

1st December 2021

In the Environment and Planning Review Tribunal

Application number: PA/023 79/21

Application Type: Full development permission

Location: Site at, Triq il-Kučcard, Safi

Proposal: To sanction construction of agricultural store, agricultural reservoir and boundary wall.

Angelo Zerafa

vs

Awtorita' tal-Ippjanar

Appeal Application of Mr. Angelo Zerafa :-

The Appellant Respectfully submits:

That the applicant submitted his application on the 19th of February 2021

The application was refused by the planning commission and the decision was published on the 3rd of November 2021.

The appellant feels aggrieved by this decision and is hereby submitting this appeal;

Together with this appeal the appellant is submitting:

A copy of the decision notice (Doc AZ1)

Receipt of Payment (Doc AZ2)

The appellant respectfully submits the following grievances:

1. First Grievance – Proof of Arable Farming

1.1 The decision states that “the proposal has not been endorsed by the agricultural advisory committee since no proof of arable farming has been submitted to accept the proposal.”

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1.2 The appellant submits that although it is true that the agricultural advisory committee did not endorse the proposal, it is fundamentally untrue that no proof of arable farming has been submitted. Photos proving arable farming were submitted and marked as Photo 1, Photo 2, Photo 3, Photo 4 and Photo 5 of the Architect's reply to the case officer's report.

1.3 Moreover the appellant has also submitted Land Parcel Identification System (LPIS) registration with the Agricultural and Rural Paying Agency;

2. **Second Grievance – Necessity of the Store and Reservoir**

2.1 The agricultural room in the humble opinion of the appellant does not run counter to the thematic objective number 1.10 of the strategic plan for environment and development since it is legitimate and necessary for the appellant to store his tools, since he does not live close to the site and since the appellant works in the field daily.

2.2 As shown in the photos attached to the architect's reply to the case officer's report, the passages that were created were minimal and the site is used entirely for agricultural purposes;

2.3 The appellant humbly submit that the removal of the reservoir would render the site completely useless since the appellant requires a small water storage to water the crops, thus the removal of the reservoir and the room would force the appellant to leave the room in an abandoned state;

2.4 Moreover, the appellant submits, that irrespective of the size, a land used for agricultural purposes requires water and storage, and the size of the store and reservoir on the appellant's land respect the size of the land in the sense that the reservoir has a size of circa 27m² and the store of circa 4.6 m².

2.5 Moreover the visual impact of the reservoir is minimal and the erection of the reservoir above ground level respects the sensitive archaeological area;

3. **Third Grievance** Boundary walls and land parcel size

3.1 With regards to the fourth reason for refusal, the planning commission states that the proposed sanctioning runs counter to



the criterion 3 and 4 of policy 2.0 of the rural policy and design guidance 2014. The appellant submits that walls have been erected long before the publication of the rural policy since these have been erected since the 1980s.

3.2 Moreover the Agricultural policy states in criterion 4 that "*no new retaining/boundary walls or demarcation, shall result in land parcels of less than one tumolo*"(added emphases). The appellant submits that as above stated, the partition was done more than 30 years ago;

3.3 Moreover the appellant submits that the boundary walls are not his exclusive property as they are also the property of the 2 adjacent tenements, one on each side, however he is the only person facing enforcement notices;

In view of the above, and further submissions that the appellant reserves to make, the appellant requests this Honourable Tribunal to revoke the decision of the Commission, and consequently orders the Authority to issue the relative permit, and this under those terms and conditions that the tribunal deem appropriate.



Avv Leon Camilleri

Leon@360legalmalta.com

204/3, Triq L-Ifran,

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List of Witnesses

- The appellant for the confirmation of facts;
- Representatives, consultants, officers and employees of the Authority for the confirmation of facts;
- Architects and their employees who have done work in relation to this land for the confirmation of facts ;



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Leon@360legalmalta.com

204/3, Triq L-Ifran,

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