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OUR REF: 6379

PA REF: PA/00923/22

DATE: 26 September 2022

The Chairman
Environment & Planning Review Tribunal
Floriana

Application No.	PA/00923/22
Location:	Site at, Triq ta' Ghajn Watar, Xaghra.
Proposal:	Proposed two stables; paddock, store and proposed street rubble wall.

APPEAL AGAINST REFUSAL

I write on behalf of Ms Giovanna Xerri of 98/99 Triq Marsalforn, Xaghra, Gozo, in order to file an appeal from the decision dated 6 September 2022 and published on 20 September 2022 whereby my client's application was refused. The application is in respect of the above mentioned development.

The application was refused for the following reasons:

The proposal is considered to alter the rural characteristics of this open and undeveloped rural landscape, in that it shall result in adverse visual and environmental impacts on the surrounding rural landscape, which is relatively free from similar commitments. Hence proposal runs counter to the provisions of policy 1.2H and 5.2 (4d) of the Rural Policy & Design Guidance (RPDG) 2014 which seek to protect, conserve, maintain & enhance the rural areas. The proposal also runs counter to Rural Objective 4 of the Strategic Plan for Environment & Development to protect the landscape by controlling the location and design of rural development.

Applicant kindly submits that the above reasons for refusing his application are unjustified for the following reasons:

1. Policy 1.2H of the Rural Policy & Design Guidance (2014) states that "Proposals which would have an adverse impact on important landscape features, including their integrity or character, will not be permitted, **unless the adverse impact is avoided or mitigated to the satisfaction of the Authority**".

The proposal consists of just two stables with ancillary facilities and landscaping and as can be seen on the drawings submitted at doc. 45d, intensive landscaping is being proposed to mitigate the adverse impact on the character of the area.

2. Policy 5.2 (4d) makes reference to "*Scheduled location (Class A or Class B Area/Site of Archaeological Importance, and/or Level 1 or 2 Area of Ecological Importance/Site of Scientific Importance)*".

This policy does not apply to this case in view of the fact that as stated in the DPA report (4.4 site constraints) "**No particular site constraints were identified from the Mapserver**".

In view of the above submissions, the Tribunal is requested to overturn the refusal and grant the permit requested by my client.

A copy of the relative decision and of the site plan are being herewith attached together with the form attesting payment of the fee.



Perit Emanuel Vella
c.c. Planning Authority