

Planning Reference No.: PA/04383/20

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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Location: Site known as 'Taz-Zuccu', Alley off Triq ix-Xwejni, Qbajjar, Zebbug, Gozo

Description: To reinstate agricultural field where sheep are kept, to remove rubble wall and to construct a new sheep farm

ST. FRANCIS DITCH
FLORIANA
Appeal Application of Louis Bezzina (ID card 0031268G)

This appeal is being lodged on behalf of Mr. Louis Bezzina, who is hereby appealing from the Decision published on the 16th June, 2021 taken by the Planning Commission with regards to the Planning Application number PA/04383/20 whereby the application has been refused due to the following reasons:

1. The proposed farm is located within a proposed Area of High Landscape Sensitivity and Level 3 Area of Ecological Importance which is still relatively free of any similar development; proposal is therefore considered to run counter to Policy 1.2H (Protection of Landscape Features) of the Rural Policy & Design Guidance (RPDG) 2014, which seeks to conserve and preserve the character and scenic value of the rural area. The proposal therefore also runs counter to Rural Objective 4 of the Strategic Plan for Environment & Development to protect the landscape by controlling the location and design of rural development.
2. The proposed new livestock farm within close proximity to the development zone runs counter to policy 5.1B criterion (d) of the Rural Policy & Design Guidance (RPDG) 2014, and to Thematic Objective 6.1 of the Strategic Plan for Environment & Development, which aim to safeguard environmental health from air and noise pollution by controlling the location, design, and operation of development.
3. The proposal does not comply with the provisions of Legal Notice 227 of 2016: Development Planning (Health and Sanitary) Regulations, 2016, since proposal is not provided with a water reservoir.

That the applicant has been aggrieved by the above mentioned decision and thus is lodging this appeal against in on the following grounds: -

1. That whilst it is true that the site in question falls within an area of High Landscape Sensitivity and an Area of Ecological Importance, it is also true that the Gozo non-built-up area is all an area of High Landscape Sensitivity and this as can be verified in the Gozo and Comino Local Plan and as shown via Mep 13.1-B of the same local plan. It is an imperative requirement for farms that these should not be located in built up areas and thus the only available sites in Gozo would

necessarily be in the periphery, as is the case, but which would be however, a regulated zone;

2. That with regard to the second reason for refusal, the site in question has been duly addressed by the Planning Directorate mainly in respect to the positioning of the farm. In fact, the original position of the farm has been relocated from the original 110 m away to the latest proposal at 150 m away from the nearest building line. Furthermore, it should be noted that the natural and geographical position of the site makes it impossible for the nearest buildings to be able to view the said development. This given that the building line falls within a depressed area due to geological features and it will not pose any threat to environmental health from air or noise pollution;
3. The applicant furthermore has already brought sufficient grounds to the satisfaction of the relevant authorities and the Authority that the proposal will not create an adverse impact on the amenity of the area by virtue of noise, odours or visual intrusion. In fact, as already stated, the site will not be visible from the environs and the area itself precludes any adverse impacts on the neighbouring areas;
4. Moreover, the appellant makes reference to other planning applications, similar to the one in question which have been approved by the Planning Authority, and this notwithstanding that the site is next to the building line. Of particular relevance is PA/04136/18 wherein, notwithstanding that the site is of the same level of sensitivity and ecological importance and notwithstanding that it is located less than 50 m from the development zone, the application has been approved;
5. With regards to the third reason for refusal, that is the inclusion of a water reservoir, this has in fact been addressed as evidenced in doc. 88b of the application.

In view of the foregoing reasons, the appellant requests that the decision for refusal is revoked and the Planning Application Number PA/04383/20 is approved.

The Appellant reserves the right to make further written and verbal submissions, along the process of this appeal and to produce all the necessary evidence in support of this appeal.

Attached please find a copy of receipt of payment of appeal.

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