

Environment and Planning Review Tribunal
St Francis Ravelin
Floriana

**ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL**

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25 MAR 2021
**ST. FRANCIS DITCH
FLORIANA**

PA File No.: PA/02053/20 & PA/06425/20

ERA Reference: EA/0006/21

Project Title: Proposed Network Upgrading of Msida Creek including flyover at Misrah 5 t'Ottubru and misrah il-Menqa, road widening at Triq Marina, roundabout junction at Triq il-Wied tal-Imsida and two pedestrian bridges at Triq Marina and Misrah Guze Ellul Mercer; and Junction upgrading at p/w Triq Wied tal-Imsida.

Location: Msida Creek, ix-Xatt ta' Xbiex, Triq Guze' Ellul Mercer, Triq Marina, Xatt Ilmsida, Misrah il-Hamsa ta' Ottubru, Misrah tal-Menqa, Triq il-Wied tallmsida, Triq M. A. Vassalli, Triq D' Argens, Msida; and Site at, p/o, Triq il-Wied tal-Imsida, Msida.

Moviment Graffiti

Vs

Environment and Resources Authority (ERA)

Application of Appeal from the Screening Decision taken by the Environment and Resources Authority (ERA) in regard to the Msida Creek Project EA/0006/21

Whereby appellant NGO premises as follows:

That this is an appeal from the abovementioned decision of ERA – which appeal is being filed in accordance with Article 47 of Chapter 551 of the Laws of Malta¹.

¹ 47.(1) Any aggrieved party may appeal to the Tribunal in accordance with the provisions of the Environment Protection Act and any regulations made thereunder, and any person may

1. Ground of appeal

ERA decision was unreasonable and provided insufficient consideration of adverse effects and a lack of proportionality

Appellant NGO contends that ERA did not adhere to the provisions of Subsidiary Legislation 549.96 in several regards and consequently was amiss in honouring its obligations as the Competent Authority and moreover deprived the public of the right to environmental information and the possibility of informed participation in the planning process.

Appellant NGO contends that ERA's screening process was superficial and cosmetic – a case of going through the motions to avoid thorough scrutiny of a project which will have long-term effects on citizen health and safety, socio-economic conditions, natural and cultural heritage, quality of life, and travel patterns and which should be carried out in a far more transparent manner with due regard to environmental factors.

ERA has neglected to request detailed information regarding the project and its impacts. It has failed to request an assessment of alternatives, including that of not turning Msida into a cemetery for cars, barrier structures for pedestrians and cyclists, the uprooting of mature trees and the destruction of agricultural land. ERA has not assessed the project in light of its cumulative effects which may lead to significant impacts on the environment. Consequently the decision of ERA was unreasonable and provided insufficient consideration of adverse effects and a lack of proportionality in relation to the impact of the project on the environment.

Environment and Resources, Authority, Hexagon House, Marsa

Witnesses.

Appellants, members, consultants and representatives of appellants

Representatives, officials, consultants and employees of ERA

Representatives, officials, consultants and employees of Infrastructure Malta

Fredrick Azzopardi OB

Representatives, officials, consultants and employees of Planning Authority, the Msida and Pieta Local Councils

Residents of Msida, Pieta

Karen Tanti

Dr Alfred Baldacchino