



19th December 2022

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/7547/20

Lokazzjoni: Site at, Triq tal- Balal c/w/Hwawar c/w Triq Hal Gharghur, Iklin

Proposta: Construction of car washing facility, including solar panels on roofs and underground water reservoir.

Ref. Taghna:

Ref. Tribunal:

Andrew Gauci

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 23rd November 2022.
- III) The appellant feels aggrieved 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 enhancing and consolidating development in developed areas.
- 1.3* The proposed development is in line with the local plan policies regulating the site, and is not contrary to the provisions of the applicable policies.
- 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 intended use cannot be accommodated elsewhere since the use can be detrimental to neighboring uses and sites and certainly can't be sited in an area that is designated for development.
- 1.6* It is important to note that the proposal relates namely to an activity which is compatible with the area and also in line with permits that have been issued in the immediate vicinity of the area in question.
- 1.7* The proximity of the said site to other uses is indicative of the considerations made by the Authority of the immediate vicinity of the site in question.
- 1.8* Similar and identical proposals were approved in numerous cases. Hence even by applying the principle of paribus ceribus, and namely that similar situations ought to be determined in the same manner, the Authority was manifestly wrong in refusing this proposal.

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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