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Date: 16.8.2021

The Chairperson  
The Environmental and Planning Review Tribunal  
St. Francis Ravelin,  
Floriana

PA 01500/21

Client: Mr. Alex Axisa

ENVIRONMENT AND PLANNING  
REVIEW TRIBUNAL

**RECEIVED**  
18 AUG 2021

ST. FRANCIS DITCH  
FLORIANA

**Appeal from refusal decision**

I refer to the application for development that included the Change of use from domestic store to Class 4D snackbar in an area designated for Industrial Purposed.

I refer to the EPC session held on the 7<sup>th</sup> July 2021, for which I had to be absent myself for 20 minutes - 10.10 am - 10.30 am due to an urgent call. To my surprise my file was discussed in my absence and eventually refused. To add insult to injury, when I went back online, the EPC board was checking which Periti were online to discuss their files. This is the first time that this occurred to me as it is normal practice that in case of refusal recommendations, files are skipped temporarily until the Perit is available.

My arguments against the refusal recommendation could thus not be heard by the EPC board. I find this very unfair as I had issues to discuss, mainly

1. That the proposed use is generally acceptable in industrial areas as per policy CG15 of the Central Malta Local plan and although zoning QO08 limits the Class 4D use the applicability of the General Policy relating to Regeneration/Consolidation Initiatives", was applicable to this site. Moreover other commitments are present in the same zoning as per Doc 1A attached.
2. The second reason for refusal relates to the extraction flue that is considered to be too low stating that *'The proposed development runs counter to the provisions of Policy P53 of the Development Control Design Policy, Guidance and Standards 2015 which specifies that chimneys must terminate at a level 3 metres higher than any building within a 25 metre radius.*

As indicated in DOC 1B attached, the only building that is higher than 2 floors in the area in the building marked XX on the same plan. This building is industrial in nature and although within the 25m radius, no apertures overlook the site in caption.

If the board still had to consider this as an issue, carbon filtration would have been proposed as an alternative solution. This was however being left as a last resort as

my client felt that the flue was high enough to be able to dissipate any fumes away from nearby buildings.

After considering the argumentation raised above I leave the case to the honorable board to overturn the refusal decision and give my client the opportunity to proceed with his small initiative to be able to provide fresh snacks to this degenerating zone that needs proper regeneration. Mr. Axisa's intention is to set a standard of quality through the provision of healthy food initiatives as opposed to the multitude of unhealthy takeaways that are sprouting in each corner of the Island.

A handwritten signature in black ink, appearing to read 'Poulton' with a large initial 'P'.

Thank You  
Pierre Poulton  
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