



2 June 2020

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

*Nru. ta' l-Applikazzjoni:* PA/6534/18

*Proposta:* Proposed demolition of first floor, alterations and extension to existing disused building to form a residential dwelling which includes construction of internal walls. Proposed excavation and construction of basement garage and reservoir and overlying apartments. Proposal also includes restoration to existing building.

*Post:* Remissa, Triq Rokku Buhagiar, Zurrieq

*Ref. Taghna:*

*Ref. Tribunal:*

**Application of Matthew Condorelli to appeal from a decision of the Planning Authority**

Appellant submits:-

- I) This application was submitted in 2018.
- II) By virtue of a decision published on the 10th July 2019, the Authority approved this application.
- III) By virtue of a communication of the 28th June 2019, the appellant was requested to submit a deed between him and a third party in relation to an existing reservoir and a servitude.

- IV) The appellant endeavoured to execute this post decision requirement, yet the third party refused to enter into any such agreement.
  
- V) The Authority took the case back to the Commission and by virtue of a decision published on the 27th May 2020, the said permit was dismissed due to the non-compliance by the appellant of the post decision requirement to enter into the afore-mentioned public deed.

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 permit as originally approved clearly stated that the said permit is being issued without prejudice to any third party rights.
2. Hence, the Authority should not have mandated and obliged the appellant to enter into an agreement with a third party to regulate matters that go beyond planning issues, such as the ownership and/or use of a reservoir and the determination of a servitude.
3. The appellant, nonetheless, endeavoured to have the third party enter into such an agreement. Yet the third party refused to enter into any such agreement with the appellant.
4. Hence the appellant wants to preserve the validity of the permit obtained by him, and this always without prejudice to any rights that the third party may have on the reservoir and/or the servitude.

5. Obviously the legal aspects attached to the said reservoir and/or servitude will have to be addressed before and determined by the proper forum, namely the Courts of Justice.

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**

**9/4 Britannia House, Old Bakery Street, Valletta**