



The Hon Chairman,  
 Environment and Planning Review Tribunal  
 Block B, St. Francis Ditch,  
 Floriana



Application Number: PA/03194/21

Location: Site at, Il-Wilga Ta' Cafura, Ta' Cafura, Xewkija

Proposal: To sanction the formation of a pathway to gain access to the farm for farm vehicles and construction and re-construction of a retaining wall

In terms of Article 13 of the Environment and Planning Review Tribunal Act, 2016, we hereby submit or plea for appeals for the following reasons:

Reason 1

In the reason for refusal 1 the Planning Directorate is stating that the site is not covered with a permit for the construction of a farm stating **"the indicated "farm building" runs counter to the provisions of policy 2.3A and 2.3B of the Rural Policy & Design Guidance 2014 in that the legality of the farm use has not been established"** this claim is completely unfounded and is not backed up by any evidence, the site is clearly visible on the 1967 survey sheet, visible on the 1978 aerial photo (1967 aerial photo was not available) furthermore searches at the national archives yielded a document showing a permit on site issued to Mr John Cauchi

(applicant's father) which permitted the construction of a poultry farm, the 1963 permit also has attached plans showing the layout of the farm which is almost identical to the layout on site. **This makes reason for refusal 1 unfounded and incorrect and should be disregarded as a reason for refusal**

### **Reason 2**

Reason 2 is also being based on the assumed premise that the farm is not covered by any permits and as such this application was treated as a new farm and therefore its close proximity to the development zone runs counter to Thematic Objective 6.1 of the SPED, also in this case there is not evidence produced by the Planning Directorate to confirm this assertion since in actual fact the farm is covered by a valid planning permission. **This makes reason for refusal 2 unfounded and incorrect and should be disregarded as a reason for refusal**

### **Reason 3**

The farm which has an original permit from 1963 and was originally accessed from Triq San Bert however as more and more development started to be constructed along Triq San Bert with the back elevation fronting on the cliff ta'Cafura the access to the farm was completely cut off

and the only access was on foot from dwelling with Frontage on Triq San Bert, for this reason the applicant had not other option but to find an alternative access through Triq it-Torri ta' Gorgun and to access the farm safely a 2.5m passageway made of beaten earth and gravel has been formed to access the farm. The farm was constructed in the 1960's and has kept animals on site since that time, the only way for the applicant to service the farm is through this narrow passage. In a time where food security is non-existent in our country in an age where the farming industry is slowly dying out every effort should be made to safe-regard the little industry that exists we find the Planning Authority practically sentencing this farm to certain closure by applying a policy of soil conservation which is not intended for the purpose it is being listed in this instance and ironically ignoring the thousands of meters of stretches of country lanes being paved over by concrete by the government specifically to provide better access to farmers to access their estates and here we have the Planning Authority denying access to a farmer to his own farm.

#### Reason 4

The submitted plans have included the removal of the existing gate and the replacement with another gate according to policy for obvious reasons the existing gate cannot be removed until it can immediately be replaced by a new

gate as per policy. **This for refusal 4 has already been addressed and therefore should be disregarded as a reason for refusal**

Reason 5

Reason for refusal 5 does not state which are the illegalities on site that are being sanctioned or are covered by permit again this reason for refusal is not being backed up by any sort of evidence and there should also be disregarded as a valid reason for refusal. **This makes reason for refusal 5 unfounded and incorrect and should be disregarded as a reason for refusal**

Regards,

Simon Spiteri

Thanks & Regards,



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