

14th October 2022

The Environment and Planning Review Tribunal



Nru. ta' l-Applikazzjoni: PA/7116/20

Lokazzjoni: 32, Il-Palazz, off Triq Ras il-Wardija, Wardija, San Pawl
il-Bahar

Proposta: Sanctioning of excavation on-site to form parking area and proposed conversion of the same parking area into an underground reservoir and parking area with overlying soft landscaping. Sanctioning of solar panels and proposed removal of tents used of parking bays.

Ref. Taghna:

Ref. Tribunal:

Maurice Meli Bugeja

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2020.
- II) This application was refused by the Commission and the decision was published on the 28th September 2022.
- III) The appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- 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 refusing this application on the basis of a wrong interpretation and application of the policy, 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 Sped which mitigate in favour of the proposal.
- 1.3* The proposed development is ancillary to the permitted use of the property in question and hence should be acceptable.
- 1.4* The proposed development satisfies all other applicable criteria and requirements that are necessary for this development to be favourably considered and approved.
- 1.5* The authority ignored the context of the development in question and the relation of the proposed development to the legitimate building. The property in question is not a mere rural building but a palazzo built on land that is outside of the development boundaries. The proposed development does not detract from the context of the said building and the additional take up of land does not compromise the rural context of this building.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to issue the relative 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.



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