



ENVIRONMENT AND PLANNING REVIEW TRIBUNAL

Case Ref: PA/03893/20

Application type: Full development permission

Applicant: Mr Andre' Grech

Architect: Perit Deborah Busuttil

Proposal: To demolish existing wall, to construct semi-detached house with reservoir and swimming pool at basement, ground and first floor level

Location: Site at, Alley in, Triq Dun Pawl Micallef, Rabat (Gozo)

Appellants: Clemia Zammit

THIRD PARTY APPLICATION FOR SUSPENSION

Whereas the appellant humbly submits, and premises as follows:

The appellant is a third-party registered objector and interested party for all intents and purposes at law and is filing an application of appeal together with this application for suspension.

1. That the appellants are aggrieved by the decision referred to above as it will result in a development which impinges upon the residential amenity of the locality, skylines and the entire character of the area.
2. Moreover the development approved is not in accordance with plans and policies and that incorrect information has formed the basis of the Planning Board's decision.
3. 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.
4. That the appellants cannot avail themselves 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*.

5. That should this request for suspension not be acceded to, the building will go ahead and it is unlikely and most improbable that the Tribunal or any other authority will order the demolition of the building done. This effectively means that the appellant is not on a level playing field as once the building is taking place, if the permit holder delays or draws out procedures or the Tribunal delays in coming to its decision then this appeal will be for naught.

6. 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 appellants are humbly requesting this Honourable Tribunal to suspend the permit granted and to give such other directions as the Tribunal may deem fit.

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