



MALTA

**QORTI TA' L-APPELL**

**ONOR. IMHALLEF**

**MARK CHETCUTI**

Seduta tat-2 ta' Lulju, 2014

Appell Civili Numru. 55/2011

**Mario Gauci għall-ERF Company Limited**

**vs**

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

**Il-Qorti,**

Rat ir-rikors tal-appell ta' Mario Gauci tat-2 ta' Novembru 2011 mid-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar tat-13 ta' Ottubru 2011 PA 6438/96 'to regularise dangerous works carried out (retaining walls) and use site in question as store for large vehicles';

## Kopja Informali ta' Sentenza

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:

B'applikazzjoni tat-3 ta' Ottubru 1996, PA 6438/96, f'sit f'Burmarrad Road, Burmarrad, l-appellant talab permess "to regularise dangerous works carried out (retaining walls) and use site in question as store for large vehicles."

Fis-7 ta' Awwissu 1996, hareg Avviz biex Tieqaf u ta' Twettieq ECF 1097/96, kontra l-appellant dwar l-istess sit f'Burmarrad . Il-ksur ta' Kontroll ta' Ippjanar gie hekk deskritt:

"Ghandek zvilupp minghajr permess".

L-Appellant bl-istess Avviz gie ordnat biex jieqaf mill-imsemmi zvilupp u li fi zmien 16-il gurnata jregga lura s-sit ghall-istat originali.

Ma jirrizultax li sar appell minn dan l-Avviz.

B'ittra tal-21 ta' Ottubru 1996, il-Perit Edgar Caruana Montaldo ghall-appellant (Blue 16 fil-file PA 6438/96) informa lill-Awtorita' li l-hajt bejn il-propjeta' tal-appellant, u l-gar Charles Silato, kien perikolanti, u ghalhekk kien mehtieg li dan jissahhah strutturalment billi l-propjeta ta' Silato kienet qed tistrieħ fuq il-hajt imsemmi.

L-Awtorita' approvat dan x-xogħol b'ittra ta' Joe Scalpello tal-25 ta' Ottubru 1996 – Blue 16B.

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L-applikazzjoni giet michuda b'rifjut tal-10 ta' Ottubru 1997 (Red 20).

Saret talba ghal rikonsiderazzjoni fis-6 ta' Novembru 1997 (Red 22), izda r-rifjut gie ikkonfermat fid-19 ta' Jannar 1998 (Red 25) ghar-ragunijiet segwenti:

"1. The site lies in a Rural Conservation Area (as designated by the Structure Plan and indicated on the Key Diagram). The proposal does not comply with Structure Plan policy RCO 2 which clearly states that no form of urban development will be permitted within Rural Conservation Areas.

2. The proposal 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.

3. The site lies outside the limits for development defined in the Temporary Provisions scheme for Burmarrad and so it is located in an area which it is proposed should remain undeveloped and open. The proposed development would run counter to this scheme and would represent unacceptable urban development in the countryside.

4. The proposed development conflicts with Structure Plan Policy SET 11, which does not permit urban development outside existing and committed built-up areas. The development does not fall into a category of non urban development which may be permitted outside existing or committed built-up areas in accordance with Paragraph 7.6 of the Structure Plan. The proposed development also therefore runs counter to policy BEN 5.

5. There is no justification for the development of this site as required by Structure Plan policy SET 12. It is apparent that there are no reasons from a planning point of view why the proposed development can not be located in an area designated for development or in an existing built up area.

6. Proposal runs counter to Policy PLP 20: (Development Control Guidance- Developments outside built up areas) in which the Structure Plan strategy comprises a blanket prohibition of any form of urbanisation outside areas specifically designated for urban uses in the Plan - ie : existing and committed built up areas and primary development areas.

7. The proposal runs counter to Structure Plan policy RDS 5 and paragraph 14.6 of the Structure Plan which indicate that the arterial road network will not normally be used for parking or for direct access to property. The proposed development has a direct access on to an arterial road and it will generate additional vehicle movements. It would therefore give rise to potential traffic hazards and adversely affect the free and safe flow of traffic on the arterial road.

8. The proposal would adversely effect some 2800m<sup>2</sup> of productive agricultural land. This is not in the interests of the conservation of soil resources and therefore runs counter to Structure Plan Policy AHF 4, which clearly states that soil conservation and soil saving measures will continue to be mandatory on all occasions.”.

FI-Appell tieghu, I-Perit Edgar Caruana Montaldo ghall-appellant ghamel is-sottomissjonijiet segwenti:

"1. My clients are the sole agents for the ERF Company who imports trucks, coaches, concrete mixers, cranes etc., and have been operating for over 12 years in this locality and require a space where to store these vehicles due to the fact they have increased their imports in the last years. My clients are operating under a police licence and have been awarded the tender to import large vehicles for the Unscheduled bus service and Enemalta Petroleum Trucks. My clients are therefore in great need of this site as a store for their vehicles.

2. It is a fact that these large construction and commercial vehicles have to be stored somewhere. The Planning Authority itself is encouraging existing yards in residential areas to move outwards in areas Outside Development Zones. There are several cases where the Planning Authority issued permits for such development Outside Development Zone since for the following reasons:

a) in residential areas yards for such use are incompatible with the character of the area and will have a negative impact on the adjacent and planned residential areas.

b) in industrial areas since it is a storage area and has no manufacturing purposes the use is not acceptable since the land will not be used efficiently. Therefore the Planning Authority issued permits for such yards. Outside Development Zone to minimize the impact of such vehicles on the urban areas.

Some of the Permits Issued are the following:

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Steel Yard (Burmarrad Road, Burmarrad) ODZ

Farsons Agent (B'Kara Tal-Ballal) ODZ

Zarb Coaches (B'Kara Tal-Ballal) ODZ

Express Trailers (Qormi Road, Qormi) ODZ

Pilastri Ltd. Yard (Maghtab) ODZ

Devlands Co. Ltd. (Mosta) ODZ

Therefore it is clear that this is an issue that has to be studied on its own merits as the above mentioned cases were taken.

3. One of the points mentioned in the Planning Directorate Report was that this is a Rural Conservation Area as designated by the Structure Plan and indicated on the Key Diagram. How can someone consider my client's site as Rural Conservation area when it is embraced with two storey buildings all around and surrounded by commercial development! Another point mentioned in the Planning Directorate Report was that Structure Plan Policy RDS 5 and paragraph 14.6 of the Structure Plan which indicate that the arterial road network will not normally be used for parking or direct access to property. It important to note that access to the proposed yard is through a 15ft self imposed setback from the official road alignment. The proposed yard will be removing all on the on street parking that my client is presently using since he has no other choice.

In view of the above mentioned points, it is clear that the proposal has to be located Outside Development Zone. It is important to note that in other cases the Planning Authority has considered proposals for such development in similar areas due to the negative impact the proposal would have on residential and industrial areas."

L-Awtorita' fir-rapport taghha ghal dan l-appell, 'inter alia' issottomettiet kif gej:

"These excavation works are significant as they involve a level change of at least 24 crs and an area of circa 2800 sq.m. The Department of Agriculture objected to the previous application (PA 769/95) for the same works on the basis that the field formed part of a highly productive agricultural area. Notwithstanding, works had been carried out illegally and appellant is now trying to sanction works and use the area as a plant yard.

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This application is partly described as 'regularising dangerous works', however permission has ALREADY been given to undertake essential remedial works to walls on this site (see blues 16-16b). In essence this application is to sanction a significant commercial expansion into land designated as ODZ and formerly productive agricultural land.

The site in question, immaterial to what the appellant says, falls Outside Development Zone as designated in the Temporary Provision Schemes. The presence of other development within the immediate area, whether they be legal, illegal, with a permit issued by the PAPB or a permit issued by the Planning Authority is of no substance. This can never be accepted as an argument to justify development on any site whether it be outside or inside the development scheme boundary.

The storage of large vehicles does not fall under any category of development permitted in non urban areas. The development is not considered essential to agricultural, scenic or ecological interests. A store for large vehicles cannot be considered as non - urban development.

Despite two requests to clarify exactly how the site and existing buildings are used this information has not been forthcoming. Notwithstanding this the use (storage for large vehicles) is not considered as genuine to the needs of agriculture or as a legitimate development in the countryside in terms of SET 11 and RCO 2. There is no justification given in terms of SET 12 as to why this use cannot be accommodated within a suitable existing built up area.

The Department of Agriculture did not raise an objection to this new application 'as the site is already occupied'. However, an objection was raised to the previous application (PA/0769/95) on the grounds that 'Burmarrad is a good rural area with highly productive agricultural land and should not be converted into commercial use'. The excavation and leveling of this land represents the loss of productive agricultural land. This is not in the interests of soil conservation and is contrary to AHF 4. The use of the area as an open store for vehicles will have a visual impact on the surrounding area as it is out of context. As stated in Red 2A, such vehicles include cranes, coaches and lorries.

The proposed development will generate additional traffic flow onto a distributor road. Details of the 15 foot setback are not indicated on the submitted drawings. The intended by pass mentioned by the architect is not relevant to this application.

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Further commercial intensification and traffic generation will create dangerous movements at this part of this busy distributor road. Large trucks will have direct access from two points onto this distributor road. Due to the existing traffic levels on this road and the size and nature of the vehicles using this site, the proposal will result in dangerous maneuvering and may increase accident levels. RDS 5 prohibits direct access onto distributor roads.

A site inspection on 24/4/97 revealed that further excavation works to the north of the site have been undertaken that appear to be without a permit. It is recommended that an enforcement officer investigates possible further planning breaches on this site."

Fir-risposta tieghu, l-perit Edgar Caruana Montaldo ghall-appellant irrileva li skond l-Pjan ta' Struttura dan t-tip ta' zvilupp (yards for large vehicles) mhux accettabbli f'zona residenzjali, billi ma jaqa' taht l-ebda kategorija ta' zvilupp permissibbli f'areas urbani. In oltre, skond l-Policies BEN 1 u BEN 2 dan l-izvilupp mhux kompatibbli mal-karattru ta' area residenzjali, billi tali zvilupp ikollu impatt negattiv, partikolarment ta' hsejjes, dhahen generalment inkonvenjent ghall-residenti fil-lokalita'. Il-perit irrefera ghas-segventi permessi li nghataw barra z-zona tal-izvilupp (ODZ):

Zarb Coaches PA 3177/96

Garden of Eden PA 4594/93

Farsons Agent PA 2697/96.

Dwar l-Industrial Zoning, l-Perit issottometta li f'zona industrijali bhal Hal-Far, San Gwann u l-Imriehel, zvilupp ta' open yards, mhux accettabbli billi din iz-zona hi intiza biex takkommoda industriji ta' manufattura u produzzjonali u mhux storage area. Hu issottometta li billi ma jezistux policies jew zoning ghall-izvilupp minnu propost – l-Awtorita' harget permessi – outside development zone. Dwar l-access irrileva li hemm setback ta' 15-il pied mill-alignment tat-triq, u ghalhekk ma tezistix problema ta' traffiku, u dwar is-site adjacenti fejn allegatament kien qed isir xoghol bla permess iddikjara li dik l-art mhix propjeta' tal-appellant.

L-appell gie deciz mill-Bord tal-Appell dwar l-lppjanar b'sentenza ta' l-1 ta' Settembru 2000. Il-Bord ikkonferma r-rifjut.

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L-appellant appella minn dina d-decizjoni; l-Onorabbli Qorti ta' l-Appell, b'sentenza tat-8 ta' Mejju 2003, laqgħet l-appell, in kwantu gie deciz li s-sentenza tal-Bord kienet appellabbli billi gie deciz punt ta' dritt, u rinviat l-Atti lill-Bord biex jigi deciz il-mertu.

L-appell gie appuntat għas-seduta tat-22 ta' Ottubru 2003, quddiem il-Bord ta' l-Appell dwar l-Ippjanar. Fis-seduta tal-24 ta' Marzu 2004, l-perit ta' l-appellant informa lill-Bord li giet ipprezenta l-applikazzjoni PA 1550/04 – applikazzjoni li tinkludi s-sit mertu ta' dan l-appell, u għalhekk, fil-pendenza ta' din l-applikazzjoni, saret talba għal differiment.

L-appell baqa sistematikament jigi differit għal din r-raguni, sas-seduta tas-17 ta' Mejju 2011 meta l-Awtorita' ddikjarat li l-applikazzjoni PA 1550/04 ma tincidix direttament fuq l-mertu ta' dawn l-appelli (billi hemm pendenti l-appelli tal-istess appellant numru 326/02; 328/03 u 330/03), u tablet li l-appell għandu jigi deciz.

Fid-diversi differimenti bejn it-2003 u 2011 saret referenza kemm għall-applikazzjoni PA 1550/04, kif ukoll għal Master Plan. Effettivament irrizulta li ma saret l-ebda Master Plan għall-lokalita in kwistjoni – u l-applikazzjoni PA 1550/04 m'hijiex Master Plan billi qed jigi propost:

"To demolish existing buildings and construct basement garages and overlying showrooms and offices."

L-applikazzjoni prezenti PA 6438/96 kienet preceduta minn applikazzjoni oħra PA 769/95 – "Change of use, from existing field into an open storage for large vehicles."

Din l-applikazzjoni giet michda, minhabba zvilupp illegali persistenti fuq is-sit – anke wara l-hrug ta' Enforcement Notices.

Diga saret referenza għall-Avviz biex Tiegħaf u ta' Twettieq ECF 1097/96 – li hareg billi sar skavar u xogħolijiet oħra fuq is-sit, li tkomplew nonostante li saru diversi inkontri mal-appellant fejn gie ordnat ma jkomplix bix-xogħolijiet.

Ikkunsidra ulterjorment:



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L-applikazzjoni mertu ta' dan l-appell PA 6438/96 qed tipproponi zewg tipi ta' xogholijiet; wiehed "To regularize Dangerous works carried out (retaining walls)" u l-iehor "To use site in question as a store for large vehicles."

Dwar l-ewwel xogholijiet l-mertu hu ezawrit billi kif irrizulta mill-premess l-Perit ta' l-appellant talab l-Awtorizzazzjoni fil-21 ta' Ottubru 1996 (Blue 16) – u l-Awtorita' approvat b'ittra tal-25 ta' Ottubru 1996 (Blue 16B).

L-appell prezenti ghalhekk, jirreferi ghat-tieni parti tal-proposta, cjoe l-uzu ta' sit 'de quo' bhala yard cioe' open storage, aktar milli 'store', li jimplika struttura mdawwra bil-hitan u msaqqfa, ghall-parking ta' vetturi (kbar) kummercjali, bhal buses, cranes etc.

Hu ferm rilevanti l-fatt li l-istess applikant, snin qabel, bl-applikazzjoni PA 769/95 talab "change of use from an existing field into an open store for large vehicles".

Din l-applikazzjoni tikkonferma li originarjament s-sit kien jikkonsisti f'raba' (cjoe ghall-uzu agrikolu) u li l-intenzjoni tal-appellant kienet, sa minn dak iz-zmien li dan ir-raba' jikkonvertieh f'open yard ghall-parking ta' vetturi kummercjali.

Hu signifikanti wkoll l-fatt li l-applikazzjoni giet michuda billi x-xoghol kien qed isir xorta wahda minghajr id-debita awtorizzazzjoni – u wara li l-applikazzjoni giet michuda, saret applikazzjoni ohra, din mertu ta' dan l-appell, biex jigi approvat l-uzu tas-sit – li nel frattemp gie kkonvertit minn raba ghal yard, fejn wara li sar xoghol ta' skavar, u livellar, area ta' circa 2800 metri kwadri qed tintuza' ghall-store, cjoe' parking ta' vetturi kummercjali.

Dan hu ghalhekk il-kaz, del resto bhal hafna ohrajn, li mhux l-ewwel jintalab il-permess u wara ssir x-xoghol skond l-permess; izda li l-ewwel issir x-xoghol illegalment, u wara jintalab li dan jigi sanzjonat.

Nghataw tmien (8) motivazzjonijiet fir-rifjut ta' l-applikazzjoni. Principalment il-proposta hi inaccettabbli, billi s-sit jinsab f'Rural Conservation Area; u outside development zone (ODZ) cjoe barra z-zona tal-izvilupp; Burmarrad infatti skond l-Pjan ta' Struttura hu indikat bhala area li ghandha tibqa' miftuha u mhux zviluppata.

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L-appellant ssottometta li dawn it-tipi ta' attivitajiet ma ghandhomx jigu approvati f'areas residenzjali, billi dawn ikunu ta' inkonvenjent ghar-residenti (BEN 1, u BEN 2) u kien propriu ghalhekk li ingahtaw permessi mill-Awtorita', minnu citati, barra z-zona ta' l-izvilupp. Hu issottometta inoltre, li l-anqas Industrial Zone – ma hi zona adegwata billi f'dawn iz-zoni huma indikati fabbriki u mhazen, cjo'e' strutturi msaqqfa ghal uzu industrijali – u mhux 'open yard' ghall-uzu ta' parkegg ta' vetturi kummercjali.

Apparti l-kwistjoni tal-idonjeta taz-zona, cjo'e' jekk ghandhiex takkomoda din l-attivitajiet, area barra z-zona ta' l-izvilupp jew area industrijali – s-sit de quo hu definittivament area rurali fejn huma permissibbli biss attivitajiet relatati mal-agrikoltura; veru li eccezzjonalment jistghu jigi ikkunsidrati favorevolment certi zviluppi specifici, pero' dawn skond l-paragrafu 7.6 tal-Pjan ta' Struttura, ghandhom ikunu "normal and legitimate inclusions in the non-urban scene" bhal farmhouses reservoirs, picnic area toilets etc.

Fil-kors ta' dawn l-ahhar snin, anke billi l-izvilupp in generali kien konsiderevoli, illum hu universalment accettat li ghandhom jigu protetti l-areas barra z-zona ta' l-izvilupp ghaliex jekk progressivament dawn jibqghu jitnaqqru, bit-trapass taz-zmien dawn jisparixxu; sitwazzjoni li ghandha definittivament tigi evitata. Din iggib bhala konsegwenza naturali, l-htiega li l-izvilupp ikun regolat, kkontrollat u ppjanat, biex l-areas barra z-zona ta' l-izvilupp u areas rurali jigu protetti u priservati biex jitgawdex anke minn generazzjonijiet futuri. Minn studju recenti ta' dan it-Tribunal dwar applikazzjonijiet, barra z-zona tal-izvilupp – irrizulta li fil-maggioranza taghhom dawn huma relatati, ma attivitajiet agrikola; hemm ammont zghir ta' residenzi abbinati ma agrikoltura, u ohrajn uhud minnhom taht appell, u l-ohrajn huma kollha relatati ma infrastruttura, bhal sub-stations tal-EneMalta, bus-stops, toroq etc.

L-appellant, biex issahhah l-argument tieghu, li l-izvilupp minnu propost ghandu jigi accettat f'zona ODZ, iddikjara li l-anqas zona industrijali ma hi adegwata billi tali zona ghandha takkomoda fabbriki u mhazen – cjo'e' strutturi msaqqfa – u mhux open areas ghalkemm dan il-punt mhux tant rilevanti ghad-determinazzjoni ta' dan l-appell, jixraq li jigi rilevati li fic-Cirkolari 1/2005 tad-Direttorat tal-Ippjanar – Policies Guidance – Areas for Open Storage February 2005, l-paragrafu 6 jelenka dawk li huma 'acceptable locations'. In generali, jinghad li dawn m'humiex 'fresh take-up of virgin land'.

Il-paragrafu 6.1 jghid hekk:

"MEPA will favourably consider the location of open storage facilities in any of the following locations:

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- Land zoned for industry/warehousing within Temporary Provision Schemes, 1988 and/or approved development plans.
- Disused quarries not identified for other purposes in approved development plans;
- Land within the Temporary Provision Schemes, contiguous to land zoned for industry in Temporary Provision Schemes, 1988 but not zoned for an alternative use;
- Land outside development zones contiguous to land zoned for industry in Temporary Provision Schemes 1988;
- Land designated for open storage areas in Local Plans”

In vista tal-konsiderazzjonijiet hawn fuq maghmula, l-appell ma jistax jigi kkunsidrat favorevolment.

It-Tribunal ghalhekk qed jiddisponi minn dan l-Appell billi jichad l-istess u jikkonferma r-rifjut tad-19 ta' Jannar 1998 ghall-applikazzjoni PA 6438/96, pero' in vista ta' dak li gie deciz illum stess fl-Appelli 328/03 u 330/03 billi l-Pjan Lokali ppubblikat fl-20 ta' Lulju 2006, stabilixxa l-area in kwistjoni bhala "Area of Containment", "Area of Mixed Uses", jidderigi lill-appellant li japplika mill-gdid, b'mod li jikkonforma mar-rekwiziti tal-Policy NWSP26 ta' North West Local Plan tal-20 ta' Lulju 2006.

### Ikkunsidrat

L-aggravji tal-appellant huma s-segwenti:

1. It-Tribunal naqas li jikkonsidra l-commitment li hemm fiz-zona u dan irendi l-gudikat monk;
2. La darba t-Tribunal sostna li skond il-policies vigenti l-izvilupp kien permissibbli messu applika l-policies l-istess Tribunal u akkorda l-permess u mhux stieden lil appellant jerga' jintavola applikazzjoni mill-gdid.

### L-ewwel aggravju

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Dan l-aggravju ma jimmeritax ezitu favorevoli. Jinghad qabel xejn illi l-ewwel parti tal-applikazzjoni jidher li l-mertu hu ezawrit billi inghatat l-awtorizzazzjoni ghax-xogholijiet. Dwar l-uzu tas-sit bhala open storage ghal vetturi kbar, it-Tribunal ikkonstata li z-zona hi wahda f'rural conservation area u outside development zone u skond il-pjan ta' struttura z-zona ma ghandhiex tigi zviluppata. In-natura taz-zona hi ammessa mill-istess appellant li f'applikazzjoni precedent li giet michuda PA 769/95 intalab change of use of existing field into an open store for large vehicles. It-tip ta' zvilupp propost u li nbeda bla permess imur kontra l-pjan ta' struttura f'zoni predominantement agrikoli. It-Tribunal, kuntrarjament ghal dak sottomess mill-appellant ikkonstata li tul is-snin sar zvilupp f'dawn iz-zoni ghalkemm fil-maggoranza relatati ma' attivita agrikola u ghalhekk hu important li dawn iz-zoni jkunu aktar protetti u konformi ma' zoni ODZ. It-Tribunal semma' li hemm cirkolari numru 1/2005 dwar areas for open storage Fevruary 2005 li jsemmi liema kienu z-zoni accettabbli ghal open storage minghajr ma tittiehed aktar art vergni.

It-Tribunal ghalhekk mhux minnu li ma hax konjizzjoni tas-sottomissjoni dwar commitment pero wasal ghal konkluzjoni li la darba l-pjan ta' struttura ma kinitx tippermetti open storage ghal ingenji kbar f'rural conservation area u ODZ, ghalhekk implicitament ebda zvilupp simili allegatament approvat f'zoni ohra jista jxejjen l-effetti tal-pjan ta' struttura.

Il-Qorti tqis lil dan hu fil-fatt dak li trid il-ligi kemm qabel u wara l-emendi fejn il-pjanijiet u policies huma applikabbli u ghandu jittiehed kont ta' kwistjonijiet ta' sustanza minghajr pero ma jgibu fix-xejn dak li jrid pjan jew policy partikolari.

Ghalhekk l-aggravju tal-appellant ma jistax jigi milqugh ghax it-Tribunal iddecieda skond il-parametri tal-ligi.

### **It-tieni aggravju**

Dan l-aggravju wkoll qed jigi michud ghaliex it-Tribunal ma qalx illi l-izvilupp kien permissibbli bil-policies vigenti. Li kieku qal hekk is-sanzjoni mitlub kien ikun permess. It-Tribunal irrefera

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ghal appellil ohra decizi konnessi mal-istess zvilupp u qal li wara l-pjan lokali tal-2006 li stabilixxa z-zona bhala area of containment, u area of mixed uses, l-applikant seta' japplika mill-gdid qua permess gdid basta jottempera ruhu mal-rekwiziti tal-policy NWSP 26 tan-North West Local Plan tal-2006. Dan hu ferm differenti minn dak allegat mill-appellant u l-aggravju qed jigi michud.

### **Decide**

Ghalhekk il-Qorti qed tichad l-appell tal-appellant u tikkonferma d-decizjoni tat-Tribunal ta' Revizjoni tal-Ambjent u l-Ippjanar tat-13 ta' Ottubru 2011. Bl-ispejjez kontra l-appellant.

## **< Sentenza Finali >**

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