

PA/27

PERIT

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**Our Ref: 18142**

**Your Ref:**

The Chairperson  
The Environment and Planning Review Tribunal  
St Francis Ditch  
Floriana

29<sup>th</sup> March 2019



**Re: Appeal against Refusal re. PA/6570/28**

**Planning Application reference number:** PA/06570/18

**Proposal:** To sanction agricultural stores and raising of boundary wall as built

**Site Location:** George House, Wied tal-Baqqiegha, Zebbug, Malta

I write on behalf of my client Mr Philip Saliba, whereby I refer to the development planning application bearing reference number in caption and to the decision by the Planning Commission to refuse the said application on the 13<sup>th</sup> February 2019, which decision was published on the 27<sup>th</sup> February 2019.

**Reason of Refusal 1**

*The stores proposed for sanctioning are considered excessive given that exceed the pre-1994 structures. Hence the size of the stores is not considered as justified, as these are in conflict with Policies 2.5A and 2.5B of the Rural Policy and Design Guidance 2014. In addition, the proposed sanctioning is in conflict with Rural Objectives 1.7 and 3 of the Strategic Plan for Environment and Development 2015 which seeks to control the cumulative effect of rural development and counter to Thematic Objective 1.10 which only allows for rural development which is legitimate or necessary. Furthermore, applicant is not registered as a farmer and has no holdings registered on his name, thus the proposal is considered not justified.*

As can be seen from the attached documents, the applicant's land has been registered with the Agricultural Directorate, and the applicant is also registered as a part-time farmer.

Furthermore, the applicant's property subject of this application is also registered as a small ruminant farm bearing registration number R0119, as can be seen in the attached letter from the Veterinary Regulation Directorate. In fact, the last inspection was carried out on site by the Veterinary Regulation Directorate on the 3rd December 2018 where 5 sheep were in fact tested. The applicant's property had also been licensed as a broiler farm in 2003.

### **Reason of Refusal 2**

*The proposal has resulted in the demolition of rubble walls and so runs counter to Legal Notice 160 of 1997 - Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations and, Legal Notice 169 of 2004 - Rubble Walls and Rural Structures, Conservation and Maintenance Regulations (Amendment). Both regulations declare rubble walls and non-habitable structures as protected, in view of their historical and architectural importance, their contribution to the character of rural areas, their affording a habitat for flora and fauna, and their vital importance in the conservation of the soil and of water. Furthermore, the masonry walls proposed for sanctioning runs counter to the provisions of L.N.160/97 and to policy 2.9 of the Rural Policy and Design Guidance 2014, which stipulate that such walls should be constructed using traditional methods and irregularly shaped, rough dressed stone.*

As stated in the reply to the DPA report during the application process, the applicant is willing to replace the franka stone boundary wall with a random drystone rubble wall so as to address this reason of refusal

### **Reason of Refusal 3**

*The illegalities affected within the site has resulted in the loss of agricultural soil, thus counter to Policy 1.2D of the Rural Policy and Design Guidance 2014 which seeks to ensure soil conservation.*

### **Reason of Refusal 4**

*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 other illegal works on site which are not being addressed.*

As already stated in the reply to DPA report, the applicant is also willing to carry out any works necessary to ameliorate the site and remove illegalities which cannot be sanctioned to address reasons of refusal 3 and 4.

Therefore, it is hereby being requested that the EPRT takes into account of the above information during its adjudication of the said appeal against the decision to refuse this application for development by the Planning Authority.

Yours faithfully,

PERIT  
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