



**QORTI TA' L-APPELL**

**ONOR. IMHALLEF  
MARK CHETCUTI**

Seduta tat-2 ta' Mejju, 2013

Appell Civili Numru. 122/2012

**Ian Magro**

**vs**

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

**Il-Qorti,**

Rat ir-rikors tal-appell ta' Ian Magro tal-11 ta' Lulju 2012 mid-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar tal-21 ta' Gunju 2012 li cahdet l-applikazzjoni PA 4431/07;

Rat ir-risposta tal-Awtorita li ssottomettiet illi d-decizjoni tat-Tribunal ghandha tigi konfermata;

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

Rat id-decizjoni tat-Tribunal li tghid hekk:

Ikkunsidra:

B'applikazzjoni tal-10 ta' Lulju 2007 - Full Development Permission – PA/04431/07 fejn l-appellant, f'Site at, Hal Far L/O, B'Bugia talab:

" To restore land to agricultural use and the sanctioning of rubble wall."

Illi l-Awtorita cahdet it-talba ghall-hrug tal-permess relattiv ghar-ragunijiet segwenti:

"1. The proposal cannot be considered further unless the following illegal development is first sanctioned or removed and this in terms of policy Circulars 2/96 and 2/98. The illegal development consists of the construction of the rubble walls, the construction of fence and gates, landscaping, and the formation of street/passage ways as listed in ECF 217/07.

2. This construction methodology of the boundary wall is not in line with LN 160/97. The height of the boundary wall is incompatible with the surrounding rural environment and will negatively affect the scenic value of the area. This runs counter to Structure Plan policies SET 11, AHF 5 and RCO 4.

3. The development does not fall within one of the categories of development, namely structures or facilities essential to agricultural, ecological or scenic interests, which may be permitted in Rural Conservation Areas where they meet the principles and criteria set out in Structure Plan policy RCO 4. The proposal is not essential to, nor does it enhance agricultural, ecological, or scenic interests."

Illi l-perit Robert Musumeci ressaq l-aggravji tal-appellant inter alia kif gej:

"3. Further to (2) above, the following considerations are being highlighted:

- RE Reason 1 for refusal: There is illegal development on site consisting offences, gates, landscaping and formation of street/passage ways which is not being requested to be sanctioned or removed We have already clarified in our response to DPAR (dated 15th October 2008) that the proposal in question includes the following works:

- The reclamation of the site to its former agricultural use, which site forms part of a larger industrial boundary
- The introduction of landscaping mitigation measures
- The sanctioning of a rubble wall which forms part of the boundary wall bordering the entire industrial site
- The sanctioning of a passageway which provides access to third parties.

Hence the illegalities (fences, gates, landscaping and formation of street/passage) mentioned in reason 1 for refusal (except for the construction of garage/room which does not form part of the site under review) fall under the scope of this application.

Document A is being attached to illustrate the location of the said works.

- RE Reason 2 for refusal: The construction of the boundary walls is not in line with LN 160/97. The height is incompatible with the surrounding rural environment

Contrary to what is being stated, the rubble walls consist of a dry stone wall, built in loose unhewn or rough-dressed stones which stands by gravity and friction without the use of mortar, and therefore comply with the provisions of Policy LN 160 of 1997 of the Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations, as amended by L.N. 169 of 2004. At the same time, it must be appreciated that the boundary wall tied to this application forms part of a larger stretch of wall bordering a larger site which is currently committed for

industrial use, and which site needs to be adequately secured. (Document B) In the light of such evidence, the provisions of Structure Plan policy SET 12 which enables consideration to development proposals outside the development zone and breaching of Structure Plan Policy SET 11, subject that a justification is presented on sound planning grounds verifying why the development cannot be located in areas schemed for such development apply.

- RE Reason 3 for refusal: The proposal is not essential to agricultural, ecological or scenic interests. (RCO 4)

Contrary to the above assertion, the proposal involves the reclamation of an abandoned piece of land, and is therefore in tandem with Structure Plan Policy AHF 4 which states that soil conservation and soil saving measures will continue to be mandatory on all occasions. Soil replenishment measures will be adopted where there are suitable opportunities. In fact, the EPD itself acknowledged that the restoration of the agricultural land is agreed with. (see original DPAR)

It is therefore reiterated that the precise intention behind this request is to restore a piece of abandoned land back to its agricultural pristine. The said portion of land forms part of a larger area (pertaining to different owners), and is legally committed for industrial use.

The application also seeks to sanction a boundary rubble wall which forms part of a larger stretch of boundary wall bordering the outer precincts of the industrial site. Moreover, the proposed passageway is necessary since applicant is legally bound to provide access to third parties. This conforms to Structure Plan Policy AHF 7 which promotes the establishment of rights of way will be a condition of development permits. Without prejudice to the aforesaid, the DCC may wish to impose any specific mitigation measures which it deems fit with a view to render the passageway in blend with the rural landscape.

Illi l-Awtorita, permezz tar-rapport taghha, ressqet il-kummenti taghha inter alia kif gej:

"On a preliminary point, this Board cannot hear and decide on the merits of this appeal, as illegalities not included in this application are present on site, and hence the provisions of PA Circulars 2/96 & 2/98 are applicable. This is confirmed by the first reason for refusal of the refusal notice of 21st April 2010.

The illegalities on site which require sanctioning include:

1. The demolition of existing rubble walls, as only the new walls are identified for sanctioning;
2. The formation of formal hard landscaped access pathways, including an identification of the materials used;
3. Soft landscaping with the planting of several trees, and the identification of species used; and
4. The construction of a building structure, consisting of a garage and room/s. Although the appellant claims that this building pertains to the adjacent site, the application PA 5051/05 through which the sanctioning of works on the adjacent site is being requested does not include this room. Moreover, this room is accessed from the site presently subject to appeal and not from that covered by PA 5051/05, while the same applicant is responsible for this illegal structure and the illegalities on the site subject to appeal.

These illegalities are listed in the enforcement notices already issued on site ECF 217/07 & ECF 168/07.

The description of this application in Section 5 of the Application Form states that the works applied for consist solely 'To restore land to agricultural use and sanctioning of rubble wall', as also reflected in the original submitted drawings red 1D-1G. Drawings showing better details of the illegalities to sanction, including the planting of soft landscaping and the formation of hard surfaced areas were presented with the reconsideration request. However, the applicant failed to ever formally request to

modify the description of the proposal to reflect these additions. Moreover, as indicated in point 4 above, the building which is accessed from this site is not included for sanctioning neither in this application, and nor in PA 5051/05 which concerns the adjacent industrial site.

PA Circular 2/96 clearly states that consideration to new development on a site where illegalities are present shall not be permitted, unless the illegal development is regularised. The Authority has demonstrated that the same applicant is responsible for the sanctioning of these illegalities, and they are not properly included as part of this application. In view of this, the applicant should rectify this situation, prior to further consideration of this proposed development, failing which, the Authority recommends the outright refusal of this application under the provisions of Circulars PA 2/96 & PA 2/98."

Illi I-Perit Robert Musumeci kkummenta ulterjorment inter alia kif gej:

"1. These submissions are being made in response to MEPA's report dated 1st June 2010.

2. The merits in this report can be summarized as follows:

- On a preliminary point, the MEPA Board cannot decide on the merits of this appeal, since the illegalities are not included in the application. Thus, PA 2/96 and PA 2/98 apply.

3. Further to (2) above, the following considerations are being highlighted:

- RE: On a preliminary point, the MEPA Board cannot decide on the merits of this appeal, since the illegalities are not included in the application. Thus, PA 2/96 and PA 2/98 apply.

In reaction to the above assertion, it is reiterated once again that a request was made to sanction the alleged illegalities in our response made to DPAR (dated 15th

October 2008). (Document A) Indeed, a clarification was made to include the following works:

- The reclamation of the site to its former agricultural use, which site forms part of a larger industrial boundary
- The introduction of landscaping mitigation measures
- The sanctioning of a rubble wall which forms part of the boundary wall bordering the entire industrial site
- The sanctioning of a passageway which provides access to third parties.

Hence the illegalities (fences, gates, landscaping and formation of street/passage) mentioned in reason 1 for refusal (except for the construction of garage/room which does not form part of the site under review) fall under the scope of this application.

This infers that Reason 1 for refusal (There is illegal development on site consisting of fences, gates, landscaping and formation of street/passage ways.) has been erroneously included, when a formal request had already been made from our end to sanction the alleged illegalities as indicated in our response made to DPAR (dated 15th October 2008).

Against this background, it may be concluded that contrary to MEPA's preliminary assertions, the Planning Appeals Board can hear and decide on the merits of the case - indeed, the DCC Board have opted to enter into the merits of the case as can be evidenced in Reasons 2 and 3 in their refusal report."

Illi fl-udjenza tas-7 t'April 2011 l-Awtorita stqarret ghar-rigward illi l-art kienet art mitluqgha, iddikjarat, illi mill-aerial photos jirrizulta li sat-2004 kienet tidher mhux talli mhux art mitluqa izda art agrikola mahduma;

Illi fl-udjenza tad-29 ta' Settembru 2011, il-Perit Musumeci talab li jigi awtorizzat jipproduci bhala xhud lill-

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enforcement officer, dwar xi illegalitajiet li issemmew fil-kors ta' smiegh ta' dan l-appell waqt li l-Awtorita opponiet dan s-smiegh ta' xhieda.

It-Tribunal cahad t-talba tal-perit Musumeci.

Ikkunsidra ulterjorment:

Il-mertu ta' dan l-appell jirrigwarda talba ghall-ippristinatar ta' art ghall-uzu agrikolu u l-issanzjonar ta' hajt tas-sejjieh;

Is-sit mertu ta' dan l-appell jinsab f'sit f'Hal Far, limiti ta' Birzebbugia;

Din l-applikazzjoni giet rifjutata peress li:

- Jezistu illegalitajiet koperti bl-ordnijiet ta' nfużar ECF 217/07 u ECF 168/07;
- Il-hajt tas-sejjieh relattiv ma giex imtella in linea mal-avviz legali 160/97; u
- Li l-izvilupp mhuwiex permess f'Rural Conservation Area, fost kunsiderazzjonijiet ohrajn;

L-argumenti li tqajmu mill-partijiet fil-kors tas-smiegh ta' dan l-appell jistghu jigu migburin fil-qosor kif gej:

L-appellant jissottometti li kuntrarjament ghal dak allegat mill-Awtorita, l-illegalitajiet msemmija mill-Awtorita huma prospettati li jigu regolarizzati in linea mal-applikazzjoni, l-hajt tas-sejjieh huwa in linea mal-metodi stabbiliti taht l-avviz legali 160/97, u li l-iskop principali tal-izvilupp huwa sabiex l-art in kwistjoni tigi ripprestinata ghan-natura agrikola;

L-Awtorita tissottometti li jezistu diversi illegalitajiet fuq is-sit li mhuwiex imsemmija fl-applikazzjoni odjerna, u li skond PA Circular 2/96 l-applikazzjoni odjerna ma tistax tigi kunsiderata qabel ma jigu regolarizzati l-illegalitajiet relattivi.

Fl-ewwel nota taghha l-Awtorita tqajjem punt preliminari peress li fuq is-sit mertu ta' dan l-appell jezistu numru ta' irregolaritajiet li huma koperti taht i-Enforcemeni Notice



ECF 217/07 u l-Enforcement Notice ECF 168/07 li ma gewx inkluzi fl-applikazzjoni PA 4431/07. Dawn ix-xogholijiet jikkonsistu minn twaqqiegh ta' hitan tas-sejjeigh, bini ta' hitan godda, il-kostruzzjoni ta' hard landscaping (passagg) u soft landscaping. L-Awtorita tissottometti ukoll li ix-xogholijiet jinkludu wkoll il-kostruzzjoni ta' kamra li l-appellant qed jghid li mhix fuq l-art tieghu imma fuq dik adjacenti. Fuq dan l-Awtorita tghid li l-applikazzjoni PA 5051/05 li saret biex tissanzjona x-xogholijiet fuq is-sit adjacenti ma tinkludix din il-kamra. Oltre minn dan l-access ghal go din il-kamra huwa mis-sit mertu ta' dan l-appell.

Skond l-Awtorita, f'dawn il-kazi, jigifieri met a jkunu jezistu irregolaritajiet fuq is-sit in kwistjoni, japplika l-artikolu 14(1) tal-Avviz Legali 514/10. Dan l-artikolu jghid li meta ikun jezisti zvilupp illegali fuq xi sit, zvilupp gdid ma jigix ikkunsidrat sakemm mal-illegalitajiet jitnehhew jew jigu sanzjonati.

L-appellant jghid li apparti mill-kamra li mhix fuq is-sit mertu ta' dan l-appell, ix-xogholijiet kollha gew inkluzi fl-applikazzjoni.

Minn ezami tad-dokumenti u l-pjanti li hemm fil-files jirrizulta li l-pjanti li gew sottomessi ma' din l-applikazzjoni, anki wara li dawn gew irrangati fi stadju ta' reconsideration, huma vagi ghall-ahhar. Izjed minn pjanti teknici li juru dawk id-dettalji kollha li huma necessarji biex wiehed jifhem ezatt x' qed jigi mitlub, dawn hum a izjed vicin ghal 'diagrams' li juru b'mod kwalittattiv u vag dak li hemm illum fuq is-sit.

Per exempju:

- Ma jidruhx dettalji teknici tal-hitan li jridu jigu sanzjonati u li l-appellant qed isostni li nbnew skond il-policies u liema huma mill-hitan li qed juri l-appellant il-partijiet li kien hemm qabel u dawk godda;
- m'hemmx dettalji tal-passagg (hard landscaping) u kif inbena;
- m'hemmx indikazzjoni ta' fejn kien hemm hitan tas-sejjeigh li gew imnehhija u li, peress li m'hemmx talba

ghas-sanzjonar tat-tnehijja taghhom, irridu jigu mibnijja mill-gdid; u

- M'hemmx dettalji ta' x-tip ta' soft landscaping qed isir x' qed jigi mitlub biex jigi sanzjonat u x' kien ezistenti.

Apparti minn dan hemm dubji serji fuq ta' min hu l-uzu tal-kamra li l-Awtorita tghid li ghandha access mis-sit in ezami.

Fil-fehma kunsidrata ta' dan it-Tribunal, id-decizjoni fuq l-eccezzjoni preliminari li qajmet l-Awtorita ghandha tigi bbazata fuq jekk hux verament possibbli li l-illegalitajiet li jezistu fuq is-sit jew jigu amalgamati fit-talba tal-appellant jew jitnehew minghajr ma jigi effettwat b' mod drastiku l-izvilupp li qed jigi propost b' din l-applikazzjoni. Per eżempju, i-enforcement notice tghid li twaqqaw hitan tas-sejjieh u li ma' saritx talba biex dan it-twaqqieh jigi sanzjonat. La ma saritx talba biex jigi sanzjonat dan it-twaqqieh, jekk jigi approvat dan il-permess, dawn il-hitan iridu jigu mibnijien qabel ma johrog il-permess. Imma x'jigri jekk parti mill-hitan li twaqqaw u allura iridu jergghu jinbnew jghaddu minn parti mill-izvilupp gdid li qed tipproponi din l-applikazzjoni? Jew, b'mod generali, x'jigri jekk l-izvilupp illegali li jrid jigi reversed jeffettwa partijiet mill-proposti l-godda? L-pjanti tal-applikazzjoni ma jifawx dawl fuq dan.

Konsiderazzjoni ohra hija l-uzu tal-kamra u jekk dan l-uzu hux marbut mal-uzu li qed jigi mitlub b'din l-applikazzjoni. L-appellant ma rribattix l-allegazzjoni tal-Awtorita li l-access ghal din il-kamra huwa mis-sit in ezami. Jekk dan huwa l-kas allura l-uzu ta' din il-kamra ghandu jkun parti integrali mill-uzu li qed jintalab fl-ODZ b' din l-applikazzjoni. Fl-applikazzjoni m'hemmx informazzjoni fuq dan. Ghal fini ta' ippjanar, huwa irrelevanti ta' minn hi din il-kamra, l-importanti huwa jekk l-uzu, li huwa fl-ODZ, hux relatat mat-talba in ezami.

Dan it-Tribunal jiddeciedi fuq issues ta' ppjanar u appartu mill-punti ta' ligi, ir-realta' hi li ebda progett ma' jista jigi assessjat u ezaminat b'mod li jigu determinati bl-ezatt l-impatti ta' ippjanar u ambjentali jekk dawn il-pjanti

għandhom informazzjoni materjali nieqsa. Għalhekk, a prescindere mill-issues legali, applikazzjoni ma' tistax tigi determinata finalment jekk ma jkollhiex informazzjoni dettaljata fuq x'inhuwa ezattament l-uzu, x'illegalitajiet iridu jigu inkorporati fl-izvilupp u/jew x'illegalitajiet iridu jigu reversed meta jibda l-process tal-izvilupp fuq is-sit. Jigifieri meta qed jigu ttrattati l-illegalitajiet l-enfasi għandha tkun fuq jekk hux verament possibbli li l-illegalitajiet jew jigu inkorporati jew jigu reversed, skond il-kaz, fl-ambitu tal-proposti l-godda u dan għandu jkun is-sens kollu tal-Artikolu 14.

Għalhekk jirrizulta mill-premess li peress li l-proposta ta' l-appellant tikser l-artikolu 14(1) tal-Avviz Legali 514/10, dan l-appell ma jirrizultax fondat u ma jimmeritax kunsiderazzjoni favorevoli.

It-Tribunal, għalhekk, qiegħed jichad dan l-appell u jikkonferma ir-rifjut tal-applikazzjoni PA 4431/07, mahrug mill-Kummissjoni għall-Kontroll ta' l-Izvilupp fil-21 ta' April, 2010.

### **Ilkunsidrat**

L-aggravji ta' Ian Magro huma s-segwenti:

1. It-Tribunal iddecieda ultra petita meta ha in konsiderazzjoni pjanti li qatt ma kienu suggett tar-rifjut jew mertu tal-appell;
2. It-Tribunal wasal għad-decizjoni hazina fuq apprezzament zbaljat tal-fatti;
3. It-Tribunal fil-konsiderazzjonijiet tiegħu rrefera għal allegati illegalitajiet li ma jikkonfigurawx fis-sit in kwistjoni u ppronunzja ruhu dwarhom.

Tajjeb qabel xejn jigi nkwadrat il-mertu ta' dan l-appell li hu 'to restore land to agricultural use and sanctioning of rubble wall', li b'ittra tal-15 ta' Ottubru 2008 giet spjegata li tinkludi:

1. Reclamation of the site to its former agricultural use, which site forms part of a larger industrial boundary;
2. The introduction of landscaping mitigation measures;

3. The sanctioning of a rubble wall which forms part of the boundary wall bordering the entire industrial site;
4. The sanctioning for a passageway which provides access to third parties.

Il-punt ta' kontenzjoni principali bejn l-Awtorita u l-applikant kien dwar kemm l-applikazzjoni kienet tirrifletti u titlob is-sanzjonar tal-enforcement notices 217/07 u 168/07, u dan mehud in konsiderazzjoni l-applikazzjoni tal-artikolu 14(1) tal-Avviz Legali 514/10 li jghid li meta jezisti zvilupp illegali fuq xi sit zvilupp gdid ma jigix konsidrat sakemm l-illegalitajiet jitnehhew jew jigu sanzjonati.

Ghalkemm l-Awtorita cahdet l-applikazzjoni ghal ragunijiet ohra apparti din fuq imsemmija jidher li t-Tribunal bbaza ruhu fuq din l-ewwel raguni ta' cahda fil-konsiderazzjonijiet tieghu.

### **L-ewwel aggravju**

L-appellant jallega li t-Tribunal iddecieda ultra petita meta ha in konsiderazzjoni pjanti li ma kienux il-mertu tal-appell quddiemu. Ghalkemm dan hu punt ta' ligi applikabbli, il-Qorti ma taqbilx li l-appellant ghandu ragun. It-Tribunal kien qed jikkonsidra jekk l-applikazzjoni kinitx in konformita mal-artikolu 14(1) tal-Avviz Legali 514/10. Biex jaghmel hekk kellu jikkonsidra, mill-punto di vista fattwali, l-pjanti sottomessi mill-applikant biex jasal ghal konkluzjoni tieghu bbazata fuq fatturi teknici jekk dawn il-pjanti kienux jissodisfaw il-vot tal-ligi biex tigi kkonsiderata l-applikazzjoni in vista tal-enforcement notice 217/07 u 168/07. It-Tribunal ma ppronunzjax ruhu barra mill-parametri tar-rifjut u l-aggravju kontra tali rifjut. Kull ma ghamel hu li kkonsidra punt ta' fatt, cioe l-pjanti esebiti biex jara jekk l-applikant kienx gustifikat li fit-talba kien qed jitlob is-sanzjonar tal-illegalitajiet li skond l-applikant kien jikkonsisti biss f'boundary rubble wall billi l-illegalitajiet l-ohra kienu qeghdin f'art adjacenti soggetti ghal applikazzjoni ohra (ara ittra tal-Perit Musumeci tal-15 ta' Ottubru 2008). Dan pero hu kontradett fl-aggravju li ressaq l-istess applikant quddiem it-Tribunal meta zied is-

sanzjonar ta' passagg li jaghti access ghal terzi persuni. L-ezami tat-Tribunal kien wiehed ta' apprezzament tal-fatti quddiemha, inkluz ghalhekk il-pjanti biex tiddetermina jekk l-Awtorita kinitx gustifikata fir-rifjut. Dan l-apprezzament speċjalment meta hu wiehed tekniku mhux sindakabbli mill-Qorti ghax ma jikkostitwix punt ta' dritt.

Kwindi l-Qorti ma tistax taqbel li t-Tribunal iddecieda ultra petita meta ha in konsiderazzjoni fatti u dokumenti esebiti mill-istess appellant in sostenn kontra r-rifjut tal-Awtorita, liema fatti u dokumenti ma kkonvincewx lill-Awtorita.

Ghalhekk dan l-aggravju qed jigi michud.

### **It-tieni aggravju**

Ftit hemm wiehed xi jghid fuq dan l-aggravju. L-appellant qed jitlob lil Qorti terga' tiftah mill-gdid il-provi biex tara jekk fuq dawk il-provi kinitx tasal ghal konkluzzjoni li wasal ghalha it-Tribunal. Dan mhux il-kompitu tal-Qorti tal-Appell fil-limiti tal-poter moghti mill-ligi mertu ta' dan l-appell. Anki jekk ghal grazzja tal-argument din il-Qorti keinet tasal ghal xi konkluzzjoni differenti fuq il-fatti pprezentati, haga li din il-Qorti bl-ebda mod ma qed timplika, xorta wahda tali funzjoni hi eskluza mill-poter tal-Qorti. Ara f'dan is-sens **Charles Demicoli vs Awtorita tal-Ippjanar** (App Inf 27/01/2003 u ohrain).

### **It-tielet aggravju**

L-ahhar aggravju hu dwar il-kummenti tat-Tribunal fuq uzu ta' kamra li skond l-appellant hu mertu ta' applikazzjoni ohra ghaxtinsab fuq sit iehor u ghalhekk ma kellux jidhol fih. Apparti l-kwistjoni dwar x'qed jitlob l-appellant rigward l-aggravju mressaq, il-Qorti tirreleva s-segwenti. L-Awtorita fis-sottomissjonijiet taghha cahdet li l-kamra hi mertu ta' xi applikazzjoni ohra u illi l-kamra hi accessibbli mis-sit in kwistjoni. It-Tribunal meta rrefera ghal kamra fid-deliberazzjonijiet tieghu ma kkonkludix jekk din il-kamra kinitx jew le tiffirma parti min din l-applikazzjoni izda kkummenta biss dwar in-nuqqas ta' kjarazza dwar jekk din

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il-kamra kinitx tiffirma parti minn dan is-sit u ghalhekk kellhiex tigi inkluza f'din l-applikazzjoni jew le.

It-Tribunal uza dan l-ezempju bhala wiehed fost ohrajn fejn l-applikant naqas li juri b'mod car mill-atti u dokumenti dak li kien qed jitlob li jizviluppa u jissanzjona biex tigi applikata l-ligi kif imiss. L-appellant hu zbaljat li t-Tribunal ghamel xi ratio legali fuq il-kamra li mhix parti mis-sit u applikazzjoni in kwistjoni. Dak li kkonsidra t-Tribunal hu n-nuqqas ta' kjarezza dwar jekk din il-kamra kinitx tiffirma parti mill-art u ghalhekk relatata mal-applikazzjoni in kwistjoni jew le tenut kont tad-divergenzi fl-atti, u bl-ebda mod ma gie ppruvat illi t-Tribunal naqas fl-operat tieghu.

Ghalhekk dan l-aggravju qed jigi michud.

### **Decide**

Il-Qorti ghalhekk qed tichad l-appell ta' Ian Magro u tikkonferma d-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-ippjanar tal-21 ta' Gunju 2012. Bl-ispejjez kontra l-appellant.

**< Sentenza Finali >**

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