

ENVIRONMENT AND PLANNING REVIEW TRIBUNAL

Case Ref: PA/00085/21
Application type: Full development permission
Applicant: Titan Developments Limited Attn: Mr Victor Hili
Architect: Perit Ray Demicoli
Proposal: Proposed excavation of site to required levels, proposed construction of basement garages to accommodate 61 car spaces and 38 overlying residential apartments including landscaping.
Location: Site at, Triq il-Qortin, Nadur
Appellant: Din I-Art Helwa

**REQUEST FOR THE SUSPENSION OF EXECUTION OF PERMIT**

Whereas the appellant humbly submits and premises as follows:

That contextually with this application the appellant is filing an appeal from the Planning Commission's decision on the application for full development permission published in the Government Gazette on the 15th of February 2023.

That the appellant is hereby requesting the suspension of the execution of the permit for the following reasons:

1. 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.
2. 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*.
3. In view of the above if the permit is not suspended, the appellants and the locality they live in 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.

In view of the above the appellants humbly request this Honorable Tribunal to suspend the execution of the permit under the terms and conditions as it deems fit.

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