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

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

RECEIVED
18 MAY 2022

ST. FRANCIS DITCH
FLORIANA

Application Number: PA/00804/21

Location: Nigel Farm, Triq off Widna Radar' Ta' San Pietru, Naxxar

Proposal: To construct a cowshed and cow farm and ancillary facilities including the installation of a gate within the site boundary

17 May 2022

In terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016, we hereby submit our plea for review, the refusal being published by the Planning Directorate is based on two reasons:

1. The proposed farm within an area scheduled as Area of High Landscape Value (AHLV) will result in an adverse visual impact on the surround environment. Hence proposal runs counter to the provisions of policy 1.2H and 2.3B (2) of the Rural Policy & Design Guidance (RPDG) 2014 which seek to protect, conserve, maintain & enhance important landscape features, SPED policy RO1, which seeks to protect good quality agricultural land from development and policy RO4 which seeks to protect and enhance the positive qualities of the landscape and the traditional components of the rural landscape by protecting the most sensitive landscapes of cultural importance and natural beauty.
2. The site proposed for development also lies within the buffer zone of a source used for the abstraction of water intended for human consumption. The proposal therefore runs counter to criterion 5 of policy 2.3B of the Rural Policy & Design Guidance (2014) which specifies a minimum distance for new farms from groundwater abstraction sources.

Counter Arguments

1. A land use survey within a 50m radius from the site under consideration, and it conclusively proves that the reasons for refusal listed in the DPA report were not enforced in at least 12 planning permissions granted in the immediate vicinity of the site under consideration (refer to annex 1), (refer to appendix 2)
2. The design of the whole farm has been oriented towards the preservation of the water table and to eliminate any possibility of contamination the certification of the cesspit and manure clamp together with the construction will be carried out in conformity with the present local rules and regulation as stipulated in the Technical Guide F issued by the Building Regulations Office, enforced by LN 47 of 2018 and that once constructed, said cesspit and manure clamp will be tested and certified leakproof once it is constructed and a certified report will be presented to the WSC and periodical tests will be carried out to exclude any leakages, to this effect the WSC has issued their clearance on the matter.

For these reason we respectfully request the Environment and Planning Review Tribunal to consider the reasons being listed above and request the Planning Authority to issue the relative permit as it was done in a number of other cases being referred to, we also reserve the right to produce further evidence if and when it becomes available and also produce witnesses including Planning Directorate officers to interpret the application to the Planning Review Tribunal

Regards,

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