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Our Ref

Your Ref.

December 15, 2021

The secretary
 EPRT,
 Floriana

Appeal against EC 153/21

Dear Secretary,

ENVIRONMENT AND PLANNING
 REVIEW TRIBUNAL

RECEIVED
 16 DEC 2021

ST. FRANCIS DITCH
 FLORIANA

I refer to enforcement notice issued by Planning Authority with reference EC 153/21 on site with official address “ Villa Sharona”, Triq San Gwann L-Evangelista, Bahar Ic-Caghaq, L/O Naxxar.

I am registering an official objection on the enforcement notice since the procedure adopted in relation to the issue of the enforcement notice is not in line with Planning development legislation.

I would like to clarify that I am not objecting that development was built in full compliance with development permit with reference PB 4815/86, but the enforcement notice stated that the permit is null since:

“ hekk kif irrizulta li t-triq ma nfethitx u ma gietx iffurmata skont il-livelli ufficjali, u parti mis-sit inbena ‘l barra mil-linja ufficjali tal-front garden, kif mitlub fl-imsemmi permess”.

I cannot understand the statement made by the enforcement directorate since the road was formed and opened and only party of the site is not in line with official alignment.

The PB permit condition states that the road had to be leveled and opened, and this was done, thus the claim in the enforcement notice that the permit is made null, is incorrect.

Besides, there is also an objection on the procedure adopted in issuing the enforcement.

Article 97(1) of Planning development act CAP 552 states:

“If it appears to the Executive Council that an activity and, or development is being carried out without the grant of a permission and, or license required under this Act or that any conditions subject to which such permission was granted in respect of any such activity and, or development are not being complied with or such activity and, or development is against this Act or regulations made under this Act, the Executive Council shall issue a stop notice to any such person carrying out such an activity and, or development:

Provided that when the illegal activity and, or development is limited to part of the site, the Authority may in its discretion issue a partial stop notice requiring the activity and, or development to be stopped forthwith only in relation to that part of the activity and, or development to where the illegal development subsists and not in relation to the whole development:...”

architect, civil & structural consultant

The highlighted text above clearly states that a stop notice must have been issued and not an enforcement notice.

Also, the law states that the partial stop notice is to be issued on that area of the site that is not in line with the development permit, and not on all the site.

Finally, I would like to contest the enforcement notice since the act of any presumed illegality is prescription, since the illegality was made in 1986 and the Planning Authority issued an enforcement notice (which is not in accordance with Planning Law) in 2021, ie over 35years down the line from the non compliance with permit drawings/ permit conditions.

On the above, I kindly request the EPRT to declare the enforcement null and void.

Perit Tancred Mifsud A&C.E.

Copy of enforcement notice
Copy of site plan