



Director of Planning
 Planning Directorate
 Malta Planning Authority
 Floriana



13 April 2021

Application Number: PA/02415/20

Location: Site off, Triq it-Tnax ta' Mejju Area K/A, Ta' Wicc Ir-Rahal, Zebbug
 Proposal: To sanction changes and alterations to pre 1994 rural structure.

In terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016 we hereby submit our counter arguments and justification for review by the Environment and Planning Review Tribunal.

The refusal is based on the following reasons:

Reason for refusal 1

The proposed sanctioning of the three tool sheds (being considered as agricultural stores) runs counter to criterion 2, 3 & 6 of policy 2.5A of the Rural Policy & Design Guidance (RPDG) 2014 in that applicant is not registered with the Agricultural Directorate whilst site is part not registered and part registered on third party. Also the cumulative area of the three tool sheds (approx 71sq.m.) exceeds the permissible general maximum storage entitlement. Both the Agricultural Advisory

Committee and the Environment and Resources Authority objected to the proposal.

Argument 1

The site under consideration is tilled by three brothers and the site is an active arable farming site with the brother having invested heavily in the farming industry to be able to make it viable in today's markets, this has meant that they are in possession of a number of farming vehicles which aid to increase the crop turnover, diversification and yield. These vehicles cannot be left parked by the side of the road and need to be stored close to the fields to reduce the travel time and traffic hazard these vehicles make when operated on the road network. On many occasions Transport Malta has penalised my clients for parking agricultural vehicles on the road network, this puts the farmer in a position to think twice when investing in farm vehicles because it is a logistical nightmare to garage such vehicles, this is the case with my clients and stores on site will alleviate this common problem. These factors contribute to the decline of this industry. to be carried out as close to the source as possible.

Reason for Refusal 2

The proposed development runs counter to the provisions of policy 1.2D of the Rural Policy & Design Guidance (RPDG) 2014 in that, the sprawl of the structures, and hard landscaping, resulted in unjustified soil sealing and general disregard for the in situ soil. The proposal is therefore not in line with the Thematic Objective 1 of the Strategic

Plan for Environment & Development for limiting the land take up for uses which are not necessary or legitimate in rural areas. Hence, the proposal also runs counter to Rural Objectives 1, 3, and 4 to facilitate sustainable rural development by controlling the location and design of rural development, as well as the cumulative effect of such development.

Argument 2

The plans show that the proposal included the demolition and clearing of areas of sealed soil and the area returning the areas to soil and agricultural land, the area of beaten earth

Reason for Refusal 3

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 accretions and other roofed structures scattered throughout the site.

Counter Argument 3

The area at the back of my client's site which is subject to an enforcement notice, is a dirt road that gives access to my clients and to third party farmers to their property and it is not my clients' s legal right to remove such access to third party fields.

Reason for Refusal 4

The drawings submitted in block plan are not reflecting the actual situation on site in terms of positioning on drawings. In this regard, the application is not considered in line.

Counter Argument 4

The site plan is being amended to reflect the block plan

Regards,

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