

**The Environment Planning Review Tribunal
Floriana**



Application No: PA 1129/21

Site: Field, forming part of land referred to as Ta' Fuq il-Miju sive Tax-Xitwa, Triq il-Wardija, Qala

Proposed development: Proposed demolition of existing boundary wall, part excavation, and construction of a single dwelling.

Applicant: Mr Martin John Azzopardi

Architect: Perit Timothy Portelli

Appellant : Qala Local Council

Application requesting Suspension being filed by Appellant the Qala Local Council:

APPLICATION REQUESTING SUSPENSION OF PERMIT :

Whereas appellant 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 1129/21
2. That appellant Local Council is a third party registered objector and interested person for all intents and purposes at law.
3. That the appellant is aggrieved by the decision referred to above will result in a development which impinges upon the residential amenity of the locality and the ODZ.

4. That despite the fact that the **Superintendent of Cultural Heritage and ERA objected** to the take-up and formalization of ODZ, they were not taken into consideration.
5. 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.
6. 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.
7. 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*.
8. In view of the above if the permit is not suspended, the appellant Local Council 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