



The Secretary
Environmental and Planning Tribunal
St. Francis Ravellin
Floriana

21st December 2020



Ref Number: PA 03676/20

Location: Site at, Field in area known as Tax-Xandra / Ta' Wied iz-Zebbug, accessed from, Wied iz-Zebbug, Bahrija, Rabat

Appeal Against Refusal

On behalf of my client Mr. Jesmond Joseph Galea, I am hereby appealing against the decision taken by the Planning Commission on the 16th of December 2020. The reason for refusal as per hereunder.

The sanctioning of the existing room runs counter to criterion 3 of policy 6.2C of the Rural Policy & Design Guidance (RPDG) 2014 since the footprint exceeds that of the pre-1978 structure which was used for trapping hide activity. Furthermore, the proposal also runs counter to policy 2.5A of the RPDG 2014 as applicant is not registered with the Agriculture Directorate and has no holdings registered on his name. In addition site does not consist of agricultural land, but garrigue while the proposal has not been endorsed by the Environment & Resources Authority. In addition, the proposal is not considered to be a genuine agricultural since site does not consist of agricultural land but garrigue used for trapping. It therefore also runs counter to the Thematic Objective 1.10 and Rural Objective 1 of the Strategic Plan for Environment & Development which only allows for rural development which is legitimate or necessary and the controlling of the cumulative affect of rural development.

Further to our arguments listed in reply to the DPA report (minute 68a), I wish to point out that the Planning Commission board, although acknowledging that there was a pre-1978 structure, stated that the structure was a hunting/trapping hide rather than a tool room due to the fact that in an aerial photo submitted by the ERA (doc 49a) it is evident that the site was used for trapping. We agree that it was used for hunting/trapping, however, in no other aerial photos submitted by the ERA, or below by the undersigned, is this evident. The same cannot be said for the minor agricultural activity – this was always a constant. The site had a small element of agricultural activity pre-1968 (see doc 46a) and retained such activity until recent times. It is also important to note that the site lies between two category ODZ 3 settlements and is also very close the development boundary of Bahrija; a location which is far from ideal for a hunting/trapping hideout. I believe one cannot ignore the dual nature of the structure, thus accepting that the

structure was used temporarily as a hideout, but moreover it has been used as a tool room for a much longer lapse of time. Below are aerial photos between 2006 and 2016 in which one can understand better the comments above. The applicant is requesting that if the structure in its current form cannot be sanctioned, then the dismantling and reconstruction of the tool room as per pre-1978 footprint should be considered. Possibly in the form of a traditional "Girna"

Sincerely,

Perit Mark Abela
Architect & Civil Engineer
Block G, Flat 3, G.H.E.,
Rabat - PB 1034
Mob. (+356) 7926 1399



Mark Abela A&CE

Warrant no: 626