



MUSCATMIZZI
ADVOCATES

52, Old Bakery Street
Valletta, Malta

Environment and Planning Review Tribunal
Attn: The Chairperson
Block B St Francis Ditch,
Floriana

ENVIRONMENT AND PLANNING
REVIEW TRIBUNAL
RECEIVED
- 6 JAN 2023
ST. FRANCIS DITCH
FLORIANA

5th January 2022

Development PA/02996/22 - Demolition of existing villa and proposed construction of two villas with underlying basements. Proposal includes subdivision of existing plot into two.

Applicant: Arvin Camilleri and Miguel Camilleri

Site: Axtart, Sqaq L-Imtamar, Marsaxlokk

We write to submit a request to suspend the decision of the above-captioned planning process on behalf of Andreas Wil Gerdes (holder of identity card number 26273A), who was registered as a representee, (hereinafter referred to as the "Appellant"), pursuant to, and in terms of, Article 33 of Chapter 551 of the laws of Malta.

That the Appellant is concurrently submitting an application to appeal the decision of the Planning Commission.

That the Appellant draws attention to the appeal application, which includes a number of serious grievances, and which should be taken into consideration by this Honourable Tribunal together with this application made in terms of Article 33.

The appellant feels that the grievances in the appeal application make it amply clear that the number of irregularities, incomplete submissions, and incorrect information provided by the applicants at the application stage, demonstrate that the prejudice suffered by the Appellant would disproportionately be greater than the prejudice suffered by the permit-holder if the execution of permit is not suspended during the course of these proceedings.



That this is being said on the basis of the following grounds:

1. The Appellant lives in the building that adjoins the site, sharing a boundary wall, and if the development is allowed to go ahead during the course of the appeal proceedings, the vehicle movement generated by the demolition of the existing building and eventual construction of the new building would present a traffic hazard to the Appellant due to the narrow alley leading to the site. As pointed out in the appeal application, the applicant gave incorrect information on the width of the alley, and the alley is in reality so narrow (only 2.4 metres) that any vehicle manoeuvring in and out of this alley would create difficulty and a potential hazard to the Appellant as he drives in and out of his residential home.
2. That the applicant has prejudiced himself by submitting incorrect information on the width of the alley, and that this information (as pointed out in the appeal application) made a material difference to the approval of the permit. Submitting incorrect information at the application stage is a very serious error which should carry with it serious consequences. In this case, Transport Malta, as well as other statutory consultees', provided their submissions based on incorrect information. It would therefore be disproportionate if the applicant is allowed to proceed with the development when the permit itself is vitiated by a fundamental error in the measurement of the width of the access road.
3. That the site lies in an extremely sensitive zone, situated within the Area of Archaeological Influence of Tas-Silg archaeological site, and lies only 100 metres from the medieval church and monastery dedicated to the Madonna Tas-Silg. The approved permit, with its render finish, would have a major negative visual impact on the panoramic views of the monastery and church of Tas-Silg. It would also impose itself negatively in the cultural landscape.
4. That it is the Appellant who has already been prejudiced by the incorrect information on the width of the alley, given that the alley runs along the boundary wall of his property.



5. That the execution of the permit entails excavation in an Area of Archaeological Influence that would be subject to archaeological monitoring, a condition imposed by the Superintendence of Cultural Heritage. As such, the prudent decision would be to suspend the execution of the permit so that no excavation in a sensitive zone is carried out if the permit is revoked by the Tribunal. This is a prudent precautionary principle given the archaeological and cultural sensitivity of the area. This is especially so because any excavation is irreversible should the permit be revoked.

For the above reasons, as well as the reasons enunciated in the appeal application, the Appellant humbly requests that the execution of the permit is suspended until this appeal is decided pursuant to terms of Article 33 of Cap 551.

Adv. Joseph Mizzi

For appellant

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