

2nd March 2021

The Environment and Planning Review Tribunal



Nru. ta' l-Applikazzjoni: PA/9758/19

Lokazzjoni: Site at Triq Bingemma, Mgarr

Proposta: Construction of dwelling to full-time breeder including open reservoir.

Ref. Taghna:

Ref. Tribunal:

Kersten Bugeja

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2019.
- II) This application was refused by the Commission and the decision was published on the 3rd February 2021.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.

1.2 The applicant is a full time breeder and this fact is acknowledged by the Authority even in the DPAR. His entitlement to a residence close to the farm that he operates is also recognised.

1.3 The farm itself is located in an Area of Archeological Importance, and the applicant fully committed himself to execute the necessary investigations in this regard. The development will be fully monitored according to law and the laws regulating cultural heritage will likewise be respected.

1.4 Paragraph 9 of Policy 2.2A of RPDG states:

the proposed development is of a high quality rural design and must respect the rural context. Scheduled locations (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance and scheduled AHLV) are in principle considered inappropriate locations; unless it can be duly demonstrated through the necessary assessment that the development does not compromise the site scheduling characteristics

1.5 At no stage was it shown that the development compromises the site scheduling characteristics, and further investigations may be carried out to demonstrate the fact that the development will not compromise the archeology of the area (since ultimately the area is protected for archeological purposes).

1.6 The proposed development is thus in line with the applicable policies regulating the site, and is not contrary to the provisions of the applicable policies.

1.7 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to issue the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



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