



MALTA

QORTI TA' L-APPELL

ONOR. IMHALLEF

MARK CHETCUTI

Seduta tas-17 ta' Gunju, 2015

Appell Civili Numru. 10/2015

Paolo Muscat

vs

L-Awtorita ta' Malta dwar l-Ambjent u l-Ippjanar

Il-Qorti,

Rat ir-rikors tal-appell ta' Paolo Muscat tat-18 ta' Marzu 2015 mid-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar tas-26 ta' Frar 2015 li cahdet PA 761/14 'installation of billboard';

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Rat ir-risposta tal-Awtorita li ssottomettiet li l-appell ghandu jigi michud u d-decizjoni tat-Tribunal konfermata;

Rat l-atti kollha u semghet lid-difensuri tal-partijiet;

Rat id-decizjoni tat-Tribunal li tghid hekk:

Ikkunsidra:

Illi l-applikazzjoni giet rifjutata mill-Kummissjoni tal-Ambjent u l-Ippjanar ghar-raguni segwenti :-

“1. The site of the proposed billboard does not fall within one of the designated sites indicated in the Permanent Billboard Site's Maps of the Policy and Design Guidance on Billboards and Signs. Hence, the proposal runs counter to paragraph 6.4 of the Policy and Design Guidance, which requires that billboards will only be considered if located within the designated sites indicated in the relative maps.”;

Ra l-aggravji ta' dan l-appell hekk kif gej :-

“3 FATTI

3.1 L-applikazzjoni de quo tirrigwardja proposta sabiex tigi stallata billboard fi Triq Ghajn Tuffieha, Mgarr;

3.2 Illi da parte ta' Transport Malta ma kienet sollevata ebda oggezzjoni in rigward ghal dak propost;

3.3 Illi in oltre, l-proposta issib sostenn fis-subartikolu 4.2 tal- Policy & Design Guidance, Billboards and Signs ta' l-2006, fejn hemm provdut espressament li proposti ghall- "billboards" godda jistghu jigu konnessi purche' s-sit ikun jinsab f"arterial" jew "distributor road";

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3.4 Molto piu', il-proposta tikkonfigura entra s-subartikolu 6.4 tal-imsemmi Policy & Design Guidance, Billboards and Signs ta' 1- 2006, fejn jiddisponi inter alia li l-Awtorita' ghandha tippermetti tali zvilupp f'siti li mhumiex indikati fir- "relative maps", finche "they are congruent to those (sites) indicated on the relative maps and their surroundings.";

3.5 Illi dan ir-ragunament isib konferma f'numru ta' decizjonijiet, inkluz dik ricenti fl-ismijiet Lawrence Fino f'isem u in rappresentanza tas-socjeta' C. Fino & Sons Ltd. Kontra l-Awtorita' ta' Malta dwar l-Ambjent u l-Ippjanar (Appell 125/11 MS. PA 0503/10), moghtija fl- 2013:

"M'hemmx dubju li din il-billboard mertu ta' dan l-appel/ hija simili ghal dawk indikati fil- policy map , u fuq kol/ox simili ghal dawk li gew approvati fuq dawn is-siti.

[.....]

Dan it- Tribunal huwa sodisfatt li hemm distanzi adegwadi bejn l-ewwel Billboard indikat fil-mapep fuq in-naha tan-nofsinar ghal dak propost, kif ukoll ghat-tieni sit iktar 'l fuq lejn il-punent. Ghaldaqstant dan it- Tribunal jidhirlu illi fic-cirkonstanzi u l-fattispeci hekk kif gew spjegati hawn fuq, il-billboard propost m'hux se jwassal ghal proliferazzjoni qawwija f'din il-parti tat-triq Guze Duca, u ghal din ir-raguni huwa propens li jikkunsidra b'mod fa vero viii dan il-billboard gdid ...

Minn din is-sentenza appena citata jemergu zewg punti essenzjali - (i) l-Awtorita' ghandha tara jekk is-sit hux simili ghal dawk indikati fil- "maps" u (ii) jekk allura imbaghad jissussistu "distanzi adegwadi bein l-ewwel Billboard indikat fil-mapep ghal dak propost".

3.6 Illi ghaldaqstant, l-applikazzjoni qed tkun rakkomandata ghar-rifjut ghas-segwenti ragunijiet:

3.6.1 L-EWWEL RAGUNI GHAR-RIFJUT: Il-proposta tinkluggi mal-policy 6.4 tal-Policy & Design Guidance, Billboards and Signs ta' l-2006, peress li "billboards will only be considered if located within the designated sites".

4 AGGRAVJI

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L-applikant ihossu aggravat minn din id-decizjoni ghas-segwent i ragunijiet

4.1 L-EWWEL RAGUNI GHAR- RIFJUT: Il-proposta tinkludi mal-policy 6.4 tal-Policy & Design Guidance, Billboards and Signs ta' l- 2006, peress li "billboards will only be considered if located within the designated sites".

Illi kif inghad supra, il-proposta issib sostenn fis-subartikolu 6.4 tal-imsemmi Policy & Design Guidance, Billboards and Signs ta' l-2006, fejn jiddisponi inter alia li l-Awtorita' ghandha tippermetti tali zvilupp f' siti li mhumiex indikati fir-"relative maps", finche "they are congruent to those (sites) indicated on the relative maps and their surroundings."

Kwindi, mhumiex minnu li l-unici siti accettabbli huma dawk desinjati fil-pjanti relattivi tal- policy bhalma qed jigi alleghat fir-raguni ghar-rifjut. Allura, wiehed ma jistax jieh u "short cut" u jirrifjuta l-applikazzjoni sempliciment ghax is-sit ma giex identifikat fil- mappa!

Fuq dan il- punt, l-Awtorita' ma setghetx tinjora dak deciz fis-sentenza Lawrence Fino f'isem u in rappresentanza tas-socjeta' C. Fino & Sons Ltd. Kontra l-Awtorita' ta' Malta dwar l-Ambjent u l-Ippjanar (Appell 125/11 MS.PA 0503/10), moghtija fl-2013, fejn gie ribadit s-segwent i :

"M'hemm dubju li din il- billboard mertu ta' dan l-appell hija simili ghal dawk indikati fil- policy map , u fuq kollox simili ghal dawk li gew approvati fuq dawn is-siti.

[....]

Dan it-Tribunal huwa sodisfatt li hemm distanzi adegwadi bejn l-ewwel Billboard indikat fil-mapep fuq in-naha tan-nofsinar Ghal dak propost, kif ukoll ghat-tieni sit iktar 'l fuq lejn il-punent. Ghaldaqstant dan it- Tribunal jidhirlu illi fic-cirkonstanzi u l-fattispeci hekk kif gew spejagti hawn fuq, il-billboard propost m'hux se jwassal ghal proliferazzjoni qawwija f'din il-parti tat-triq Guze Duca, u ghal din ir-raguni huwa propens li jikkunsidra b'mod faverovili dan il-billboard gdid ... "

Minn din is-sentenza appena citata jemergu zewg punti essenzjali - (i) l-Awtorita' ghandha tara jekk is-siti hux simili ghal dawk indikati fil-"maps" u (ii) jekk allura

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imbaghad jissussistu "distanzi adegwadi bejn l-ewwel Billboard indikat f'f-mapep ghal dak propost".

Issa, fil- kaz odjern, id-distanza bejn is-sit propost u l-eqreb billboard indikat fil- "maps" hi bla dubju ta' xejn adegwata, stante li l-eqreb billboard jinsab addirittura f'rahal iehor, u cioe' f' San Pawl il-Bahar.

Illi fil- fatt, tajjeb jigi sottolinejat li kienet biss ic-cermen tal- Kummissjoni li fehmet dan il- punt, tant li fis-seduta tas- 26 ta' Awwissu 2014 spjegat il-vot taghha favur l-applikazzjoni permezz ta' verbal fil- minuti relattivi:

"Elizabeth Ellul voted in favour because the site is congruent to the designated sites as per 6.4 Bullet (2), it is compliant with 6.4 Bullet (4) because it is not in the open countryside and compliant with PA 503/10. Also no objection by Transport Malta."

Kwindi, jikkonsegwi li r-raguni tar-rifjut ma ssib ebda sostenn la fil- fatt u wisq anqas fid-dritt, peress li l-membri tal-Kummissjoni (salv ghac-cermen) ghazlu li ma jaghtu ebda additu ghar-rekwiziti tall- policy "6.4 Bullet (2)", haga li certament il- ligi ma tippermettix, ghaliex il-Kummissjoni ma ghandha ebda jedd tirriduci ruhha ghal forum ta' "pick and choose";

5 TALBA

Illi ghalhekk, in vista tal-konsiderazzjonijiet maghmula, ghandu jirrizulta illi l-Kummissjoni ta' 1- Ambjent u 1- Ippjanar kienet fattwalment u legalment zbaljata fid-decizjoni taghha meta cahdet it-talba tal-appellant.

Ghar-ragunijiet fuq imsemmija l-appellant filwaqt li jaghmel referenza ghall-atti tal-kaz u provi ohra producibbli f'dan l-istadju, jitlob umilment lil dan it- Tribunal sabiex jordna l- hrug tal-permess relattiv prevja kwalsiasi provvediment iehor li jkun opportun fic-cirkostanzi.

L-appellant qieghead ukoll minn issa jirriserva d-dritt li jitlob li jsir access fuq is-sit in kwistjoni f'kaz li jinqala' l-htiega. Huwa in oltre jitlob li jigu prodotti x-xhieda elenkati f' dan ir-rikors filwaqt li jirriserva d-dritt tieghu li jtella' aktar xhieda sabiex jelaboraw fuq dak sollevat minnu, u dan bil-ghan li l-esponenti jkun f'posizzjoni ahjar sabiex jissoda s-sisien tieghu ghas-sodisfazzjon ta' dan it- Tribunal.”;

Ra s-sottomissjonijiet tal-Awtorita' dwar l-appell li saru permezz ta' nota li giet ipprezentata lit-Tribunal fit-2 ta' Dicembru 2014, u li jaqraw kif gej:

"5.2 The Directorate has the following comments to make:

5.2.1 Merits of refusal

MEPA does not consider that the proposal is acceptable, as the site of the proposed billboard does not fall within one of the designated sites indicated in the relative maps of the Policy and Design Guidance on Billboards and Signs (2006). To this effect, the proposal is in conflict with paragraph 6.4 of the Policy and Design Guidance, which requires that billboards will only be considered if these are located within the designated sites indicated in the relative maps.

This issue was brought to the attention of the applicant / architect at screening stage (docs.10 / 11A), however the architect argued that in view of the location of the site along an arterial / distributor road, the proposal may qualify as an exemption to the policy (doc. 12A). Notwithstanding this argument, the location of the proposed billboard is still considered objectionable in terms of paragraph 6.4 of the Policy & Design Guidance on Billboards. The proposal is not compatible with the agricultural-related uses of the area, and has been objected to by the EPD and NHAC (min. 24 /doc. 25).

5.2.2 Re – Consultations vis-à-vis Acceptable Site

It is correct that consultation by Transport Malta finds no objection from road safety aspect for the installation of the billboard at the proposed location, subject to the conditions outlined in document 1A. However that apart that both the NHAC and the EPD objects this proposal in relation to location, the Forward Planning Unit stated also that the site in this application is unacceptable in view of the fourth bullet point of Section 6.4 of the document. Below is the minute of meeting as noted in the discussion which led to refuse the decision in this application by the EPC Board.

EPCA meeting for 4th July, 2014 (minute 36).

Architect submitted document 34A regarding the recommended reason for refusal policy 6.4 which states that the site chosen is "congruent with designated site and their surroundings".

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To: Forward Planning Unit

Was agricultural land taken into consideration when the designated sites for billboards were decided please?

To: Planning Directorate / Case Officer

Please analyse all the above and without prejudice submit condition for permit.

Deferred to 29/07/2014.

Planning Directorate's Comments:

Subsequent to the EPC meeting the request to the Forward Planning Unit was referred to the officer in charge of the drafting of the Policy Guidance - see minute 38. The officer in charge stated:

The baseline of the introduction of the Policy & Design Guidance for Billboards & Signs is in Section 6.3 of the document. In the formulation of the Policy's designated sites, the issue was not if it is installed on agricultural land or not, but apart from being on an arterial or distributor road, in accepting a site, the general aspect of the area was taken into consideration. Example, a billboard on Mriehel Bypass has different considerations than a billboard on the road leading to Ghajn Tuffieha. The site cited by the architect, PA 503/10, has different considerations, as the Tal-Handaq Industrial Estate is at its back-drop and even this was recommended for a refusal by the Planning Directorate. The site in this application is unacceptable in view of the fourth bullet point of Section 6.4 of the document - minute 39.

In view of the above, the arguments raised in the DPAR and the recommended reasons for refusal are still applicable.

Without prejudice to the above concerns, recommended conditions are being prepared as instructed by the EPC.

With regard to members of commission vis-à-vis support as stated by appellant, the Authority noted that this is a normal practice that they choose not to give any requirements as they agreed with the recommendation and comments given by the

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Directorate. In fact case was discussed at EPC level and after an inconclusive vote (min 45) the minute of the final decision was:

EPCA held on 09 September 2014 (min 53)

Refused 3-1

5.2.3 Claim of Cerimus Paribus

The architect mentioned a similar application (C. Fino & Sons Ltd vs MEPA (Appeal 125/11.PA 503/10) in which it is claimed that it was similar approved.

PA 503/10: To erect billboard at site at, Ta Paskarella, Triq Guze Duca, Qormi. Refused by the EPC on 2/2/11 and Appeal Upheld on 3/9/13. The site consists of an existing field, falling outside the limits of development, adjacent to Triq Guze' Duca in Qormi (see photos in red 1B). The proposed billboard will be facing oncoming vehicular traffic from Qormi and going to Zebbug. At an approximate distance of 70 metres from the location of the billboard, there is the main vehicular junction leading to the Handaq Industrial Estate. Below is an extract from the Appeal Board which led to upheld the decision:

Dan it-Tribunal huwa sodisfatt li hemm distanzi adegwadi bejn l-ewwel billboard indikat fil-mapep fuq in-naha tan-nofs in-nahar ghal dak propost, kif ukoll ghat-tieni sit iktar 'l fuq lejn il-punent. Ghaldaqstant dan it-Tribunal jidhirli illi fic-cirkonstanzi u l-fattispeci hekk kif gew spejagti hawn fuq, il-billboard propost m'hux se jwassal ghal proliferazzjoni qawwija f'din il-parti tat-triq Guze Duca, u ghal din ir-raguni huwa propens li jikkunsidra b'mod faverovili dan il-billboard gdid.

The above details of the cited case clearly show that the planning considerations of the cited case differ in substance and in details to the case under appeal and hence cannot be cited as having identical planning considerations to the case under appeal. Moreover the Authority recaps that this file example was already identified in minute 39. Regarding the site cited by the architect, it was identified that PA 503/10 has different considerations, as the Tal-Handaq Industrial Estate is at its back-drop and NTC 3.3 stated that even this was recommended for a refusal by the Planning Directorate. Alternatively the billboard on Mriehel Bypass has different considerations than a billboard on the road leading to Ghajn Tuffieha as this site in this application does not comply with the fourth bullet point of Section 6.4 of the Billboard document. (min. 39)

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The Authority also makes reference to a Planning Board's decision in which the Board emphasis that the Billboard have to respect Policy and Design Guidance – Billboards and Signs. Below are extracts from this Board Decision:

L-Awtorita' zzomm ferm l-oggezzjoni taghha, u tirrileva li minn dakinhar l-hawn li giet deciza l-applikazzjoni, nhargu linji gwida specifici u li propju jirrigwardaw dan it-tip ta' zvilupp, cjoe' Policy and Design Guidance – Billboards and Signs.

Li l-billboard in ezami ma tirrispekkjax l-ebda wiehed minn dawn ir-rekwiziti tal-policy. Tajjeb li jigi osservat li ghalkemm fil-pjanti sottomessi, il-billboard murija li ma taqbix il-barra mill-linja tal-bejt, madankollu ir-ritratti pprezentati mill-istess Appellant nomine kjarament juru l-kuntrarju. PA 7564/05 - RT 13.6.13 – PAB 23/08 - Mr David Bonnici - scheme

5.2.4 Final Comments

The Authority reiterates that the proposed development is not acceptable since this counter to Paragraph 6.4 of the Policy and Design Guidance which requires that billboards will only be considered if located within the designated sites indicated in the relative maps. MEPA therefore reiterates that it acknowledges and confirms the reasons for refusal issued on 12 September 2014 are justified and still applicable on sound planning considerations which took into considerations all the relevant facts, planning policies, legislation and submissions and thus, respectfully requests the Environment and Planning Review Tribunal to confirm the decision taken by the Authority and to confirm the decision taken by the Authority and to refuse this appeal.”;

Ra l-Policy and Design Guidance on Billboards and Signs (2007);

Ra ukoll il-PA files bin-numru 761/14;

Ra l-atti kollha ta' dan l-appell.

Ikkunsidra ulterjorment :

Illi l-aggravju mressaq mill-appellant huwa bbazat fuq il-fatt li l-policy dwar il-Billboards and Signs (2007), hawn l-isfel fid-decizjoni ser tkun referuta bhal l-linja

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gwida, tikkunsidra ukoll siti godda li mhumiex indikati fis-site plans fl-istess linja gwida. F'dan ir-rigward l-appellant qiegħed jishaq li l-Awtorita' ma setax tistrieħ biss fuq siti identifikati fil-mapep li hemm fil-linja gwida u in sosten ta' dan giet kowtata decizjoni minn dan it-Tribunal fl-ismijiet Lawrence Fino u in rappresentanza tas-socjeta' C. Fino & sons Ltd. kontra l-Awtorita' mogħtija fl-10 ta' Settembru 2013.

Illi f'din id-decizjoni msemmija, gie ezaminat fid-dettal il-linja gwida sucitata, fejn gie konkluz li huwa possibli li jigu approvati siti godda għall-izvilupp ta' billboards, dment li jigu sodisfatti dawk ir-rekwiziti li jinsabu fl-istess linja gwida.

Illi fid-decizjoni Lawrence Fino et, dan it-Tribunal għamel dawn l-osservazzjonijiet:

“Barra s-siti ndikati fuq il-policy maps, l-istess policy fit-tieni bullet tal-pargarfu 6.4 tagħti lok għal-aktar billboards f'siti godda, fejn (a) hemm toroq godda progettati, jew (b) jekk fl-opnijoni tal-Awtorita' dawn il-billboards godda huma kongruenti għal dawk is-siti ndikati fil-policy maps u d-dintorni tagħom.

L-ewwel eccezzjoni tar-regola ma tapplikax għax is-sit jinsab fi triq ezistenti, pero t-tieni eccezzjoni għandha tigi mistharga. Dan it-Tribunal jista josserva li fil-kaz tat-tieni eccezzjoni, il-policy ftit li xejn tispjega liema huma l-kriterji li b'xi mod jistghu jiggwidaw għal erezzjoni ta' billboards godda. Dan it-tieni bullet jitlob biss li l-billboards għandhom ikunu simili għal dawk is-siti indikati fuq il-mapep.

Siltiet ohra tal-istess policy jistghu wkoll jiggwidaw fuq l-ezitu ta' din il-proposta kif geġ:-

4.1 In view of the likely impact on visual amenities, the environment in general and road safety, advertising will only be allowed in the following locations:

- Along arterial and distributor roads where the road safety criteria is strictly adhered to;

4.2 Signs, billboards and other forms of outdoor advertisements will not be permitted where they are:

- In the open countryside or outside the limits of development of towns and villages, with the exception of some arterial and distributor roads (See Maps showing Permanent Billboard Sites);

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6.3 The baseline of the site selection exercise consisted in having the previous permits plotted on maps, whilst suggesting other sites abutting on arterial and distributor roads, which in the opinion of the Malta Environment & Planning Authority were adequate for such development. These maps are intended to help applicants, architects and Development Control to visualise the capacity of billboards that each road can cater for, so that future applications for billboards can be dealt with.”

Illi filwaqt li fil-kaz ta' Lawrence Fenech il-billboard propost gie meqjus bhala wiehed simili u kongruwenti ma dawk indikati fil-linja gwida, dan it-Tribunal mhux tal-istess fehma fil-kaz mertu ta' dan l-appell.

Illi kuntrarju ghal-kaz ta' Lawrence Fenech, fejn is-sit kien fuq distributor road, simili ghal billboards ohra ndikati fil-linja gwida, u ghaldaqstant seta' gie kunsidrat fid-dawl tal-parametri elenkati fil-paragrafi 4.1, 4.2 u 6.4, is-sit inezami jinsab fi triq indikata bhala 'local access road' skont il-mappa numru 15 fil-pjan lokali (North West Local Plan), u mhux 'distributor road' (l-istess mappa tindika toroq ohra li huma meqjusa bhala 'distributor roads').

Illi l-linja gwida hija cara li kemm dawk is-siti ta' billboards indikati fil-mapep tal-istess linja gwida, kif ukoll dawk siti godda addizzjonali li jistghu jigu kunsidrati ghandhom ikunu 'along arterial and distributor road' u ghaldaqstant il-billboard propost ma jissodisfax dan ir-rekwizit mportanti tal-linja gwida. F'dan il-kaz, dan it-Tribunal filwaqt li qed jaqbel mal-argument tal-appellant li l-linja gwida ma teskludix b'mod kategoriku siti godda ghall-izvilupp ta' billboards, is-sit inzeami mhux idoneju ghall-izvilupp ta' billboard skont kif tesigi l-istess linja gwida.

Ghal dawn il-mottivi, dan it-Tribunal qiegħed jiddisponi minn dan l-appell billi jichad l-istess u jikkonferma r-rifjut.

Ikkunsidrat

L-aggravji tal-appellant huma s-segwenti:

1. It-Tribunal zbalja fil-ligi meta iddecieda li jirrifjuta l-applikazzjoni ghax is-sit ma jinsabx fuq distributor jew arterial road kif iridu l-linji gwida tal-Policy and Design Guidance on Billboards

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and Signs izda fuq local access road. Il-paragrafu 6(4)(ii) tal-policy jghid li siti godda mhux dawk desinjati jistghu jigu approvati basta 'congruent to those indicated in the relative maps and their surroundings'. Dak li kellu jaghmel it-Tribunal hu li jevalwa jekk is-sit kienx simili ghal wiehed jew aktar fuq il-mapep relattivi li jindividwa siti tajbin ghal billboards. Fil-fatt fl-istess mapep hemm siti li jinsabu f'local access road.

Il-Qorti tqis illi d-decide tat-Tribunal li wara kollox hi l-bazi u r-raguni primarja jekk mhux esklussiva tad-decizjoni hu zbaljat fil-ligi. Dan ghaliex it-Tribunal wasal ghal konkluzjoni illi l-paragrafu 6(4)(ii) tal-policy fuq il-billboards u advertisements 2006 ghandu jiftiehem illi siti godda ghal billboards jistghu jigu kunsidrati biss jekk huma fuq arterial u distributor roads. Dan il-paragrafu jaqra hekk:

Billboards will only be considered if:

- (i) • Within the designated sites as indicated in the relative maps (applicable to freestanding billboards only);
- (ii) • There will be strict control over new sites apart from those indicated in the relative maps. These will only be permissible if they form part of new projected roads or if in the opinion of the Malta Environment & Planning Authority, they are congruent to those indicated on the relative maps and their surroundings;

Il-parti rilevanti ghal din il-vertenza hi t-tieni parti tal-paragrafu 6(4)(ii) li titratta dwar valutazzjoni ta' applikazzjoni ghal billboards f'siti godda basta 'congruent' cioe simili ghal dawk gia fuq il-mapep rilevanti. Hu minnu illi b'mod predominanti l-mapep jindikaw siti f'arterial u distributor roads pero hemm siti fil-mappa fil-Gzira li hu f'local access road. Fit-trattazzjoni quddiem il-Qorti d-difensur tal-appellant irrefera wkoll ghal sit iehor f'Ghawdex f'local access road. Kwindi hu legalment zbaljat it-Tribunal li espressament cahad l-appell ghax is-sit fejn qed jigi propost il-billboard hu fuq local access road u mhux arterial jew distributor road. Il-fatt li s-sit hu fuq local access road ma jgibx ic-cahda a priori tal-applikazzjoni ghax hemm almenu sit wiehed fil-mapep indikati li jinsab f'local access road.

Li kellu jaghmel it-Tribunal hu li jqis li f'sitwazzjoni simili ta' local access road kif hemm fil-mapep hemmx konsiderazzjonijiet ta' ippjanar li ma jimmeritawx li l-applikazzjoni tigi milquga. Dawn jinsabu elenkati fil-paragrafu 6.1 u 4.2 li jaqra hekk:

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6.1 In assessing whether any particular site is suitable for the display of billboards, signs or other forms of outdoor advertising, the general considerations should be the land use of the area, the scale and massing of existing buildings and whether there are any features of environmental, architectural or historic interest in the vicinity. The siting of signs or billboards on very prominent sites, for example, on the skyline or on the roof of buildings or in places where a strategic view would be interrupted, will not be allowed. Likewise, bright or distracting illumination is not acceptable.

4.2 Signs, billboards and other forms of outdoor advertisements will not be permitted where they are:

- On or adjacent to Scheduled Properties, Sites or Areas;
- On Grade 1 or 2 Listed Buildings;
- In the open countryside or outside the limits of development of towns and villages, with the exception of some arterial and distributor roads (See Maps showing Permanent Billboard Sites);
- Fixed or painted to rubble stone walls, trees or utility poles;
- Immediately adjacent to the coastline or where they would intrude upon views of the open sea;
- Associated with kiosks, because these facilities are often sited in locations where other forms of development would not normally be allowed. This form of advertising will be strictly controlled;
- At any location where, by reason of position, shape, wording or colour, it interferes with or obstructs the view of pedestrians and vehicular traffic or areas of high landscape/historic value;
- Confused with any authorized traffic sign, signal or device.

Mhux korrett it-Tribunal li jghid li billboards huma permessi biss fuq arterial u distributor roads skond il-linji gwida ghax il-paragrafu 4.1 isemmi diversi siti ohra fejn hu permess l-erezzjoni ta' billboards li mhux necessarjament qeghdin f'arterial jew distributor road.

Decide

Kopja Informali ta' Sentenza

Ghalhekk il-Qorti taqta' u tiddeciedi billi tilqa' l-appell ta' Paolo Muscat u tirrevoka d-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar tas-26 ta' Frar 2015, u tirrinviija l-atti lura lit-Tribunal biex jerga' jiddeciedi l-appell in linea mal-kunsiderazzjonijiet maghmula. Spejjez ghall-Awtorita.

< Sentenza Finali >

-----TMIEM-----