

appeal from file

PA

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ENVIRONMENT AND PLANNING
-6 DEC 2017
ST. HELENA



Our Ref.

Your Ref. ECF 156/06

December 05, 2017

**The Secretary,
EPRT
St. Francis Ravellin
Floriana**

Appell

ECF 156/06
Location: Site at, Tal-Munxar, l/o Marsascalea
Development: Appeal against amount of daily fine imposed on enforcement notice

Dear Sir,

On behalf of my client, Consiglio Busuttil, I would like to register an appeal against the imposition of the amount of imposed daily fine related to enforcement ECF 156/06.

I am not objecting on the enforcement notice ECF 156/06, but I am objecting on amount of requested daily fine imposed on the ECF file.

The amount PA directorate are requesting was computed on the assumption that all the site had to be cleared before the PA stops the daily fine.

This was clearly stated in an email sent by PA enforcement officer Suzanne Sammut on the 23rd May 2017.

From the above I kindly request the EPRT to declare null the imposition of the fine that is being requested and calculate a more realistic fine since the fine imposed goes against LN 276/12 which clearly states the following:

3. (1) Where the Authority gives notice in writing to a person in accordance with article 86 or article 88 of the Act in relation to an infringement carried out after the date of coming into force of these regulations, it shall also notify such a person that he shall be liable to a fine for every day after 16 days from the date of notification of the notice as established and set out in accordance with the provisions of the Schedule to these regulations.

The legal notice clearly states that the infringement must have been carried out after the 24th November 2012 as stated in same LN.

PA stated that the fine will stop once all site is totally cleared (as per email sent by Suzanne Sammut).

architect, civil & structural consultant

We are contesting this fine since as soon as my client received the notice of breach of enforcement on ECF 156/06, all additional construction material deposited on site was removed within 4/ 5 weeks from receipt of breach notice.

I had informed Mr Charles Gafa' several times to inspect the site so that the daily fine ceases, but PA directorate always insisted that all site must be cleared.

On the above, I kindly request the EPRT to withdraw the fine imposed on ECF 156/06 and work out a daily fine on the five weeks time duration that was used to remove additional dumping carried out after November 2012.

Yours Truly

Tancred Mifsud A&C.E.

A handwritten signature in blue ink, appearing to be 'T.M.', written over a vertical line that extends downwards from the signature.

Copy of ECF notice
Copy of court notice to settle fine
Copy of site plan of area
Copy of email sent by PA
Copy of 2012 and 2016 aerial photos