

Mr Martin Saliba,  
Chairman,  
ERPT,  
Floriana,



Appeal from refusal of PA 7027/17

Proposal: Proposed extension of outdoor catering area Class 4C on public open space (parking spaces) comprising of tables, chairs and timber platform.

Location: Casa Caruana Dingli, Triq Il-Kbira, San Giljan

The above mentioned application was refused for the following reasons:

1 The proposed outdoor catering area runs counter to paragraph 2.3 of the Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Space, since Transport Malta and the Malta Tourism Authority, which are permitting Authorities are objecting to the proposal.

2 The proposed outdoor catering area runs counter to Policies 4, 8, 9 and 10 and Standard 3 of the Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Space, in that this will not safeguard the safety and comfort of the patrons against vehicle conflict, noise and air pollution, will detract from the amenity of the location and its surrounding and will be a traffic hazard. The proposal therefore also runs counter to the SPED Urban Objective 3 which aims to protect and enhance the character and amenity of urban areas.

Before addressing the above reasons of refusal, it is pertinent to note that the following consultees have signalled their endorsement as follows:

Superintendence of Cultural Heritage: The SCH does not object to the placing of tables and chairs as proposed, provided that these are carried out in keeping with the policies, guidance and standards for outdoor catering on public open spaces (doc. 49A).

EHD: no objection, subject to conditions (doc. 51A). CRPD: objection (doc. 52A). This proposal can be exempted, in that the proposed development is not within an enclosed space.

DAC: not averse to the proposal (doc. 53A).

As to the first reason of refusal, we refer to the attached clearance letter from Transport Malta referring to the latest block plan, which solved all issues, including that with MTA and with the second reason of refusal.

It is pertinent to note that while the clearance from TM was obtained the day the DPAR was concluded, the Commission chose not to defer the application to allow the applicant to obtain clearance from MTA and for the Directorate to assess the new drawing accordingly.

As far as safety matters are concerned, TM is the Authority that assesses and decides whether a proposal is in order or not, and here we have obtained their consent.

When compared to the other numerous permits for tables and chairs that have been issued in the same stretch of land, this proposal is surely a huge improvement and a valid proposal, side by side by another set of tables of chairs, also because it includes traffic calming measures such as a pedestrian crossing, improved junction and bay for un/loading purposes. This proposal also removes the parking of cars at 90 degrees to the ongoing traffic which is currently extremely cumbersome and dangerous to traffic and pedestrians since no pavement is existing.



PERIT ELENA BORG COSTANZI