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ARCHITECTURE

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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ST. FRANCIS DITCH
FLORIANA

Environment and Planning review tribunal
Block B St.Francis Ditch
Floriana

Planning reference: PA/1922/22
Site at, Triq Ghajn Hagar, Qala

Description: To reconstruct existing rubble wall and to create access to site by forming a ramp.
To also install a timber gate.

08.08.2022

I refer to the decision taken by EPC board in relation to the above mentioned permit application. I would like to submit an appeal to this decision on behalf of the applicant for the reasons listed below.

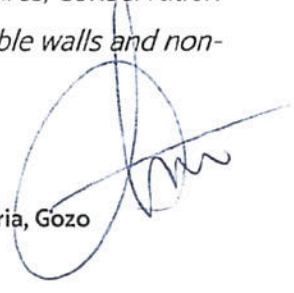
The development was refused for the following reasons:

1 In principle the proposal cannot be favourably considered since there is no justification for the proposed removal of rubble walls to create a ramp and installation of gate when noting that the site is not agricultural in nature. The proposed interventions require site engineering works which will change the rural character of the site/area and thus runs counter to policy 1.2G of the Rural Policy and Design Guidance (RPDG), 2014 which prohibits development that would have an unacceptable adverse environmental, landscaping, cultural or archaeological impact. Additionally, the proposal is objectionable by ERA from an environmental point of view.

2 The proposal would result in the demolition of an old rubble wall and so runs counter to Legal Notice 160 of 1997 - Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations and, Legal Notice 169 of 2004 - Rubble Walls and Rural Structures, Conservation and Maintenance Regulations (Amendment). Both regulations declare rubble walls and non-

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habitable structures as protected, in view of their historical and architectural importance, their contribution to the character of rural areas, their affording a habitat for flora and fauna, and their vital importance in the conservation of the soil and of water.

3 The fact that the site in question is not agricultural land, the creation of an access ramp is also not justified and accepted in terms of policy 2.10 of the RPDG14.

With regards to the first reason for refusal, EPRT may wish to note that the area in the immediate vicinity of the site is characterized by legally established development. These include DN595/O3, PA6097/19, PA1727/20 and PA3877/18. The site is also only about 330m distant from the development zone.

With regards to the second reason for refusal, EPRT may wish to note that the removal of a small part of rubble wall is necessary to provide an access to the site. The scope of the applicant is to be able to cultivate the land and restore it. The demolition of a small part of rubble walls is normally allowed for agricultural purposes.

With regards to the third reason for refusal, EPRT may wish to note that the scope of this proposal is to cultivate the land. The fact that the site itself is characterized by a number of stepped terraced fields bounded by rubble walls is a clear indication that the land was cultivated in the past, since the scope of such rubble walls is for soil retention. Client is willing to accept a condition to register this land with the agricultural directorate should this permit is approved. This cannot be done at the moment since the land is abandoned.

In view of the above, EPRT may wish to overturn this decision.

Regards
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