way in which the PA board handled the case when this appeared in front of them. At no point in time did they give me a chance to argue my client's case and proceeded to vote against the proposal.

- 1) **Point 1:** *"The proposed sanctioning of the agricultural store runs counter to criterion 3 and 4 of policy 6.2C of the Rural Policy & Design Guidance (RPDG) 2014 since the floorspace of the proposed redevelopment exceeds that of the pre-1978 buildings and its general architecture and design is not of high rural quality. It therefore also runs counter to the Thematic Objective 1.10 of the Strategic Plan for Environment & Development which only allows for rural development which is legitimate or necessary".* From the 1978 aerial photo doc 1b and the superimposed plan drawing of this application at doc 60b clearly shows that the two rooms when consolidated together amount to the area of the store which is actually built especially when the extra area which the store occupied is removed.
- 2) **Point 2:** It must be pointed out neither AAC nor ERA made reference to my client owning any other structures within his land parcels. In fact at no point was this mentioned in the DPA report and was only mentioned as a reason for refusal without any justification whatsoever. Proof of this is the LPIS surveys submitted in doc. 35a where on closer examination of these photos can any other structures be seen within my client's land parcels.
- 3) **Point 3:** *"The proposed sanctioning of the above ground water reservoir(s) runs counter to policy 2.7A of the Rural Policy & Design Guidance (RPDG) 2014, which requires that water reservoirs exceeding 10 sqm. shall be located underground and should be covered by a 0.5m layer of soil."* Once again it is important to comment on the handling of this case at no point in time did the case officer consult with us asking for this to be removed. If there was an issue on it my client would have gladly removed the reservoir in order for the application to be processed. Although as can be seen from the documents submitted in the photo survey the reservoir is not visible from anywhere and is completely surrounded by trees. Furthermore in doc. 37 the AAC states that it has no objection to the reservoir. This fact is also reinforced further in doc. 40a where the ERA also stated that they have no objection to the proposal subject that the grass blocks are removed.
- 4) **Point 4:** Once again reference must be made to the handling of the case when considering this point. At no point during the application process did the case officer ask for details with regards to the timber gates. Other information was requested and we answered accordingly however at no point in time where we asked to provide information with regards to the timber gates. This point was only mentioned in the DPA report and as can

be seen from doc. 60a we duly complied with the requirements and provided the requested information which was again the board paid no attention to.



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