

Environment and Planning Review Tribunal

PA 1824/21

Application of Appellant for the suspension of the permit



APPLICATION REQUESTING SUSPENSION OF PERMIT :

Whereas appellanta 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 1824/21
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 character of Gharghur and the surrounding context.
4. Moreover the development approved is not in accordance with plans and policies and that incorrect information has formed the basis of the Planning Commission's decision. This is especially pertinent in relation to the rubble walls and tree on site - reference to which was omitted by the applicant. If this permit is not suspended they will be destroyed at once. This is also the subject matter of one of the grounds of the appeal.
5. 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.

6. 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 supercedes general law must be respected - *Lex specialis derogat legi generali*.

7. 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 Honourable Tribunal to suspend the permit granted and to give such other directions as the Tribunal may deem fit.

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