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ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL



10th. May 2023

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

Appeal From Refusal of PA 1039/22

Reference is made to refusal of development permission notice sent in relation to PA 1039/22.
The main reasons for this appeal are being listed hereunder, namely:

- 1) The "use" of the field in question by applicant of PA 1988/16 has been made without the consent of the applicant of the field in question.
- 2) Policy 2.5A clearly states that ***"Upon issue of a permit, the Authority shall map and link the registered land with the store, to ensure that such land is not subsequently used for additional storage requirements"***.

Thus it is clear and evident that the purpose of linking a particular land is to avoid it is used again for additional storage requirements.

- 3) In PA 1039/22, despite the field in question being linked to another permit, its agricultural area **is not** necessary and **neither being considered for the allowance of a store.**

This is because the applicant has approx. 7 tumoli registered in his name, as proven by LPIS certificates submitted in minute 11g of e-apps. So, in theory, he is entitled to an agricultural store of 15sq.m. This is the same allowance if the field subject of PA 1039/22 is not considered in the computation of total agricultural land as described hereunder:

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Total Area of land registered in applicant name: **7 tumoli**
Area of land (field subject of application PA 1039/22) already linked: **1 tumolo**

Area of remaining land, not linked to any other permit, and registered in the applicant name: **6 tumoli**

Thus the applicant still has area of land, registered in his name, greater than the minimum area of 4 tumoli for which Policy 2.5A allows a storage area of 15sq.m.

- 4) In summary, **the area of the field subject of PA 1039/22 is not granting the applicant additional storage space** and the field is being used only for the location of the proposed store. Thus, Policy 2.5A is still being respected and abided to, meaning that the proposal of the construction of a store is still legitimate.

- 5) With regards to whether the storage is necessary (as requested by Thematic objective 1.10), the clearances and confirmations issued by **Agricultural Directorate, ARPA** and **Agricultural Advisory Committee** all confirm that the proposed store is considered to be according to policies and thus considered necessary.

Dr Kris Busietta (kris@azzopardibusiettaadvocates.com) will be assisting in this appeal. Kindly inform him accordingly with the proceedings of the appeal.

The undersigned, Dr Busietta and the appellant reserve the right to present further documentation when and if required during the appeal process.



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Should you have any difficulties with the above, please do not hesitate to contact the undersigned at your convenience. I conclude by thanking you in advance for your cooperation and assure you of my best intentions at all times.

Kind Regards,



Perit Christian Cuschieri
Architect and Civil Engineer