

Borg Cole, Libreri & Associates

ADVOCATES
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Our Ref.: _____

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The Environment and Planning Review Tribunal
St Francis Ditch
Floriana

22nd June 2017

Sirs,



Re: PA/02013/17

The above captioned application has been refused on the following grounds:

- (i) that they run counter to the Thematic Objective 5 and Coastal Objectives 1 & 3 of the Strategic Plan for Environment and Development (SPED), and
- (ii) the proposals also run counters to Policy NWSP 4: Foreshore within Commercial Zone (Tourism, Entertainment Priority Areas) of the North West Local Plan which affirms that there will be a presumption against any further development permissions.

The grounds of appeal are the following:

- (i) In effect this objective, as set out in the reason for refusal seeks to ensure that existing coastal recreational resources are protected, enhanced and accessible and to facilitate the provision of new recreational facilities which do not restrict or interfere with physical and visual public access of the coast and in a manner which does not have an unacceptable adverse impact on protected areas and areas of high landscape sensitivity. The proposal does not involve any construction on the shore at all and in fact does seek to ensure existing coastal resources are

protected. This activity has been ongoing for over twenty years and is part and parcel of sea side recreation. It takes up no more space than that taken by a family spending a day on the beach since all activities are water related and take place off shore. Hence, the activity reinforces the aspect of not restricting or interfering with physical public access, etc. Moreover, its impact on protected areas or areas of high landscape sensitivity is negligible, if at all. What is being sought here is a specific spot, which will be cleared every sunset, where the operator can, as required by law provide adequate look out.

(ii) Although anything requiring a PA permit is classed as development, we believe that this was mainly intended for physical development, in fact there is the qualification of 'presumption' rather than prohibition.

(iii) Similar permits have already been granted elsewhere.

In view of the above we request the Honourable Tribunal to review the said decision and grant the permit as requested, under terms and conditions it deems fit.



Dr Siegfried Borg Cole