



30th July 2022

**The Environment and Planning Review Tribunal**

*Nru. ta' l-Applikazzjoni:* PA/1450/22

*Lokazzjoni:* Spinola Park, Triq Michelangelo Borg, Triq Lapsi, San Giljan

*Proposta:* Proposes extension to existing Class 4A offices at levels 4 and 5 following approval of PC 69/20

*Ref. Taghna:*

*Ref. Tribunal:*

**Equinox Ventures Limited**

**vs**

**L-Awtorita' ta' l-Ippjanar**

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2022.
- II) This application was approved by the Commission and the decision was published on the 6<sup>th</sup> July 2022.
- III) The appellant feels agrieved by the imposition of condition 5 of the said permit and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- o A copy of the decision notice (Dok JA1).
- o Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

- 1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.
- 1.2 In imposing the said condition, the authority failed to apply the provisions of article 72(2) of Chapter 552 of the Laws of Malta and also failed to apply other relevant provisions of law and policies.
- 1.3 The development in question houses a public car park which has been in operation for a number of years. Hence the applicant presented sufficient documentation to prove the manner and patterns through which the said car park is being used.
- 1.4 The imposition of the payment of a CPPS contribution for a site that houses a public car park contradicts the same reason why the site in question provided a public car park in the first place.
- 1.5 Reference is made to the reply to the DPAR at document 76a which further expands on the reasons for which this appeal is being lodged.
- 1.6 The failure to implement the requirements of NHSJ02 by public authorities cannot be used as a reason to mitigate against the reasoning of the applicant since it can clearly and easily be shown that the objectives of policy NHSJ03 have and are being met by the public car park of this site. Arguments that people prefer to park for free are frivolous arguments and again defeat the objectives of the said two policies, and such arguments coming from the Planning Authority hardly show any desire or will to understand the dynamics of how the site has, over the years, successfully contributed to the parking requirements of the locality.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke condition 5 of the decision notice as afore-said and consequently order the Authority to issue the relative amended

permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



**Av. Ian J. Stafrace**

**Witnesses:**

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



**Av. Ian J. Stafrace**  
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**Old Bakery Street**  
**Valletta**