

First Report to the Environment and Planning Review Tribunal

Case Number	PA/08934/19
Merits of Appeal	Against Refusal
Location of Site	Barumbara and Yard at, Triq Dwardu Ellul, Xghajra
Appellant Name	Mr. Peter Camilleri
Architect Name	Perit Mark Camilleri
Proposal	To sanction alterations to pre-1967 building and to sanction the construction of separate structures, removal of soil and formation of new site levels and change of use for sale of agricultural equipment and machinery.

1.0 The Proposal, Site Location, and Constraints

1.1 This is an appeal against the refusal of PA/08934/19 to sanction alterations to pre-1967 building and to sanction the construction of separate structures, removal of soil and formation of new site levels and change of use for sale of agricultural equipment and machinery.

1.2 The site is located at Barumbara and Yard at, Triq Dwardu Ellul, Xghajra.

2.0 Reasons for Refusal

2.1 Site lies within an area designated as an Agricultural Area, thus proposal goes against the intentions of Policy SMAG 01 of the South Malta Local Plan which aims to protect agricultural land from all types of inappropriate development with only buildings, structures and uses essential to the needs of agriculture will be permitted.

2.2 Site lies within an Archaeologically Sensitive Area thus proposed development runs counter to Policy SMCO 04 of the South Malta Local Plan which aims to protect archaeological areas and sites from all types of inappropriate development.

2.3 The proposed development runs counter to Policy 1.2D of the Rural Policy and Design Guidance 2014 since this would result in the loss of agricultural land and thus counter to Rural Objective 1 of the Strategic Plan for Environment and Development which seeks to ensure the protection of good quality agricultural land from development.

2.4 The proposed development runs counter to the provisions of policy 6.2C of the Rural Policy & Design Guidance (RPDG) 2014 in that the proposed uses are not listed as a permissible use and that the proposed development does not provide a wider environmental benefit. The proposal is therefore not in line with the Thematic Objective 1 of the Strategic Plan for Environment & Development for limiting the land take up for uses which are not necessary or legitimate in rural areas. Hence, the proposal also runs counter to Rural Objectives 1, 3, and 4 to facilitate sustainable rural development by controlling the location and design of rural development, as well as the cumulative effect of such development.

3.0 Comments on Appellant's Arguments

3.1 The Appellant has the following comments to make:

3.1.1 Re: Reason for Refusal no. 1

The Authority reiterates that the site of the application is intended solely for agricultural purposes, which in fact the applicant requests that his site be approved for the use of sale of agricultural equipment that is heavy machinery. One is to note that the surroundings of the site is all used as for commercial activities and such proposal of the applicant would be inadequate to be in a within scheme area.

3.1.2 Re: Reason for Refusal no. 2

If the site lies within an Archaeologically Sensitive Area the applicant proposes the monitoring from the competent Authorities for any excavation needed at his expense.

3.1.3 Re: Reason for Refusal no. 3

The Authority is against such proposal due to loss of agricultural land but one needs to note that interventions on the site have already been committed and on the other hand, the appellant is not justifying his proposal since a breach was made but to conserve what is remained and operate in accordance to law.

3.1.4 Re: Reason for Refusal no. 4

With regards, to this refusal all evidence will be provided in the appeal that the pre - 1978 build-up area was used as a farm which does not operate for more than thirty years.

Due to the above arguments I kindly request humbly the Board to set up an site inspection before starting the normal procedures of the appeal so that is will be much clear what the applicant is proposing, the site surroundings , etc.

Further arguments and reasons will be brought forward during the appeal and even similar approved permits.

4.0 Request

4.1 For the above-mentioned reasons, the appellant respectfully requests that the Environment and Planning Review Tribunal to refuse the decision as issued with the refusal notice and to accept this appeal.

List of Witnesses

1. Case officers involved in the relevant application;
2. VRD representative ;
3. Charles Spiteri VRD official;
4. Joseph Calleja VRD official;
5. Authority members who may be relevant during the appeal;
6. Any other person/s who may be relevant during the course of appeal procedure.
7. All entities listed in the DPA report for clarification.

Av. Graziella Deguara Attard

12th August 2022