

Environment and Planning Review Tribunal



PA/05586/22

Application of Appellant for the suspension of the permit

**APPLICATION REQUESTING SUSPENSION OF PERMIT :**

Whereas appellants humbly submit and premise as follows:

1. That this application for the suspension of the permit is being submitted together with an appeal from the Planning Commission's decision on the application for development permission application **PA/05586/22**
2. That appellants are third party registered objector and interested persons for all intents and purposes at law.
3. That the appellant is aggrieved by the decision referred to above will result in a development which impinges upon the residential amenity of the locality and the context of the UCA in the vicinity.
4. That the applicants feel that the decision of the commission was not impartial given its decision was based on a previous decision that is currently under appeal we are referring to PA/07743/20 and therefore feel that the commissions' decision, went against the Maltese constitution on the right to secure protection of the law article 39. In this circumstance the planning commission could not have given a fair hearing on this case.
5. The residents informed the PA that the planning application notices got removed at least a week before the end of the consultation period, no action was taken by the commission or planning authority in form of fines or re-

submission. The authority is promoting abuse and not enforcing the notices as required by law.

6. That the permit holder will not suffer any disproportionate prejudice if this permit is suspended as the time limits for the hearing of this appeal will be abbreviated and he will benefit from legal certainty in a shorter period of time.
7. That the appellants cannot avail themselves of any alternative interim remedies whilst appeal proceedings are underway, because the remedy provided is that of requesting a suspension under Chapter 551 which is the special law pertaining to the situation. The principle that a special law supersedes general law must be respected - *Lex specialis derogat legi generali*.
8. In view of the above if the permit is not suspended, the appellants and the locality it represents will suffer **disproportionate inconvenience and prejudice** during this time as the development will be completed and it is unlikely and improbable, if not impossible for it to be reversed.

For these reasons and others which may result during the hearing of the case, the appellants are humbly requesting this Honorable Tribunal to suspend the permit granted and to give such other directions as the Tribunal may deem fit.

Yours faithfully,

Ms Sandra Gojal, Matthew Aquilina,