

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL

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ST. FRANCIS DITCH
FLORIANA

7th February 2022

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/4714/21

Lokazzjoni: Flat 1, Block, B, Triq ir-Rabat, M' Forn Zebbug (Gozo)

Proposta: Proposed excavation of existing bedrock, minor alterations and additional study and backyard

Ref. Taghna:

Ref. Tribunal:

Joseph Zammit, Michael Attard f' isimihom kif ukoll in rappreżanza ta' l-eredi tal-familja Zammit

vs

L-Awtorita' ta' l-Ippjanar u Carmelo Camilleri

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was approved by the Commission and the decision was published on the 12th January 2022.
- III) The Appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).
- o Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 In approving this application the Authority went contrary to the permit already issued in favour of the Appellants, namely PA 3579/17.
- 1.3 The proposed development is situated on land which is privately owned by the Appellants and hence the applicant had to obtain their consent as part of the application process;
- 1.4 The matter was also subject to a decision delivered by the Court in the case number 96/2019 decided on the 25th February 2021 in which case the court held:

Ghal dawn ir-ragunijiet il-Qorti taqta' u tiddeciedi billi tichad it-talbiet attrici stante li lazzjoni ma saritx fit-terminu tal-ligi u ghal kull buon fini anqas gie pruvat li l-atturi kellhom pussess de facto tal-oggett li qed jikkawtelaw. Spejjez ghall-atturi.

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, and consequently order the Authority to issue the relative refusal, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

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



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