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Environment and Planning Review Tribunal

PA 4401/21

Application of Appellant Sliema Local Council for the suspension of the permit

APPLICATION REQUESTING SUSPENSION OF PERMIT :

Whereas appellant Sliema Local Council 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 4401/21
2. That the appellant Local Council third party registered objectors and interested person for all intents and purposes at law.
3. That the appellants are aggrieved by the decision referred to above as it will result in a development which **causes imminent danger to pedestrians and drivers** and impinges upon the residential amenity of the locality
4. That despite the fact that Transport Malta has objected twice to this development, these objections were not taken into consideration.
5. That there are grave concerns regarding the soundness of the Planning Commission's decision due to the **way in which two objections of Transport Malta were ignored.**

6. Moreover the development approved is not in accordance with plans and policies and that incorrect information has formed the basis of the Planning Commission's decision.
7. 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.
8. That the appellant Local Council cannot avail itself 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*.
9. In view of the above if the permit is not suspended, the appellants and the locality it represents 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 Local Council 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