

TRIBUNAL TA' REVIZJONI TA' L-AMBJENT U L-IPPPJANAR

| 1

Rif Ta' I- Awtorita: PA493/18

(*Deskrizzjoni tal- Proposta: To sanction animal enclosures and other interventions.*)

(*Sit: Site at, Ta' Wied Hareb, Zurrieq, Malta*)

(*Rif Tagħna: RM044/17 ABRM164/06*)

(*Rif Tribunal: N/A*)

Josephine Grixti

-VS-

L-Awtorita' ta' l-Ippjanar

Rikors tal-appellant

Data: 04.12.18

1. Illi din l-applikazzjoni kienet deciza favorevolment mill-Kummisjoni

ta' I- Ippjanar nhar it-13 ta' Novembru 2018;

2. Illi sussegwentement, l-appellanta rceviet ittra intestata *Request for*

Fresh Plans and Payment bid-data tat-13 ta' Novembru 2018 fejn hija

ntalbet tagħmel is-segwenti hlas:

2.1 *'The payment of a fine to the value of €22545.20. This fine is applied in accordance with the Development Planning Act 2016, Article 103(6), since you have committed an offence against the provisions of the Act; which fine is being applied only for that part of the infringement which has been approved, namely 'To sanction animal enclosures and other interventions';*

| 2

3. Illi l-appellanta qed tikkontesta l-imsemmi hlas ta' €22,545.20 għar-ragunijiet segwenti:

3.1 Illi in principju, mhuwiex kontestat li is-sanctioning fines jinħadmu, dejjem skont in-natura tal-kaz, abbażi tas-segwenti tabella li tinsab fl-AL
276/12:

SCHEDULE B
DEVELOPMENT WITHOUT A DEVELOPMENT PERMISSION

| 3

Development not in ODZ	Penalty
Where the DPF is Euro 1000 or less	400% of the DPF with a minimum of Euro 100
Where the DPF is between Euro 1000 and Euro 2000	400% of the DPF
Where the DPF is more than Euro 2000	400% of the DPF up to a maximum of Euro 50.000
Development in ODZ	Penalty
Where the DPF is Euro 1000 or less	Euro 300 + 600% of the DPF with a minimum of Euro 100
Where the DPF is between Euro 1000 and Euro 2000	Euro 400 + 600% of the DPF
Where the DPF is more than Euro 2000	Euro 500 + 600% of the DPF up to a maximum of Euro 50.000

3.2 Illi f'dan il-kaz, il-penali tammonta ghal '*400% of the DPF with a minimum of Euro 100*';

3.3 Illi naturalment, id-DPF irid jirrifletti l-estent ta' l-izvilupp in mertu;

3.4 Illi f'dan il-kaz, l-ammont ta' €22,545.20 inhadem abbazi ta' DPF amontanti ghal €3674.2;

3.5 Illi b'kull rispett, l-ammont ta' €22,545.20 mhuwiex dovut skont il-ligi u dan ghas-segwenti ragunijiet:

3.5.1 Illi fl-ewwel lok, id-DPF għall-‘commercial development’ gie kalkulat
darbtejn (Ara gol- **81A fl-e-apps**, kopja ta’ liema qed tigi markata bhala Dok
RM6 fl-anness);

| 4

3.5.2 Illi minn hawn biss isegwi li l-ammont ta’ €3674.2 rappresentanti
DPF huwa zbaljat;

3.5.3 Illi *in ogni kaz*, il-metragg tal-izvilupp naqas drastikament u dan
wara li l-applikant id-deċieda li jneħhi partijiet mill-izvilupp imsemmija fil-
calculation sheet originali;

3.5.4 Illi għalhekk id-DPF *ai fini ta’ sanctioning fine* għandu jirrifletti dak li
effettivament huwa kontenut fl-applikazzjoni in mertu;

4. Illi *in vista tar-ragunijiet sovra espressi*, l-appellanta qed titlob lil dan
it-Tribunal:

4.1 Fl-ewwel lok, jordna lill-Awtorita’ tirrevedi il-building calculation
sheet, b’dan illi jigi eliminat id- ‘double charging’;

4.2 Illi fit-tieni lok, l-appellant għandu jigi rifuz bil-hlasijiet li qatt ma kienu dovuti;

| 5

4.3 Illi fit-tielet lok, darba stabbilita l-erja li m'ghadhiex tifforma parti mill-applikazzjoni, *is-sanctioning fee* tinhadem abbazi tad-DPF relattiva ghall-erjas li jifformaw parti *mis-sanctioning permit*;

5. Illi flimkien ma dan ir-rikors, l-appellanta qed tannetti s-segwenti dokumenti:

LISTA TA' DOKUMENTI

- **Dokument RM1:** Kopja tal-formola ta' l-applikazzjoni | 6
- **Dokument RM2:** Site plan relativa
- **Dokument RM3:** Pjanti sottomessi għall-approvazzjoni tal-Kummissjoni
- **Dokument RM4:** Kopja ta' l- post decision requirements
- **Dokument RM5:** L-ircevuta tal-hlas tad-dritt ta' l-appell
- **Dokument RM6:** Building Levy Calculation Sheet (Dok 81A fl-eapps);
- **Dokument RM7:** Pjanta spjegattiva li turi liema strutturi gew sanzjonati u allura fejn tapplika s-sanctioning fee.

LISTA TA' XHIEDA

- Paul Azzopardi, jew ufficial ta' l-Awtorita', sabiex jispjega kif wasal għar-rizultanzi indikati fil- Building Levy Calculation Sheet.


Dr Robert Musumeci

LL.B. LL.D. B.E.&A.(Hons) M.Sc. (Cons.Tech.) Perit