



ST. FRANCIS DITCH  
FLORIANA

**ENVIRONMENT AND PLANNING REVIEW TRIBUNAL**

Case Ref: PA/06627/21

Application type: Full development permission

Applicant: Mr Charles Cassar

Architect: Perit Deborah Busuttill

Proposal: To excavate site to construct garages for private cars and reservoir at basement level and four terraced houses with swimming pool at ground, first and receded floor level

Location: Birbuba Residences, Triq Birbuba, Gharb

Appellants: Maurice Apap – 33, Triq Birbuba, Gharb  
Marie Charmaine Apap – 33, Triq Birbuba, Gharb

**THIRD PARTY APPEAL – REQUEST FOR SUSPENSION**

Whereas the appellants humbly submit, and premise as follows:

That the appellants are third-party registered objectors and interested parties for all intents and purposes at law.

That contextually with this application, the appellants are filing an appeal from the Planning Commission’s decision on the application for a full development permission, which decision was published in the Government Gazette on the 13<sup>th</sup> July 2022.

That the appellants are hereby requesting the suspension of the execution of the permit for the following reasons:

1. Through this appeal the aggrieved appellants are requesting the tribunal to revoke the Planning Commission’s approval of this permit, in part, to prevent the unjustified loss of extensive soil in the ODZ that would result if the development were to be implemented.

Once rendered executable, works will necessarily commence from the removal of this very substrate that the appellants maintain must be preserved and retained in situ as stemming from the grounds of appeal presented.

Failure to suspend the permit would result in the soil being removed and discarded before the appeal has even been decided, rendering this whole process futile.

Such an outcome would in effect strip the appellants of their legally given right to appeal and clearly result in a much greater prejudice to the appellants in comparison to that of the applicant if the permit were not immediately suspended.

2. Failure to suspend the permit would result in the tribunal being unable to carry out a site inspection to take consideration of the ODZ portion of the site in its current existing state, which state this appeal seeks to ensure the preservation of, in line with the applicable policies cited in the appeal.

In view of the above the appellants humbly request this Honorable Tribunal to suspend the execution of the permit under the terms and conditions as it deems fit.



Perit Tara Cassar  
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