

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL

Case Ref: PA/02385/21

Application type: Full development permission
 Applicant: Mr Malcolm Mallia
 Architect: JG Periti
 Proposal: Proposed demolition of existing structures, excavation, and construction of 7 basement garages, 2 ground floor maisonettes 6 apartments and 2 units at receded level.

Location: 7,8,9, Sqaq il-Wied Nru. 3, Birkirkara

Appellants: Din I-Art Helwa - 133, Melita Str, Valletta, VLT 1123
 David Busuttil - 5, Sqaq il-Wied Nru. 3, B'Kara



REQUEST FOR THE SUSPENSION OF EXECUTION OF PERMIT

Whereas the appellants humbly submit and premise as follows:

That contextually with this application the appellants are filing an appeal from the Planning Commission's decision on the application for full development permission published in the Government Gazette on the 23rd March of 2022.

That the appellants are hereby requesting the suspension of the execution of the permit for the following reasons:

1. Through this appeal the aggrieved appellants are requesting the tribunal to revoke the Planning Commission's approval of this permit, in part, to prevent the unjustified total sealing and excavation of a garden within a UCA which through the implementation of the permit will be entirely replaced with a basement extending over the full extent of the site.

Once rendered executable, works will necessarily commence from the excavation and subsequent total redevelopment of this UCA garden that the appellant maintains must be partially retained as stemming from the grounds of appeal presented.

Failure to suspend the permit would result in the total loss of this garden before the appeal has even been decided, rendering this whole process futile.

Such an outcome would in effect strip the appellants of their legally established right to appeal and clearly result in a much greater prejudice to the appellants in comparison to that of the applicant if the permit was not immediately suspended.

In view of the above the appellants humbly request this Honorable Tribunal to suspend the execution of the permit under the terms and conditions as it deems fit.

A handwritten signature in black ink, appearing to be 'AP', written over a horizontal line.

Perit Tara Cassar
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