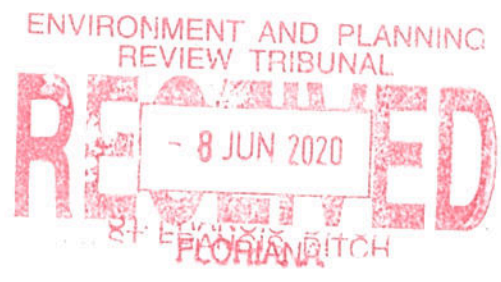


TRIBUNAL TA' REVIZJONI TAL-AMBJENT U L-IPPJANAR

Applikazzjoni numru: PA/07326/19
 Sit: Busuttil Field, Triq Villabate, Zabbar
 Deskrizzjoni tax-xoghol: To sanction existing pre 1994 agricultural rooms, pre 1994 reservoir, coop, pre 1978 greenhouse, paving, WC and restroom
 Applikant: Salvu Busuttil
 Perit: Joseph Saliba
 Pubblikata: 13 ta' Mejju 2020



SAVIOUR SIVE SALVU BUSUTTIL
(KI NRU.456665 M)

VS.

L-AWTORITA TAL-IPPJANAR

APPELL SOTTOMESS minn Saviour sive SALVU BUSUTTIL (KI nru. 456665M),
Jesponi bir-rispett:

1. Illi l-applikant appellant Salvu Busuttil ipprezenta applikazzjoni ghal 'To sanction existing pre 1994 agricultural rooms, pre 1994 reservoir, coop, pre 1978 greenhouse, paving, WC and restroom' ;
2. Illi permezz ta' decizjoni datata tletin (30) t' April tas-sena elfejn u ghoxrin (2020) liema decizjoni giet pubblikata fit-tlettax (13) ta' Mejju tas-sena elfejn u ghoxrin (2020), l-Awtorita tal-Ippjanar irrifjutat l-applikazzjoni ghall-permess tal-izvilupp propost u dan ghar-raguni segwenti:

1 The proposed sanctioning of the existing agricultural rooms run counter to the provisions in policy 2.5B of the Rural Policy and Design Guidance (2014) since the proposal is not considered as a genuine agricultural need and has also been objected to by the Agriculture Advisory Committee. Therefore, the proposal also runs counter to Thematic Objective 1.10 of the Strategic Plan for Environment & Development, which only allows for rural development which is legitimate or necessary.

2 The existing agricultural rooms are finished in grey rendering and detract from the landscape and rural character of the area. Hence, the proposal runs counter to Rural

Objective 4 of the Strategic Plan for Environment & Development, which aims to protect the landscape by controlling the location and design of rural development.

3 The proposed sanctioning of the existing stable runs counter to criterion 4(a) of policy 5.2 of the Rural Policy and Design Guidance since the structure is not constructed in natural timber or in stone up to 5 courses and the rest of the height in timber.

4 The sanctioning of the existing coops is in conflict with policy 5.1B since the distance of the site from the nearest development zone is less than 200m and one of the coops is not constructed in visually permeable materials. Also, the Agriculture Advisory Committee has not recommended the proposal.

L-appellant hass ruhu aggravat bid-decizjoni u qed jinterponi dan l-umli appell;

Illi l-aggravji huma cari u manifesti u jikkonsistu fis-segwenti:

1. Illi b'referenza ghall-ewwel raguni ta' rifjut jigi rrilevat s-segwenti:
 - a. Fl-umli fehma tal-appellant, mill-izvilupp propost jidher car li dawn l-*agricultural stores* huma mehtiega ghal uzu agrikolu. Fil-fatt dawn gew mibnija qabel l-1994 u konsegwentement hija applikabbli Policy 2.5B;
 - b. Fir-rigward ta' dak deciz mill-AAC jigi rrilevat illi sussegwentement ghall-ewwel rakomandazzjoni taghhom, l-appellant kien intavola sett ritratti li proprju juru l-uzu agrikolu ta' tali store. Nonostante dan l-AAC baqghu jinsistu fuq ir-rakkomandazzjoni taghhom minkejja li ma regghux ghamlu *site inspection* sabiex jikkonstataw l-uzu agrikolu ta' dawn l-istores;
 - c. Illi inoltre jigi rrilevat illi fl-istess sit in kwistjoni kien hemm iktar bini mibni qabel l-1994, li l-klijent kien dispost li jirrinunzja ghalihom u ser ikun qed jigu mnehhija kif jidher mill-pjanti tal-istess permess appellat;
 - d. Kif ser jigi ppruvat fil-mori tal-appell, dawn l-istores ghandhom uzu purament agrikolu u konsegwentement tali raguni ta' rifjut, fl-umli fehma tal-appellant, hija infondata fil-fatt u fid-dritt;

2. Illi b'referenza ghat-tieni raguni ta' rifjut jigi rrilevat illi din tista' facilment sorvolata billi tidhol kondizzjoni fil-permess li trid issir b'*recycled stone*. L-appellant ma jsibx oggezzjoni li jnehhi l-*grey rendering* u jissostitwih b'materjal iktar adegwat;

3. Illi b'referenza ghat-tielet raguni ta' rifjut jigi rrilevat illi din ir-raguni ta' rifjut kienet giet indirizzata tant li fl-*updated case officer report* hemm indikat: "*Regarding reason for refusal 3, related to the sanctioning of the stables, the revised elevation drawing doc 73g indicates the first 1.32m, which is approximately 5 courses in masonry stone and the rest in timber. Moreover, AAC in minute 54a noted that the stable is adequate for keeping a horse, and therefore reason for refusal 2 can be considered as being addressed.*" (enfasi mizjud)

4. Illi b'referenza ghar-raba' (4) raguni ta' rifjut jigi rrilevat is-segwent:

- a. Ma hux minnu li il-coops ezistenti huma f'distanza ta' inqas minn 200 metru miz-zona tal-izvilupp. Kontrarjament u kif ser jigi ppruvat waqt il-mori tal-appell miz-zona tal-izvilupp ghal din il-coop hemm iktar minn 200 metru;
- b. Illi fir-rigward tal-materjal jigi rrilevat illi l-appellant dispost li jbidel il-materjal u konsegwentement din tista' dejjem tigi inkluzi bhala kondizzjoni tal-permess;
- c. Ghaldaqstant fl-umli fehma tal-appellant anke din ir-raguni hija nfondata fil-fatt u fid-dritt;

Ghaldaqstant ghar-ragunijiet fuq esposti l-appellanti, filwaqt li jirrizerva d-dritt li jipproduci dawk il-provi u xhieda, umilment jitlob lil dan it-Tribunal sabiehx jirrevoka u jhassar id-decizjoni tal-Awtorita tal-Ippjanar datata tletin (30) t'April tas-sena elfejn u ghoxrin (2020) liema decizjoni giet pubblikata fit-tlettax (13) ta' Mejju tas-sena elfejn u ghoxrin (2020) u konsegwentement jirrevoka r-rifjut u jordna l-hrug tal-permess bin-numru PA 07326/19 u dan taht dawk il-kondizzjonijiet li jidhirlu li huma xierqa u opportuni.

Avv Michael Grech
45/19, Strait street, Valletta VLT 1434


Avv Alicia Borg
45/19, Strait Street, Valletta

Applikant Appellant: 48, Lorack, Flat 4, Triq il-Hut, Marsacsala

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LISTA TA' XHIEDA:

1. L-applikant sabiex jixhed dwar il-fatti - 48, Lorack, Flat 4, Triq il-Hut, Marsacsala
2. Il-Perit Joseph Saliba sabiex jixhed fuq l-izvilupp prezenti u fuq l-applikazzjoni mertu ta' dan l-appell u fuq fatti relatati;
3. Rapprezentant/i tal-Agricultural Advisory Committee sabiex jixhed fuq l-izvilupp u fuq l-applikazzjoni de quo - St Francis Ravelin, Floriana, FRN1230
4. Rapprezentant Awtorita tal-Ippjanar sabiex jixhed fuq l-izvilupp u fuq l-applikazzjoni de quo, fuq applikazzjonijiet u precedenti fl-istess akkwata u sabiex jezebixxi kopja ta' dawn il-permessi u/jew dokumenti relattivi u sabiex jixhed ulterjorment - St Francis Ravelin, Floriana, FRN1230

Avv Michael Grech

45/19, Strait street, Valletta VLT 1434



Avv Alicia Borg

45/19, Strait Street, Valletta

Applikant Appellant: 48, Lorack, Flat 4, Triq il-Hut, Marsacsala

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LISTA TA' DOKUMENTI

1. Dok. CP 1 – Id-Decizjoni appellata;
2. Dok. CP 2 – Estratt mill-Gazzetta tal-Gvern tat-13 ta' Mejju 2020;
3. Dok. CP 3 – Site-Plan

L-appellanti applikant jirrizerva l-jedd li jezibixxi dokumentazzjoni ulterjuri matul il-kors tal-appell.

Avv Michael Grech

45/19, Strait street, Valletta VLT 1434



Avv Alicia Borg

45/19, Strait Street, Valletta

Applikant Appellant: 48, Lorack, Flat 4, Triq il-Hut, Marsacsala