



BirdLife Malta's objection to proposed construction of the farm with ancillary facilities in Bidnija (PA/07946/18)

13 June 2024

BirdLife Malta strongly objects PA/07946/18 for the following reasons:

1. The development of PA/07946/18 conflicts with the North West Local Plan policy. The site where the development has been built is located within the Outside Development Zone and is only 30m away from Għajn Riħana valley, hence falling within the buffer zone of a designated Area of Ecological Importance and Site of Scientific Importance under Local Plan Policy NWCO 6.

Local Plan Policy NWCO 6 clearly states that:

"No inappropriate development to the rural countryside will be permitted."

Wied Għajn Riħana is listed as a Level 1 Ecological Site where NWCO 6 states that *"no development will be permitted and access will be limited"*.

The area is granted such status due to the importance and rarity of valley and freshwater habitats in the area. Wied I-ħmselliet and Għajn Riħana valley system which is one of a few places that holds a freshwater stream for a great part of the year including the summer months. This area is a refuge for various wildlife from aquatic insects to aquatic flora as well as serves as a nesting place for a number of bird species such as the Common Moorhen and the Reed Warbler. During migration, the area acts as a stopover for a number of migratory species, holding various water-logged pens and extensive reeds which are a refuge for birds. This site, in fact, merits stronger protection rather than speculation.

In line with the NW Local Plan, the site also falls within an Area of Agricultural Value, therefore, the construction of this massive complex has degraded agricultural land and will continue to do so if allowed to operate and expand.

2. PA/07946/18 also contradicts the Rural Policy Design Guidance (RPDG) (2014).

Policy 1.2G of RPDG 2014 which deals with Areas of Ecological Importance and Sites of Scientific Importance, states that:

"Proposed developments which would have an unacceptable adverse environment, landscape, cultural...impact will not be permitted."

PA/07946/18 should not be approved given that Policy 1.2H also specifies that *"the Authority will seek to conserve, maintain and enhance important landscape features that contribute to: the connectivity, appearance and/or integrity of protected areas, sites and/or features; the character, scenic or ecological value of the rural area"*

The obtrusive building which has sprung up is an act of visual violence on the landscape of this previously pristine valley. Its approval in 2019 was a travesty and rightfully it should be unequivocally refused this time.

Re-approval of PA/07946/18 would be an outright breach of Policy 2.3B which states that *"permission may be granted for the construction of a new livestock farm... provided that...the proposed development is of a high-quality rural design and must respect the*



rural context. **Scheduled locations...Level 1 Area of Ecological Importance/Site of Scientific Importance...are in principle considered inappropriate locations**". Such a policy seems to have been over-ridden in the decision-making process for the initial application and the rural context was fully disrespected.

It is evident that the massive building of multiple levels, with reception areas and a swimming pool, was always intended to be transformed into an agrotourism facility, complete with a commercial outlet and parking spaces. If there were ever any doubts as to the fraudulent nature of this application, further proof came by way of application PA/05895/22 which seeks the "...introduction of a visitors area for tasting and agri-educational/training purposes, ancillary facilities, a Class 4B retail outlet...".

Policy 4.3B on New Visitor Attractions states that "**permission will NOT be granted for the construction of a new building for visitor attraction use**".

Policy 4.3 further specifies that "*the strengthening of the rural economy through a diversification or broadening of farm-based activities will be encouraged, provided that this does not have an adverse environmental impact and it directly contributes to farm incomes, by complementing but not replacing on-going agricultural activities. Proposals for visitor attraction uses which are not related to an established farming enterprise are excluded from this policy, since these do not contribute to farm diversification*".

PA/07946/18 is of a deceitful nature given that the initial applicant's intentions are to establish a livestock farming enterprise and ultimately visitor attractions and a commercial outlet through PA/05895/22. The initial applicant for PA/05895/22 was Perit Konrad Bezzina, a businessman. This was then changed to Mr Jason Pace, a registered sheep farmer, only after the media reported on the case. Clearly, the intentions of these developments are purely for business and not to strengthen rural economy and farmer's income, some of the central pillars of the Rural Policy.

According to Policy 4.3 "*the central objectives of encouraging farm diversification is the maintenance and improvement of the rural environment...permission will only be given for the conversion of a legally-established building within an established and continuing farming enterprise (livestock and/or arable), as opposed to the construction of a new building ODZ*". The initial applicant was never an established farmer and the site does not have a history of livestock farming. Furthermore, over the years, several modifications significantly changed what had been approved in the initial application via an abusive use of the minor amendments' procedure.

3. The development contradicts SPED (2015), particularly Rural Objectives 1 and 4 which stress on the need to protect the limited rural areas by ensuring that they are not exploited by not legitimate or unnecessary development.

The commercial activities at the site shall bring about an increased number of vehicles to the area which is expected to impact the access path which runs along the watercourse. In time, we have got accustomed to see such paths asphalted and concreted over to accommodate increasing traffic. Such is expected to have an impact on the water-course for which the area is designated as a site of ecological importance. Other associated impacts with increased traffic, include increase noise and increase spill-over and trampling in the area surrounding the development.

The current development on site already boasts a roof-top area which is likely to be opened up for entertainment. This shall introduce light and noise pollution in an area which should be pristine, and shall also open up further possibilities for nocturnal entertainment in



this area bringing in an element of disturbance, which is incompatible with the site's ecological importance irrespective if during the day or night.

Given the history of the site and its proposed use, BirdLife Malta not only is objecting to this development, but is also demanding the Planning Authority to take all necessary action to remove the current structures on site and return the area to its former state. PA/07946/18 and PA/5895/22 shows the intent from the developer to step-by-step transform what was once an agricultural field into a commercial facility through a two-step application process, that were just a few years apart. BirdLife Malta further appeals for concrete actions to be taken to protect Għajn Riĥana valley from further such speculation, and truly recognise its ecological potential.