

The Environment and Planning Review Tribunal.



**PA/09110/19
Ted Mizzi I.D. No 0063256G**

Vs.

Planning Authority

**Appeal by Ted Mizzi Identity card no 0063256G
Location of Appeal: Citistar, Triq Karlu Galea & Triq I-Universitas, Rabat, Gozo**

This is the appeal by applicant from the decision on the reconsideration of application PA9110/19 which requested the reconsideration of Condition 9 of the permit and which reconsideration was refused by decision of the 18th May 2022.

The applicant had provided sufficient parking spaces to cater for the entire mixed-use building as can be ascertained from the previous drawings submitted. The parking spaces required were to be catered for through the provision of a proposed basement and sub-basement.

Following the Planning Authority's consultation with the Superintendence of Cultural Heritage (SCH), the latter insisted that no excavation whatsoever was permitted to take place due to archaeological features found on site during the archaeological evaluation requested by the SCH.

Given this rigid condition imposed by the Superintendence of Cultural Heritage and in order to safeguard the features on site, the applicant had no other option but to omit the excavation and parking spaces from the proposal. The applicant has conceded to the removal of the proposed parking spaces to his detriment since having parking spaces was a pivotal part of the project. The decision to omit the basement garages was imposed onto the applicant.

I would also like to point out that the same street as the site subject of this application is laden with development including numerous basements and semi-basements. In fact, a permit for development, PA3000/16, directly adjacent to the applicant's site has been approved with a basement. Despite this, the applicant still conceded to the omission of the basement garages.

It is also important to bear in mind that the applicant had already paid a bill of €29,619.08 to the Planning Authority. This bill included the payment for the proposed underground garages. Thus the applicant had already paid to provide parking areas, a fee he paid for in vain since he had no other option but to remove the basement garages.

The applicant moreover wants to point out that the Superintendent of Cultural Heritage when taking his decision had assured the applicant that there would be no further costs involved in the decision taken. The payment of a salacious fine in lieu of the provision of parking was expressly discussed with the Superintendent who had promised the applicant that there would be no such fine for him to pay. Moreover, applicant points out that had he been allowed to carry out the development as originally intended there would be a considerable advantage to applicant and no parking fine for him to pay. The applicant is therefore insisting that the fine has been improperly imposed on him and should be removed.



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Appellant: Peregrine, Triq Karlu Galea, Rabat, Gozo, VCT2600.