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Our Ref: 2020-055

5th May, 2021

The Secretary
Environment and Planning Review Tribunal
Saint Francis Ravelin
Floriana

Dear Sir,

Appeal against refusal of PA 7915/20 - Rabat

Please refer to the refusal given by the Authority to the application submitted by my client Mr. Joseph Camilleri to carry out works at Rabat.

In our opinion this decision is unfair because both the procedure as well as the interpretation of the policies were carried out incorrectly.

In the first instance I would like to point out that my client is a registered farmer and a bee keeper. The AAC had objected to our original proposal but we amended our drawings to address the concern raised by AAC. However the adjudication was carried out on the original drawing and the fresh drawings we had submitted (doc 86 a, b, c, d) were never given to AAC for their comments. In our opinion the decision was therefore taken on the wrong drawings. Furthermore in such cases of facilities for farmers, AAC are the experts and their opinion is considered very important. Thus the fact that AAC were not given the opportunity to submit their comments on our fresh drawings is considered as a severe short coming from the Authority.

The first reason of refusal also states that our proposed works i.e. agricultural store, reservoir, pump room and deposition of soil are not considered as legitimate use within rural areas. Obviously such an argument is totally false.

The reason of refusal then make reference to the fact that our site is located within a special area of conservation, area of ecological importance and area of high landscape value. On this basis the Authority concludes that our proposal does not conform to policies 2.5A, 2.7A and 2.8 of the Rural Policy and Design Guidance 2014. This is a wrong interpretation of these policies since these policies state as follows:

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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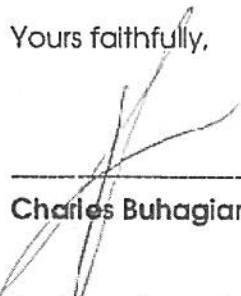
In principle such development is considered unappropriated (in such locations) unless it can be duly demonstrated through the necessary assessment that the development would not compromise the site scheduling characteristics.

To our knowledge no such assessment was carried out and my client was not asked to carry out any such assessment. Thus the decision was taken on the presumption that our proposal is not acceptable without an proper assessment. In our opinion this is not the correct procedure.

Finally in the comments to ERA argument that my client's site comprises only gaulgue. This is also incorrect since if one examines the pre 1994 aerial photograph one would note that a substantial part of the site was indeed soll and cultivated land. The fact that the land was abandoned for some years and the rain washed away large areas of soil does not mean the area is garigue. Indeed our proposal is meant to deposit soil in areas where previously there was soil and the rehabilitation of the site back to agricultural use.

In view of the above we consider the decision as being grossly unfair and would like to respectfully request that you review our proposal and approve our application.

Yours faithfully,



Charles Buhagiar A&CE.

Encl: bank receipt, copy of refusal, site plan, aerial photo

c.c.: Joseph Camilleri
PA