

2 June 2020

**Tribunal ta' Revizjoni
tal-Ambjent u l-Ippjanar
Floriana**



Nru. ta' l-Applikazzjoni: PA/4465/19
Proposta: To demolish existing bungalow, excavate site and construct two semidetached villas
Post: Mariville, Triq it-truncieri, Bahar ic-Caghaq, Naxxar
Ref. Taghna:
Ref. Tribunal:

Application of Alex Ellul to appeal from a decision of the Planning Authority

Appellant submits:-

- I) This application was submitted in 2019.
- II) Bu virtue of a decision published on the 13th May 2020, the Authority refused this application.

The Appellant feels aggrieved by this decision and is thus submitting this application to appeal from the decision taken.

Annexed to this application kindly find:-

- A copy of the decision of the Authority
- Receipt of Payment

The appellant submits:

1. The reasons for refusal are all based on the fact that the site in question is designated as a fully detached bungalow area.
2. The Authority wrongly dismissed the commitment created by PA 2768/18, since irrespective of the reason for which a departure from the policy was afforded in PA 2768/18, the fact remains that the said site is now vested with a permit that is identical to the request being made by the applicant in this application.
3. Hence the commitment created by the said permit falls within the parameters of DC 2015 (Policy P1 and G14) and also article 72 of Chapter 552 of the Laws of Malta and must be considered in the assessment of the current request.
4. The same applies to the other neighboring property which was completely ignored, and namely the site covered by PA 4069/07.
5. Hence it is clear that the applicants site lies between two sites that are each committed with semi detached developments (once consisting of 6 units and one consisting of 2 units).
6. Policy P1 is clear in that it states:
"The extent of commitments that is to be taken into account when analysing an existing context will include:
 - 1. existing legal developments that are physically present on site;*
 - 2. valid planning commitments even if such commitments are as yet unbuilt; and*
 - 3. any future commitments provided for by the Local Plans, even if the commitments are as yet unbuilt."*
7. It is thus clear that any legitimate commitment MUST be taken into consideration, irrespective of the reason for which the said commitment was created.

8. Furthermore, as clearly demonstrated in the submissions made the proposed development is not in breach of P35 and the SPED.

In view of the above, the appellant requests that this Tribunal, after having seen the documentation being referred to, and heard the submissions of the appellant, accepts the request for appeal being made, and orders the Authority to issue the development permit in question, under such terms and conditions that the Tribunal may deem fit and appropriate.

Av. Ian J. Stafrace

9/4 Britannia House, Old Bakery Street, Valletta

Lista ta' xiedha:

Konsulenti interni u esterni ta' l-Awtorita kif ukoll ufficjali ta' l-istess sabiex jixdhu fuq il-fatti tal-kaz u kazijiet simili, kif ukoll dwar il-policies vigenti.

Av. Ian J. Stafrace

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