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

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

**RECEIVED**  
28 JUL 2021

ST. FRANCIS DITCH  
FLORIANA

Application Number: PA/03797/20

Location: Site at, Triq il-Hofor, Qormi

Proposal: To sanction the construction of stables, fodder store, paddocks, concrete flooring, beaten earth, boundary wall, gate and other ancillary facilities related to the stables.

27 July 2021

In accordance to Article 13 of the Environment and Planning Review Tribunal Act, 2016, we hereby submit our plea for reconsideration for the following reasons

#### **Reason for refusal 1**

The sanctioning of the existing hay store and construction of two stables runs counter to the provisions of policy 5.2 of the Rural Policy & Design Guidance (RPDG) 2014 since the existing access serving the site is not legally established and the structures do not follow the design parameters stipulated in criterion 4(a) of this policy. Also, the site lies within the groundwater protected zone and no waste management facilities are being

provided. The proposal also fails to include the necessary clearances from the Agriculture Advisory Committee and the Environment and Resources Authority.

### **Counter Argument**

Amended plans address this reason for refusal as follows

- the proposal description is was updated to read to construct 4 stables, a fodder store, tack room/food store and ancillary facilities, also the number of stables is limited to 4 to reflect the horses owned by applicant.
- The AAC requested that the ancillary structures should be consolidated together to limit the sprawl of development within the site, however we argue that since the ancillary structures are already constructed and closer to the entrance, they should be kept in their current siting since demolishing the stores to reconstruct the same stores closer to the stables will involve further soil sealing in an area which is (a) further from the entrance than they are currently sited and (b) the new siting will cover soil which is currently untouched by any structures.
- The proposed stables have been re-designed with 5crs recycled stone clad in timber and with sandwich insulated roof panels to conform to policy 5.2

- Regarding the issue of the legality of the site access the Planning Commission may wish to consider that the access path was not constructed by my client, and not the owner of the pathway in question (as he has only right of access) therefore it is beyond his legal right to sanction or remove the illegality, the access and parceling of the site were carried out by the previous owner of the entire area who sold the field in predetermined plots, however my client has no issue with limiting the height of the part of the boundary wall that he has sole title on as shown on the plans. • Stables 1, 2 and 3 has been redesigned to provide cross ventilation • The manure clamp has been re-designed to an area of 27sqm as requested by AAC. • The cesspit volumes been re-designed to provide a volume of 15.6cum as requested by AAC

## **Reason for refusal 2**

The existing boundary walls enclosing the site are in conflict with policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014 since these have resulted in land fragmentation into parcels of less than 1 tumolo, exceed the stipulated height of 0.6m and are not constructed in random rubble.

### **Counter Argument**

The boundary walls were not constructed by my client and most of the same walls are located out of my client's site boundaries the only solution is to limit the limit the parts of the boundary wall that are within my applicant's property to 0.5m as per policy 2.9 of the Rural Policy & Design Guidance (RPDG) 2014m, furthermore the Environment and Planning Review Tribunal may wish to note that the area of the site is 1025 sq.m which is just 99 sq.m less than a tumolo.

### **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 latest proposal fails to specifically address the unauthorised peripheral boundary walls, fence and gate.

### **Counter Argument**

The Environment and Planning Review Tribunal may wish to consider that the access path was not constructed by my client, and not the owner of the

pathway in question (as he has only right of access) therefore it is beyond his legal right to sanction or remove the illegality, the access and parceling of the site were carried out by the previous owner of the entire area who sold the field in predetermined plots, however my client has no issue with limiting the height of the part of the boundary wall that he has sole title on as shown on the plans.

Regards,

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