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Our Ref: 17210

7th December, 2022

The Secretary
Environment and Planning Review Tribunal
Saint Francis Ravelin
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
9 DEC 2022
ST. FRANCIS DITCH
FLORIANA

Dear Sir,

PA 3446/21 - Appeal against post decision request by Planning Commission

Please refer to the request for payment of a Planning Gain imposed on the approval of the application of my client Mr. Stephanie Baldacchino relative to proposed works at Zejtun.

A planning gain of € 12,600.00 was imposed on this application which was calculated as follows:-

- € 7,000.00 imposed because façade was not retained
- € 5,600.00 was imposed because 500 square meters of building was demolished which in a previous permit PA 3455/18 was indicated to be retained

We consider the imposition of this planning gain as being extremely unfair because:-

- i. The demolition of the property was **not** carried out by Ms. Stephanie Baldacchino but by a previous owner. Whilst Ms. Baldacchino was unaware that all works were not carried out according to the permit and she has requested sanctioning she understand that she has to pay a fine for sanctioning but definitely not a planning gain for works which were carried out by others
- ii. In the original permit PA 3455/18 no guarantee was imposed to ensure that the old building is retained. This shows that in the original application although part of the existing building was shown to be retained this was only done not because it was imposed on the

applicant but because the applicant decided to retain the old building

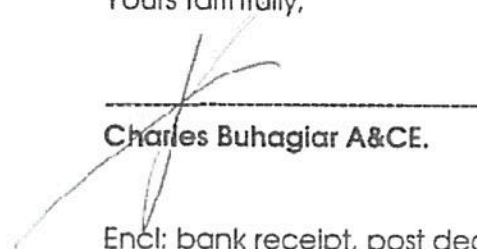
- iii. In her approved application Ms. Baldacchino is to construct a true and exact reconstruction of the original building. Ms. Baldacchino therefore should not be punished if she intends to build a replica building
- iv. The original owner had decided to demolish the existing building because it was built circa three courses below road level. This meant that the existing walls were very humid. To eliminate this problem original applicant had to increase the floor level of the existing building and raise it up to road level
- v. In the original permit the existing façade was not meant to be retained in its original condition but alterations to the façade had been approved. Hence, it is unfair to impose a planning gain on Ms. Baldacchino because the original façade was not retained when the retention of the original façade was not a condition of the first permit

For these reasons we consider the imposition of the planning gain as being most unfair since works for which it was imposed were not carried out by Ms. Baldacchino.

We would therefore like to respectfully request that the request for a planning gain be withdrawn.

May I also kindly request that this appeal be heard with urgency because Ms. Baldacchino is suffering great financial costs because she has not commenced works.

Yours faithfully,



Charles Buhagiar A&CE.

Encl: bank receipt, post decision requirements, site plan

c.c.: Ms. Stephania Baldacchino