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Is-Segretarju,
Environmental and Planning Review Tribunal,
Block B, St Francis Ditch,
FURJANA.

16 ta' Ġunju, 2021.



Ghaziż Sinjur,

PA Ref: PA 04226/16

Nikkomunika miegħek għan-nom tas-sur Paul Cutajar.

Jiena u l-perit arkitett Rene Cutajar qegħdin nissottomettu lit-Tribunal dan l-umli appell tal-klijent tagħna.

Ġentilment nitolbok sabiex tibgħat tgharrafna bid-dati tas-seduti kif ukoll tibgħatilna l-link relattiv ma' dan l-appell.

Nirringrazzjak għall-attenzjoni u l-koperazzjoni tiegħek.

Inselli għalik.

A handwritten signature in black ink, appearing to be "Frank Cassar", written over a horizontal line.

Avukat Dr Frank Cassar

PERIT RENÉ CUTAJAR

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16th June 2021

The Environment and Planning Review Tribunal
Block B, St. Francis Ditch,
Floriana

PA Ref: PA 04226/16
Application Type: Full Development Application
Project Description: Proposed additions to PA/02781/00, to upgrade existing farm. To sanction animal rearing sheds, concrete paths, paved areas and reservoir and construction of cesspit, extension of fodder storage and re-construction of boundary wall in random rubble.
Project Location: Sta. Maria Farmhouse, 12, Triq Hagar Qim, Qrendi, Malta.
Applicant: Mr Paul Cutajar, ID 0173561M

Appeal application

The undersigned appellant/s are appealing against the decision in which a permit to upgrade a previously approved farm and sanction animal rearing sheds, concrete paths, paved areas and a reservoir, together with the reconstruction of the boundary wall in random rubble was refused by a decision published on the 26th May 2021 and for the reasons explained below.

First Grievance

The reason for refusal had already been addressed by revised drawings.

It is humbly submitted that one of the reasons the appellant was given for the refusal of the said proposal was that *'The proposal runs counter to policy 1.2D of the Rural Policy & Design Guidance (RPDG) 2014 due to the excessive concrete paving which has been objected to by the Agriculture Advisory Committee (AAC) and the Environment Resources Authority (ERA), hence running counter to Rural Objectives 1.7 and 4 of the Strategic Plan for Environment and Development, which aim to limit the cumulative impacts of rural development.'*

That following consultation with the AAC, ERA and the Planning Commission (Development Permissions): Board minute 132, the amount of concrete paved areas were reduced to a minimum such that they only cover the swept path of the vehicle/s servicing the farm. A paved surface is required for the transportation of bovines by vehicles and through the submitted drawings, the paved surface has been kept to an absolute minimum. Although access to the farm was not detailed in the approved permit PA 02781/00, in order to sustain the use of the property, a suitable paved access will still be required.

With the revised drawings showing the reduction in paved areas as limited by the swept paths, this reason for refusal had already been considered as addressed by the Planning Commission board (min 132).

Second Grievance

The proposal is in conformity to Policy 2.3A of the Rural Policy & Design Guidance (RPDG) 2014 in that:

1. The proposal is located with the boundary of a legally-established operational livestock farm (PA/ 02781/00) and the applicant is registered in the NLD within the VRD (min 216a);
2. The application was subject to consultation with the AAC, ERA and Department of Health;
3. A basement level has been included in order to accommodate part of the development underground;
4. Mitigation measures for soft landscaping have been included in the proposal with over 3500 m² out of the total 4667 m² being soft landscaped areas with significant amounts of indigenous trees and shrubs included in the new proposal; and
5. The upgraded farm does include significantly improved water conservation measures with all water collected from paved and roofed areas being diverted to the reservoir for re-use (document 302c). Similarly, the proposal includes mitigation measures against the pollution of ground water with impervious floors in the breeding sheds laid to falls and connected to the cesspit with closed pipework (document 167d). This is a significant improvement from the approved permit PA 02781/00 where no such water conservation and contamination mitigation measures had been included.

Moreover, the proposed landscaping scheme (doc. 302c) is more comprehensive than the previous landscaping scheme as approved in PA 2781/00 and the proposed boundary wall along the concrete passage is aimed at preserving the soil function and minimise losses due to erosion.

Third Grievance

Endorsement by the AAC and policy 5.1B of the RPDG 2015

The third reason for refusal had been considered as '*no longer relevant given the stables have been removed*' (case officer report doc 321a).

The appellants humbly submit that whilst it is true that the animal rearing units have not been endorsed by the AAC, the reason for non-endorsement is not one of lack of animal welfare as stated in the reason for refusal, but rather that the AAC objects '*in view that the proposal and activity does not justify the impact and commitment on the land*' (doc 168a). Similarly, the AAC was not sufficiently convinced that the upgrading of the farm itself was feasible from an agricultural and financial perspective (min. 317a). To clarify, the main contention from the AAC has been that the number of bovines proposed for rearing is too little to make the project feasible, hence the requirement for a business plan in this regard.

The appellants have previously submitted a detailed overview of their rearing operations (doc 35a) which included both the purchase of young bovines and selling of older bovines. The historic transactions are testament to the viability of the farm. The recent reduction in farm activity can be attributed to the uncertainties presented by the application process itself and personal medical conditions of the appellant.

PA 02781/00 had approved the rearing of 5 calves (doc 302b) whilst the proposal in caption aimed at increasing the holding capacity to 49 bovines of varying ages.

The request for a business plan was presented by AAC on the 5th May 2021 (min 317a), which is six days prior to the day the decision for refusal was taken. The appellant respectfully asks for the application to be returned to the consultation phase where the viability of the project could further be discussed and any other requirements set out, such as the enlargement of the manure clamp be accommodated.

Conclusion

In view of the above, the appellant humbly requests the revocation of the decision taken by the Planning Authority and published on the 26th May 2021 for the reasons as mentioned above and subsequently approve the proposed upgrade and sanctioning of the existing farm.



Rene Cutajar



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