

20th September 2021



The Environment and Planning Review Tribunal

Application Number: PA/2234/21

Location: Bayside Complex, 16, 18, 24, Triq is-Swieqi, Swieqi

Proposal: Minor internal alterations, additions at receded floor level to conform to what was approved through PA 6874/18, alterations at service area and change of use from apartments to Class 3A guesthouse, part Class 4D establishment (serving primarily the guesthouse), part Class 4A office (serving primarily the guesthouse), part bar (serving primarily the guesthouse) and a multipurpose hall (serving primarily the guesthouse).

Ref. Taghna:

Ref. Tribunal:

DavCar Developments Limited

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was refused by the Commission and the decision was published on the 25th August 2021.
- III) The appellant feels aggrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

1. It is evident that there are a number of points that have not been properly interpreted by the Planning Commission in reaching its decision on this case.
2. It is inconceivable that the objective facts relative to the site in question are given different interpretations by different sections within the Authority vested with the decision process. Such inconsistency breaches the rights of the appellant to receive a due process in the determination of the application and renders the decision taken by the Authority null and void.
3. The Authority applied wrong policies and other considerations in the decision, as will be shown during the course of this appeal.
4. The Commission could not refuse the proposed development on the basis of Article 72(2)(f). The said article refers to representations and recommendations made by boards, committee and consultees in response to notifications of applications.
5. The Commission, like in most other cases, issues permits in a non-executable format so as to enable the applicant to obtain any further clearances that may be required. In this case the Authority should have adopted this standard practise.
6. The proposed development must be analysed within the context of the already approved uses and the uses in the immediate vicinity and hence, on the basis of the provisions of Article 72, should have been favourably considered.

With Respect

A handwritten signature in black ink, appearing to read 'Av. Ian J. Stafrace', written in a cursive style.

Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.
2. The Malta Tourism Authority