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BLOCK B, ST. FRANCIS DITCH
FLORIANA**PERIT Randolph Nicholas Bartoli B.E. & A. (Hons), B.E.C.E.**72,
Triq Santa Tereza,
Zabbar ZBR 1344**Office hours;**
Monday 9:30-12:00 / 4:00-7:00
Wednesday/Thursday 4:00-7:00M 99861823
T 21827279
E peritrun@gmail.com31st August 2022**Environment and Planning Review Tribunal**
Block B, St. Francis Ditch,
Floriana**Our Ref. : G/205****Application No. :** PA/07363/21**Applicant :** Mr. Justin Cassar**Location :** Taz-Zwiemel, Ta' L-Iskarpell, Zabbar**Proposal :** To construct two horse/pony stables, paddock, tack room, feed store and a sheep pen for a small herd.

Dear Sir,

Reference is made to Refusal of Development Permission published on 10 August 2022 in connection with PA/07363/21. Applicant is respectfully submitting an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016. This appeal is based on the following grounds.

With regards to reason for refusal 1; Kindly note notary's declaration confirming that the access route to the site has been legally established prior to 1961 (vide docs 95i & 95j on e-apps). Also find attached lawyer's declaration (at doc 154b on e-apps) stating that the access route up to the site enjoyed by the applicant can cater for vehicular access being 3m wide. Thus a legitimate vehicular access up to the site already exists and this proposal will not create new access routes as being suggested in the DPAR and Decision Notice. Policy 5.2 of RPDG14 states; "*The proposal shall demonstrate to the satisfaction of the Authority that the existing road network serving the site is capable of dealing satisfactorily with the traffic which will be generated by the development. The vehicular access to the site shall be appropriately located and does not cause a traffic hazard, to the satisfaction of the competent authority.*". Having established that the site enjoys an adequate vehicular access, the proposal as presented to the Planning Commission satisfies Policy 5.2 with regards to an adequate, safe and manoeuvrable vehicular access.

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With regards to reason for refusal 2; Kindly note that structures have been shifted adjacent to the entrance of the site, further beaten earth is being reinstating with soil for agricultural activity as suggested and the minimum area of beaten earth is being retained to provide access to the structures. Finally, please find attached an extract of applicant's contract of purchase (vide doc 62f on e-apps) which shows that applicant has servitude of access up to his field over third party fields. Thus no new passageways will be created through this proposal. Further documents to prove the legality of the access path have been submitted as indicated above (docs 95i, 95j & 154b on e-apps).

Yours truly,



PERIT RANDOLPH
NICHOLAS BARTOLI
ASCE BE&A (HONS.)
72 TRIQ SANTA TEREZA
ZABBAR ZBR1344
☎ 21827279
Mob 99861823
e-mail PERITRUN@GMAIL.COM
Perit Randolph Nicholas Bartoli