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Our Ref: 17166

16th May, 2018

The Secretary
Environment and Planning Review Tribunal
Saint Francis Ravelin
Floriana



Dear Sir,

Appeal against refusal of PA 9507/17 - Zebbug

Please refer to the refusal given to the application submitted by my client Mr. Noel Xuereb for work at Zebbug.

My client had a permit to carry out work on his site (PA 2245/90) but during construction he changed the alignment of his building such that he roofed over a space larger than that approved (see attached plans).

Two reasons were given to substantiate this decision namely:-

- i. **Proposed addition exceeds the permissible 200 square meters.** This is correct but if one examines the attached 2016 aerial photo one would note that this is a heavily committed site with buildings and one cannot definitely describe this site as a rural area when in fact this is not. Hence in this case the maximum permissible area of 200 square meters should not be applicable.
- ii. **Our proposal might affect future highway upgrading.** In cases such as this what the Authority usually does is not to issue a refusal but to enter into a legal agreement with applicant stating that if road works need to be carried out and should land expropriation be required then applicant cannot claim compensation for this expropriation.

I must point out that these works were carried out more than twenty five years ago much before there was any discussion of road upgrading.

Thus if one takes into consideration the fact that works were carried out more than twenty five years ago and since that time no enforcement notice had been issued, since the area is heavily committed with development and since my client is ready to waive his right of fair compensation if expropriation is required for road works then there is no

reason why this application cannot be approved and would therefore like to respectfully request that you review our proposal and approve our application.

Yours faithfully,

A handwritten signature in blue ink, consisting of a stylized 'C' followed by a series of loops and a long horizontal stroke.

Charles Buhagiar A&CE.

Encl: Bank Receipt, Copy of refusal, site plan, plan, 2016 aerial photo, copies of permits PA 6041/94, PB 2245/90, PB 5468/89

c.c.: Mr. Noel Xuereb
PA