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ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

**RECEIVED**  
16 AUG 2022

ST. FRANCIS DITCH  
FLORIANA

12<sup>th</sup> August 2022

**Environment and Planning Review Tribunal  
Block B, St. Francis Ditch,  
Floriana**

Attn: Environment and Planning Review Tribunal (EPRT)

Office's ref: **36/21**  
Case Number: **EC 88/22**  
Location: **Site at, 'Tas-Silg', Dellimara, Marsaxlokk**  
Summary of Infringement: **Illegal development which consists of: 1) partial demolition of boundary rubble wall for the formation of a new access; 2) formation of concrete ramp and installation of metal poles and wooden gate at the access mentioned in point n.1; 3) change of use from agricultural land to passageway made out of beaten earth; 4) partial demolition of two rubble walls for the formalisation of the passageway mentioned in breach n. 3**

**APPEAL LETTER**

Dear Sir/Madam,

Reference is made to the above-mentioned Planning Enforcement issued at Site at, 'Tas-Silg', Dellimara, Marsaxlokk. By this present, an appeal is being lodged with the following grievances.

Kindly note that a development application with reference PA 6540/21 was submitted to sanction the mentioned illegalities done on-site. The application was refused by the PA board and an appeal against the decision was lodged. The appeal reference number is PAB/00161/22. The appeal is currently in its hearing process. The second hearing sitting is scheduled for 3<sup>rd</sup> November 2022.



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The parcel of land belonging to the contraveners was formerly being cultivated by the same two cultivators which were cultivating the entire land indicated in the image below. Nowadays, the site is being cultivated by several individuals.



The passageway being requested to be sanctioned in application PA 6540/21 has an approximate width of 3m and widens at the corner and is 300metres long starting from the road, passing through other fields and leading to the applicant's land parcel further north. The common passage was done primarily to serve as a passage to provide access to farmers or landowners having no direct access to their land from country roads/lanes. In addition, the only access of each cultivator to their respective land is by passing from on one land to another. The common passage was formulated in order to minimize any disputes between the cultivators whilst providing and adequate access since no direct access from a country roads/lane is provided.



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Today's necessities to cultivate an arable land entails machinery equipment. The applicant's and surrounding lands are being cultivated by means of a tractor and a bailer which is attached at the back. The machinery is approximately 5.5m length and 2.60m width. Moreover, the passage will also serve as an access to the required watering machinery to cultivate their respective lands. The passage being sanctioned having a width of approximately 3m have been restricted to a minimum width for access of agricultural machinery only. As can be noted from these photos below, the cultivators were cultivating their respective lands once a year due to a lack of access to their lands.

Lately, a development permit with reference PA/08341/21 was approved. The site where works were approved is one of the parcels of lands which have access to the common passage being sanctioned. This permit entails the construction of a reservoir. In summer seasons, the reservoir needs to be filled up with water by means of a water tanker. The water tanker only access to this site is through the common passage formulated. If this passage is not provided the reservoir in summer seasons cannot be stored with water hence, no cultivation can be done. The works submitted in application PA 6540/21 shows that the cultivators are willing to preserve the agricultural land by means of tilling of soil and planting of trees.

Do not hesitate to contact us if any queries arise.

Regards,

**Perit Chris Grech**