



Environment and Planning Review Tribunal

PA 1169/21

Application of Appellant for the suspension of the permit

APPLICATION REQUESTING SUSPENSION OF PERMIT :

Whereas appellant humbly submits and premise as follows:

1. That this application for the suspension of the permit is being submitted together with an appeal from the Planning Commission’s decision on the application for development permission application PA 1169/21.
2. That appellant is a third party registered objector and interested person for all intents and purposes at law.
3. That the appellant is aggrieved by the decision referred to above will result in a development which impinges upon the residential amenity of the neighbourhood and his homes as the height of the development approved will generate a **very high 6-storey wall overshadowing his property.**
4. That despite the fact that the **Superintendent of Cultural Heritage objected** to the height, volume and massing of the development would have on **scheduled sites** and buildings in the area of influence and asked for photomontages, the SCH’s objection were not taken into account and the **photomontages were not reviewed by the SCH or DAC** and their influence

on the scheduled sites and ODZ Natura 2000 site were not taken into consideration.

5. Moreover the development approved is not in accordance with sanitary regulations and that incorrect information has formed the basis of the Planning Commission's decision.
6. That the permit holder will not suffer any disproportionate prejudice if this permit is suspended as the time limits for the hearing of this appeal will be abbreviated and he will benefit from legal certainty in a shorter period of time.
7. That the appellant cannot avail himself of any alternative interim remedies whilst appeal proceedings are underway, because the remedy provided is that of requesting a suspension under Chapter 551 which is the special law pertaining to the situation. The principle that a special law supercedes general law must be respected - *Lex specialis derogat legi generali*.
8. In view of the above if the permit is not suspended, the appellant will suffer **disproportionate inconvenience and prejudice** during this time as the development will be completed and it is unlikely and improbable, if not impossible for it to be reversed.

For these reasons and others which may result during the hearing of the case, the appellant is humbly requesting this Honourable Tribunal to suspend the permit granted and to give such other directions as the Tribunal may deem fit.

Av. Claire Bonello

*215/4 Old Bakery Street, Valletta*

*drcbonello@gmail.com*