

12th August 2021

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/5972/17

Lokazzjoni: Site at Alley no. 5, Triq Hajt il-Wied, Zabbar

Proposta: Sanctioning of existign structures and proposed construction of a livestock farm

Ref. Taghna:

Ref. Tribunal:

Anthony Vassallo
vs
L-Awtorita' ta' l-Ippjanar



The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2017.
- II) This application was rejected by the Commission and an appeal was submitted.
- III) By means of a decision of the 21st March 2019, the Tribunal referred back the case to the Authority on the basis of the following:

In vista li issa l-applikant ipproduca il-licenzji min-naha tad-Direttorat ghar-Regolizzazzjoni Veterinarji, ikun opportun li lapplikazzjoni tigi rimessa lura lill-Awtorita' stante, li l-applikant huwa meqjus bhala registered live stock breeder.

Ghaldaqstant, qed ihassar id-decizjoni ta' rifjut u jirrimetti lura l-applikazzjoni odjerna fi stadju ta' qabel il-case officer report sabiex l-istess applikazzjoni tigi processata u determinata mill-gdid.

- IV) The application was determined again by the Authority, which refused the said application through a decision published on the 21st July 2021.

V) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment:

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 The Authority completely ignored the decision of the EPRT, which decision is binding on the applicant and likewise on the Authority.
- 1.3 The Authority simply REPRODUCED the same reasons of refusal of the first decision, which decision was quashed by the Tribunal on the basis of the fact that:

li l-applikant huwa meqjus bhala registered live stock breeder.

- 1.4 Hence the said decision is manifestly wrong and goes against the decision of the EPRT.
- 1.5 The fact that the applicant is a recognized live stock breeder is now a res judicata and cannot be reconsidered again.
- 1.6 The reasoning of the authority is likewise illogical since the said reasoning can never lead to anyone starting a live stock activity unless he/she has proven history in the field, a position which does not find any support at law, or in any policy of the Authority,
- 1.7 Once this issue is determined correctly, then all the other matters become more of a detail than a substance, and hence the said proposal should be approved.

1.8 The other reasons of refusal are all ancillary to the main reason of refusal and hence the decision of the Authority must be re-evaluated on the basis of the main reason why same was refused. Obviously this without prejudice the right of the Tribunal to impose those amendments to the plans that it may deem necessary and appropriate.

1.9 The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission to refuse the permit, and consequently order the Authority to issue the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect

A handwritten signature in blue ink, appearing to read 'Av. Ian J. Stafrace', written over a light blue grid background.

Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



Av. Ian J. Stafrace
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