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TRIBUNAL TA' REVIZJONI TAL-AMBJENT U L-IPPJANAR

Applikazzjoni numru: PA/9316/17
Sit: Site at, Triq Joseph S. Calleja / Triq ir-Razzett l-Ahmar c/w Triq Mikiel Fsadni /, Triq Tal-Palma, Mtarfa, Malta
Deskrizzjoni tax-xoghol: To excavate basement, and construct 11 basement garages and 11 terraced houses with pool at roof level.
Applikant: Mr. Ray Camilleri
Perit: Joe Barbara
Deciza: 10 ta' Ottubru 2018

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL RECEIVED 22 NOV 2018 FLORIANA

RAYMOND SIVE RAY CAMILLERI (KI NRU. 482866 M)

VS.

L-AWTORITA TAL-IPPJANAR

<u>APPELL SOTTOMESS</u> **minn RAYMOND SIVE RAY CAMILLERI (KI nru.** 482866 **M),**
Jesponi bir-rispett:

1. Illi l-applikant appellant Ray Camilleri ipprezenta applikazzjoni ghal '**To excavate basement, and construct 11 basement garages and 11 terraced houses with pool at roof level** ' ;

2. Illi permezz ta' decizjoni datat ghaxra ta' Ottubru tas-sena elfejn u tmintax (10.10.2018) liema decizjoni giet pubblikata fl-erbgha u ghoxrin ta' Ottubru tas-sena elfejn u tmintax (24.10.2018), l-Awtorita tal-Ippjanar irrifjutat l-applikazzjoni ghall-permess tal-izvilupp propost u dan gharraguni segwenti:

1 The proposed development includes extensive rock-cutting within an archaeological sensitive area for which clearance from the Superintendence of Cultural Heritage has not been obtained. The proposed development would conflict with Thematic Objective 8 of the Strategic Plan for Environment and Development which aims at safeguarding the cultural heritage.

2 The proposal does not comply with policy NWMT 1 of the North West Local Plan and Urban Objective 3 of the Strategic Plan for Environment and Development in that the proposed massing scheme is not sympathetic with the context of the existing urban fabric and would not contribute towards the improvement of the quality and visual amenity of the area.

L-appellant hass ruhu aggravat bid-decizjoni u qed jinterponi dan l-umli appell;

Illi l-aggravji huma cari u manifesti u jikkonsistu fis-segwenti:

1. Illi primarjament l-applikant appellant jitlob lil dan it-Tribunal tirrevoka d-decizjoni u terga' tirrimetti lura l-atti quddiem il-Kummissjoni u dan ghar-ragunijiet segwenti:

    a. Illi f'Dicembru 2017, l-applikant appellant gie informat mis-Superintendence of Cultural Heritage illi sabiex jistharreg din l-applikazzjoni kien jehtieg iktar informazzjoni filwaqt li kellha tinhareg *Terms of Reference;*
    b. Illi is-Superintendence of Cultural Heritage hareg it-Terms of Reference fis-26 ta' Mejju 2018;
    c. Illi dak iz-zmien l-arkeologu ma setghax jaccedi is-sit in kwistjoni stante li diga kien impenjat b'appuntamenti ohra mal-istess Superintendence u seta' biss jaccedi fis-sit fl-ewwel gimgha ta' Ottubru 2018;
    d. Illi l-perit kien informa lill-Kummissjoni b'dan kollu permezz ta' ittra datata 12 ta' Settembru 2018;
    e. Illi nonostante dan il-Kummissjoni baqghat ghaddejja u tat id-decizjoni;
    f. Illi ghal kull bon fini jigi rrilevat ukoll illi fl-ghaxra (10) ta' Ottubru 2018 ossia fis-smiegh ta' din l-applikazzjoni, il-perit tal-applikant kien rikoverat l-isptar u konsegwentement ma attendix ghal tali seduta;
    g. Illi di piu jigi rrilevat illi fil-fatt il-process tal-arkeologu beda fl-ewwel (1) t'Ottubru u l-programm tal-intervent tieghu dam sad-disgha (9) t'Ottubru 2018. Fl-4 t'Ottubru 2018 gie skopert *rock cut features.* Sussegwentement l-arekologu issottometta lis-Superintendence of Cultural Heritage ir-rapport tieghu fis-26 ta' Ottubru 2018. Nonostante dan ebda risposta ma intbaghtet lura f'dan ir-rigward u b'mod specifiku ebda istruzzjonijiet ma ntbaghtu rigward Stage 3 (li tista' tinkludi stratigraphic removal of the fill

within the features and the compilation of detailed archeological documentation as per standard procedures.) Fil-fatt ebda decizjoni ghadha ma ttiehdet mis-Superintendence fuq din l-applikazzjoni;

h. Ghaldaqstant in vista tal-ewwel raguni ta' rifjut u ghar-ragunijiet kollha suesposti l-applikant appellant jitlob li din id-decijoni tigi revokata u l-applikazzjoni terga' tigi rimessa quddiem il-Kummissjoni tal-Ippjanar;

2. Illi di piu u minghajr pregudizzju ghas-suespost l-izvilupp propost huwa kompatibbli mal-bini taz-zona in kwistjoni u konsegwentement ma hux minnu li ma hux kompatibbli ma *NWMT 1 of the North West Local Plan and Urban Objective 3 of the Strategic Plan for Environment and Development* u dan kif ser jigi ppruvat waqt is-smiegh u t-trattazzjoni tal-kaz;

Ghaldaqstant ghar-ragunijiet fuq esposti l-appellant, filwaqt li jirrizerva d-dritt li jipproduci dawk il-provi u xhieda umilment jitlob lil dan it-Tribunal sabiex jirrevoka u jhassar id-decizjoni tal-Awtorita tal-Ippjanar PA 9316/17 u jirrimetti lura l-applikazzjoni quddiem il-Kummissjoni jew altrimenti jordna il-hrug tal-permess PA 9316/17.

Avv Michael Grech
45/19, Strait street, Valletta VLT 1434

Avv Alicia Camilleri
45/19, Strait Street, Valletta

Applikant Appellant: Massabielle, Triq Jules Verne, Naxxar

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LISTA TA' XHIEDA:

1. L-applikant sabiex jixhed dwar il-fatti;
2. Il-Perit Joe Barbara sabiex jixhed fuq l-izvilupp prezenti u fuq l-applikazzjoni mertu ta' dan l-appell u fuq zviluppi ohra fl-istess triq;
3. Is-Superintendence of Cultural Heritage jew rapprezentant tieghu inkluz izda mhux limitat ghal Mevrick Spiteri;
4. Edward Calleja rapprezentant ta' ECA Consultants Ltd
5. Rapprezentant Awtorita tal-Ippjanar - St Francis Ravelin, Floriana, FRN1230

LISTA TA' DOKUMENTI

1. Dok. RC 1 – Id-Decizjoni appellata;
2. Dok. RC2 – Estratt mill-Gazzetta tal-Gvern tal-24 t'Ottubru 2018;
3. Dok. RC 3 – Site-Plan;

L-appellanti applikant jirrizerva l-jedd li jezibixxi dokumentazzjoni ulterjuri matul il-kors tal-appell.

Avv. Michael Grech
45/19, Strait street, Valletta VLT 1434

Avv Alicia Camilleri
45/19, Strait Street, Valletta