

MFF/ic/900/31/92

27th July 2022

The Secretary
Environment and Planning Tribunal
P O Box 172
Marsa



Dear Sirs,

Re: PA/06123/21 – Site at Triq il-Lunzjata, Mosta

On behalf of our client, Mr. Tarcisio Zammit (ID 844353 M) of ‘Harmony’ Triq il-Htajriet, Mosta, we are herewith submitting an appeal against the refusal of the above development application.

With regards to the reasons for refusal we submit that:

1. The proposed pigeon loft does not constitute an additional nuisance just because it is less than 200 m from a residential area, more so considering that nearby there are approved stables (PA 682/19) in less than this distance.
2. It is not correct to state that the original rubble walls were demolished. As can be verified from photos submitted during the processing of the application, they were reinstated only in areas where they had deteriorated. Moreover, the opening to form an entrance to the field from the lane cannot be considered as ‘demolition’ of rubble walls.
3. The original rubble walls were always more than 1.20 high. The reinstatement plan respected the original height as can be confirmed from photos submitted as per Doc 65c. The policy regarding height of rubble walls cannot apply retroactively to walls that were built before the policy was established.

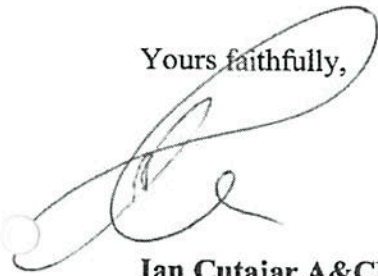
Furthermore, we wish to point out a similar case PA/06681/18. This approved development consists of installation of removable pigeon loft in agricultural field and plantation of trees. The DPAR for PA/006681/18 clearly states that ***“Criteria D of the policy 5.1B specifies that the site should not be located within 200m from the development zone. In this case, site is located within the 200m from the development zone boundary, doc33a refers and is therefore in breach of Criterion (d) of Policy 5.1B”*** Notwithstanding this, the Planning Commission still approved this development application. In this regard, since the approved development is very

similar to the development subject to this appeal, we kindly request that the proposed development is treated equally.

We therefore submit that the decision to refuse the development application should be overturned.

Appellant reserves the right to submit further oral and/or written submissions during the processing of this appeal.

Yours faithfully,

A handwritten signature in black ink, appearing to be 'Ian Cutajar', written over a circular stamp or mark.

Ian Cutajar A&CE
FALZON & CUTAJAR
Architects and Civil Engineers