

The Environment and Planning Review Tribunal

14th March 2023

Application Number: PA/03835/21; PAB 180/22

Publication Date of Decision: 22nd June 2022

Location: Site at Fomm Ir-rih, Il-Ponta Tal-Qligh, Bahrija, Rabat

Proposal: Sanctioning of variations and correction of site boundary from previous permit PA/05214/09, demolition of existing room and construction of new room and new gates, and reinstatement of demolished rubble walls.

Final Comments of the Superintendence of Cultural Heritage in relation to the appeal from the Planning Authority's decision to refuse PA/03835/21

The Superintendence of Cultural Heritage Respectfully submits:

1. The Superintendence is submitting its final comments in line with the direction given by the Honourable Tribunal on the 28th February 2023.
2. The Superintendence takes note of the appellant's final comments dated 2nd March.
3. The Superintendence cannot but comment that in para. 4.2.6 the appellant is misrepresenting the Superintendence's testimony (in writing) of the 16th December 2022. The Superintendence in its written testimony listed its comments on nine cases (as requested by the appellant).

The appellant in his final comments refers to just four of these cases – the cases which the Superintendence was not consulted for or did not object. However, this submission missed completely the cases that the Superintendence objected to, and which offer the more comparable scenarios to this case.

4. The Superintendence reiterates its comments in its original submission as these remain pertinent, perhaps more so, in the light of the appellants final comments.
 - a. Amongst the various issues highlighted previously by the Superintendence, it is worthwhile to reiterate at this point that the erection of various walls on this site have resulted in the enclosure of land in an otherwise open area and is out of context. Whilst some of these walls were approved in previous permits, the raising in height of the approved walls exacerbate an extant visual impact instead of being reduced and mitigated. The sanctioning of the increase in height of the wall is thus unacceptable from a cultural heritage point of view.
 - b. The walls proposed for sanctioning do not follow the lie of the land and the terrain contours. This resulted in works that affected adversely the topography and gave rise to high walls that could have otherwise been kept low (and thus with a mitigated visual impact) had the contours been respected as illustrated clearly sections A-A and D-D.
 - c. In particular, Section A-A shows that the works gives rise to a boundary wall which is more than 6m high as it is built above a third-party wall on a lower level. This can never be acceptable in such an important landscape which as described above was never characterised by intensive arable farming and rubble walling.
5. The Superintendence further notes that the wall proposed for sanctioning is in recycled worked *franka* stone constructed as random ashlar and not as a traditional rubble wall. This runs counter to best-trade practices, policies and subsidiary legislation regulating rubble walling.

The Superintendence thus disagrees completely with the appellant in para. 4.2.1 wherein the walls are described as *irregularly shaped, rough dressed stone* when this is clearly not the case.

Best Regards,

Jonathan Borg

Head – Heritage Planning Consultations & Restoration Monitoring

f/Superintendent of Cultural Heritage

cc

Mr Vince Grech – Planning Authority

Mr Ian Galea – Planning Authority

Dr Robert Musumeci – obo appellant

Prof. Arnold Cassola – Third Party