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4th January 2021

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

*Nru. ta' l-Applikazzjoni: PA/2070/19*

*Proposta: To demolish approved structure (approved in PB 3312/80) and construct basement garages and overlying 2 maisonettes with pool, 4 apartments and 2 penthouses. Application includes as well correction of site plan.*

*Post: Site at Triq Ras il-Bajjada, Munxar*

*Ref. Taghna:*

*Ref. Tribunal:*

**An Appeal being filed by Keith Caruana**

Appellant respectfully submits:-

- I) This application was submitted in 2019
- II) By virtue of a decision taken by the Authority, the permit requested by the applicant was approved
- III) By virtue of a letter dated 9th October 2019, a third party submitted a request to the Authority for the invocation of Article

80 of Chapter 552 of the Laws of Malta invoking a number of grounds for the permit to be revoked/modified.

- IV) By virtue of a recommendation of the Executive Chairman, the matter was referred to the Planning Board recommending the revocation of the permit limitedly on the grounds “based on the validity as a commitment of approved permit PB 3312/80”. Said request was based on the provisions of Article 80(1)(b) of Chapter 552.
- V) By virtue of a decision taken by the Authority, the permit was revoked and the case was sent back for processing. The said notice was published on the 23rd December 2020.

The Appellant feels aggrieved by the decision of the Authority and is respectfully submitting this appeal.

Together with this request, we hereby attach:-

- A copy of the decision of the Authority (Dok JA1).
- A receipt of payment (Dok JA2).

Appellant hereby submits:

1. The Planning Board revoked the permit on the basis of article 80 (1) (b) of chapter 552 which refers to:

“the submission of any information, declaration or plan which is incorrect or does not reflect the situation on site;”

2. The decision of the Authority is manifestly wrong since it is clear from the updated case officer report and the proceedings before the Planning Board, that the applicant or the Perit did not submit “any information, declaration or plan which is incorrect or does not reflect the situation on site”.
3. The applicant clearly showed the current situation on the site and at no stage did the applicant declare that the development of the site was executed in accordance with the permit PB 3312/80.
4. The existing plans submitted clearly note this and the plans also clearly showed that the volume approved in PB 3312/80 was not built (in full).
5. The Authority, in its assessment was fully aware of these facts, yet it **argued** that even though PB 3312/80 was not fully executed, it still constituted a commitment on site. This argument was also endorsed by the Commission which approved of the decision.
6. This is a clear case where the Authority is now in disagreement with **its own** reasoning in an application. And under no stretch of the imagination can this case be construed as falling within the parameters of Article 80(1)(b).
7. Furthermore the Planning Board manifestly breached general principles of law when it allowed third parties to make submissions and representations on the merits of the decision rather than on the

procedural elements that were the basis of the request under Article 80 of the Law.

In virtue of the above, the appellant respectfully submits that the tribunal accepts the appeal of the appellant and annuls the decision of the Authority to revoke its own decision and hence confirm the granting of the permit, without prejudice to any other ruling that this Tribunal may decree.

**Av. Ian J. Stafrace**

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

**Witnesses:**

Consultants and employees of the Authority and third parties living in the area to give evidence on the facts of the case.

**Av. Ian J. Stafrace**

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