TRIBUNAL TA' REVIZJONI TA' L-AMBJENT U L-IPPJANAR

Referenza Ta' L'Awtorita: PA/7424/20

Deskrizzjoni tal-Proposta: "To sanction greenhouse shed. The proposal include also to rebuilt existing boundary wall using rubble wall, improve gate to cover steel with timber and demolish existing oven and remove and concrete flooring".

Sit: Sit off Triq tal-Qala', Mgarr

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL
RECEIVED
17 JAN 2022
ST. FRANCIS DITCH
FLORIANA

Mr. Edgar Borg

vs

L-Awtorita' tal-Ippjanar

Rikors tal-appellant

Data: 12/01/2022

1 L-applikazjoni fuq imsemmija kienet irfjutata mill-Kumiissjoni ta' l-ippjanar u permezz tal-prezenti att, l-appellant qed formalment jinterponi appell kontra l-istess decizjoni.

2 Illi flimkien ma' dan ir-rikors qed jigu inkluzi is-segwenti document:

- Dokument No.1 – Kopja tal-Formola ta' l-applikazjoni
- Dokument No.2 – Site Plan
- Dokument No.3 – Pjanti sottomessi ghall-approvazzjoni tal-Kummissjoni
- Dokument No.4 – Kopja ta Decizjoni
- Dokument No.5 – L-Ircevuta tal-hlas tad-dritt ta l-appell

3 Fatti

3.1 L-applikazzjoni odjerna tikkonsisti fis-segwenti: " To sanction greenhouse shed. The proposal include also to rebuilt existing boundary wall using rubble wall, improve gate to cover steel with timber and demolish existing oven and remove and concrete flooring". L-izvilupp huwa propost fi Sit, go Trejqa fil-Qala limiti ta l-Imgarr.

3.2 Il-Proposta tikkonsisti essenzjalment f'sanzjoni ta serra zghira u ta estensjoni ta kamra antika (pre 1968). Kif ukoll propost it-tnehhija ta forn u passagg tal-konkos u l-installazjoni ta xatba ta' l-injam f'sit li huwa barra l-iskema ta l-izvilupp. L-appellant qed ikabbar il kamra biex filwaqt li

jkun qed jahzen l-ghodda u l-makinarju rikjest biex jahdem l-ghalqa fil-kamra antika, ikun jista jahzen il-bexx u l-fertilizzant f'parti separata.

3.3 Illi l-kriterji li jistabilixxu jekk l-applikant huwiex elegibli ghal bini ta serrer f'sit li jinsab fiz-zona barra l-iskema ta' l-izvilupp jemergu mill-process koncernanti l-permess PA/8841/17 li wassal ghall-approvazjoni ta' serrer f'sit barra zona ta' L-izvilupp.

4 Aggravji

Premess is-suespost, l-appellant qed jirribatti ir-ragunijiet ghar-rifjut bil-mod kif gej:

4.1 L-ewwel raguni ghar-rifjut: "The existing greenhouse being sanctioning does not follow the construction methodology specified in Policy 2.6 of the Rural Policy and Design Guidance, counter to criteria (5) and (7) of the same Policy. The visual impact of the structure is not considered acceptable in the context of the surrounding rural landscape (criterion 5), while it has not been considered acceptable by the Agricultural Advisory Committee and the Environment Resources Authority (criterion 3).

To this effect, the development as carried out is deemed to have resulted in unjustified formalization within the rural context, running counter to Thematic Objective 1.10 and to Rural Objective 4 of the Strategic Plan for Environment and Development (SPED) 2015, which aims for the protection and enhancement of the rural landscape. Such a commitment has also resulted in excessive and unnecessary land uptake at the expense of agricultural land and soil, counter to policy 1.2D of the Rural Policy and Design Guidance 2014.

4.1.1 Talli raguni ghar-rifjut ma ssib ebda fondatezza ghal raguni li l-part mehuda mil-art agrikola biex tintuza bhala serra hi minima hafana meta tikumpara il-parti sostenzjali ta l-art agrikola li giet mibnija f'serer fi sit biswit skond il-permess PA/8841/17.

4.2 It-Tieni raguni ghar-rifjut: "The existing structure on site runs counter to Policy 6.2C in that the replacement building cannot be considered of a high quality rural design and clearly does not respect the wider surrounding rural context. To this effect, the proposal is being considered counter to Rural Objectives 4 which aims to protect and enhance the positive qualities of the rural landscape"

4.2.1 Rigward id-disinn l-applikant lest li jimmodifika l-bini ezistenti biex ikun aktar ta kwalita rurali.

4.3 It-Tielet raguni ghar-rifjut: "The proposed demarcation walls will result in land fragmentation into parcels of less than 1 tumolo, and therefore the proposal is in conflict with criterion 4 of policy 2.9 of the Rural PA/07424/20 - 83a - Valid, Available To Public - Mary Grace Camilleri (Perit) - 14/01/2022 83a Page 1 of 3 PA/07424/20 Policy & Design Guidance (RPDG) 201".

4.3.1 Il-hajt ta sejjieh li qed jigi propost huwa ta important biex b'hekk turi il-qasma l-art min ma terzi kif ukoll minhabba li hemm amont ta sigar ta citru ikun hemm forma ta aktar protezjoni.

5 Talba

Illli ghar-ragunijiet fuq imsemmija l-appellant filwaqt li jaghmel referenza ghall-atti tal-kaz u provi ohra producibbli f'dan l-istadju, jitlob umilment lil dan it- Tribunal sabiex jordna l- hrug tal-permess relattiv dan prevja kwalsiasi provvediment iehor li jkun opportun fic-cirkostanzi.

L-appellant qieghed ukoll minn issa jirriserva d-dritt li jitlob li jsir access fuq is-sit in kwistjoni f'kaz li jinqala' l-htiega. Huwa in oltre jitlob li jigu prodotti x-xhieda elenkati f' dan ir-rikors filwaqt li jirriserva d-dritt tieghu li jtella' aktar xhieda sabiex jelaboraw fuq dak sollevat minnu, u dan bil-ghan li lesponenti jkun f'pozizzjoni ahjar sabiex jissoda s-sisien tieghu ghassodisfazzjon ta' dan it- Tribunal.

Perit M'Grace Camilleri

(warrant 747)