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The Secretary
Environment & Planning Review Tribunal
PO BOX 172, Marsa, Malta

10th August 2021

Appeal from PA 1001/20 – Sanctioning of Road Widening by Thirs Parties and Proposed Wideing to Crate appropriate access to Fireworks Factory as per |condition 1 of PA 1151/17 – Site at I-Andar ta' Geriska Gharb, Gozo (applicant Michael Caruana obo)

I write to you on behalf of objectors, Dr. Enzo Dimech, Anthony Vella, Louis Agius, Emanuel Muscat, George Vella, , Joe Louis Caruana, Lawrence Cassar, and Mark Bianchi c/o 12, Sir L. Camilleri street, Victoria, Gozo.

My clients would like to appeal from the decision taken by the planning authority on the 2nd July 2021

This for the following reasons:-

First of all before delving into the reasons for appeal, appellants are requesting the Tribunal to order that the works as approved by this application and also by PA 1151/17 (linked to this application) are not carried out before this appeal is determined, this for the sole reason that if the works are carried out appellants would suffer an irremediable prejudice

1. Appellants together with their spouses are all owners or legitimate possessors of land in the area of the proposed sanctioning.

In fact the abusive street widening which took place some years ago and is sought to be sanctioned by virtue of this application was partially carried out on their land and without their consent. Thus there is a false ownership declaration from applicant.

In line with this it was mandatory for the applicant to declare on this application who the owners of the land were. They had also to be notified directly of this application. Since this was not done the application was null and consequently had to be dismissed. Notwithstanding that this was brought to the attention of the authority it was disregarded.

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Objectors could at any time provide proof that this illegal widening were carried out in their properties.

2. Secondly my clients consider that the procedure followed through a PA application was not correct. The application had to be through a PC application. Even if this was a country road with no official alignment existing the procedure through a PC application had to be followed since the law does not differentiate between the two cases.

3. Thirdly the declaration made by the applicant to the effect that " This development includes no Demolition/alteration of rubble walls" is untrue. It results that rubble walls pertaining to the boundaries of third party property were in fact demolished during the widening.

4. Fourthly, Condition 1 of pa 1151/17 states that: The works approved in this development permission shall not commence before the development permit for the country road is issued by the Planning Authority. This country road is needed to ensure suitable access for emergency vehicles to accede to the new fireworks factory. The description of the proposal: Sanctioning of road widening by third parties and proposed widening to create appropriate access to fireworks factory as per condition 1 of PA1151/17, is manifestly incorrect as it wrongly implies that it is only the sanctioning of the illegal widening which is required to satisfy condition 1 of PA 1151/17, whereas condition 1 refers to the country road which "is needed to ensure suitable access for emergency vehicles to accede to the new fireworks factory", and not simply those parts of it which require sanctioning.

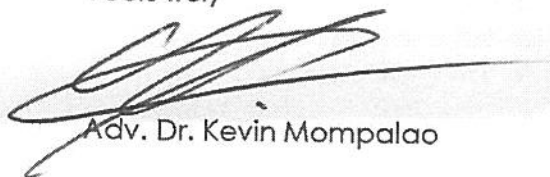
5. Fifthly it is untrue that the widening was done by third parties. The widening was done by applicant himself and the reason for this was a fraudulent one, that is to ensure success of the application for the fireworks factory. Objectors could provide sworn declarations to this effect.

6. The submitted drawing at 16d is manifestly incorrect because it indicates 230mm stone block walls and street width and surfacing as 'existing', when these do not exist. Also the project description makes no reference to the building of walls and the surfacing of streets. This implies that the screening process was based on missing/incorrect information which has a bearing on the outcome, and should thus be declared void.

7. There is no need for street widening in this country road which has existed for ages, and such widening is environmentally unfriendly and unnecessary.

For these reasons this Board is humbly requested to accept this appeal and direct that this permit granted be revoked.

Yours truly



Adv. Dr. Kevin Mompalao