



ENVIRONMENT AND PLANNING REVIEW TRIBUNAL

ST. FRANCIS DITCH  
FLORIANA

Case Ref: PA/08743/21  
Application type: Full development permission  
Applicant: Mr Simon Grech  
Architect: Perit Frank Muscat  
Proposal: The proposed works consist in demolition of the existing disused building, excavation of site and construction of Class 2A nursing home, including 5 floors above ground plus roof, a semi-basement and a basement level. The proposed development envisages to include a total of 57 rooms and the provision of 14 underground parking spaces. Also, ancillary facilities include 6 clinics/offices, a dining hall, a chapel, a kitchen and a morgue.  
Location: Cupid Buildings, Triq Fortunato Mizzi c/w, Triq I-Universitas, Rabat (Gozo)  
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 19<sup>th</sup> April 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. The appellant is through the process of this appeal aiming to overturn the approval of the excavation and development of land schemed as a front garden and subsequently that of the approved layout impacting this space. It will be near impossible to reverse any works carried out at the basement levels in question without having to demolish and rebuild a large extent of anything constructed above. Under no circumstances can such interventions be deemed easily reversible.

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.

Perit Tara Cassar  
*tara.cassar@gmail.com*