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Our Ref: 20060

Your Ref: PA/6385/20

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

**ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL**

RECEIVED
- 1 APR 2021

30th March 2021

Dear Sir,

Appeal against Refusal – PA/6385/20

**ST. FRANCIS DITCH
FLORIANA**

Application Ref. No: PA/06385/20 –

Applicant: Mr Alexander Sammut

Proposal Description: *To sanction additions to a pre-1968 rural room in the form of construction of demarcation rubble walls, deposition of soil for cultivation of land and also in passageway to enable access to site and also formation of opening to install timber gate along the country lane. To remove existing structures and proposed underground water reservoir.*

Reference is made to the development planning application bearing reference number in caption submitted on behalf of my client, Mr Alexander Sammut (ID: 212572M), and to the decision by the Planning Authority to refuse the development proposed in this application, which decision was published in the Government Gazette on the 3rd March 2021.

The following is the Reasons of Refusal as outlined in the Planning Authority's decision notice:

Reason of Refusal 1

The demarcation wall in franka stone 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.

Reason of Refusal 2

The proposed demarcation walls (northern and southern) for sanctioning resulted in land fragmentation into parcels of less than 1 tumolo, and therefore the proposal is in conflict with criterion 4 of policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014.

Reason of Refusal 3

The proposed sanctioning of passageway, which resulted in excessive land take-up and soil sealing, which area could have been used for agricultural activity, is in conflict with policy 1.2D and 2.10 of the Rural Policy and Design Guidance, 2014. Proposal also runs counter to Rural Objective 1.7 of the Strategic Plan for Environment & Development (SPED), which aims to control the cumulative effect of rural development.

The undersigned architect and civil engineer would like to submit comments regarding the reasons of refusal as follows:


Regarding reason of refusal 1 in relation to the demarcation walls being built in franka stone, the applicant has no objection for the walls to be built in a traditional manner using irregularly shaped, rough dressed stone, up to a height of 0.6m from the soil level.

Reason of refusal 2 states that the demarcation walls have resulted in a parcel of land of less than 1 tumolo. Whilst it is acknowledged that the applicant's parcel of land is less than one tumolo, it is to be pointed out that the applicant's intention was always to re-instate the agricultural use of the site in question whilst at the same time demarcating his parcel of the land from the other farmers. The walls in question are low walls and barely visible, and thus are not creating a negative visual impact.

The third reason of refusal states that the common passageway has resulted in soil sealing and could have been used for agricultural activity. The undersigned would like to point out that this previously consisted of derelict land, and now a common passageway has been formed in order for the applicant to access his part of the land, as otherwise this would be inaccessible. Hence as such no agricultural land has been lost, since previously the land was derelict and not agricultural. However, the applicant would have no objection to convert the said passageway into agricultural land if this would be favourably recommended by the EPRT. Such a conversion to agricultural land would therefore also be in line with the Planning Authority's suggestion in this reason of refusal, i.e. that the land would be used for agricultural activity.

Therefore, it is hereby being kindly requested that the EPRT duly considers the above arguments in its assessment of this appeal against the refusal of PA/6385/20, such that this refusal decision is overturned and this development permit can be issued.

Yours faithfully,



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