

30th December 2021

The Environment and Planning Review Tribunal



Nru. ta' l-Applikazzjoni: PA/5456/21

Lokazzjoni: 66, Triq il-Rebbiegha, St. Paul's Bay

Proposta: To place tables and chairs on a demountable timber platform with bollards and umbrellas and a fixed retractable awning.

Ref. Taghna:

Ref. Tribunal:

Mario Vella

vs

L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2021.
- II) This application was refused by the Commission and the decision was published on the 7th December 2021.
- III) The Appellant feels agrieved by this decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

- A copy of the decision notice (Dok JA1).
- Receipt of Payment (Dok JA2).

The appellant respectfully submits the following:

1.1 The Authority wrongly applied the provisions of the law and policy regulating this site.

1.2 In refusing this application the Authority went contrary to the principles entrenched in the OCA on Public Open Spaces.

1.3 The fact that the TM did not endorse this application should not, on its own have served as a reason for refusal, especially when the TM issued clearances in identical situation in PA 792/17; PA 1997/17, PA 6495/17 and PA 5008/17. Reference is made to document 87B submitted by the applicant which show clear and obvious commitments in situations which are identical to the case in question and in situations which are more critical than the site in question.

1.4 The latest drawings submitted by the applicant provided full accessibility and the Authority ought to have consulted with the CRPD on any issues that were pending, if any. In any case accessibility is a matter that can be addressed and will be addressed like with all other developments.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to revoke the decision of the Commission, and consequently order the Authority to issue the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect

A handwritten signature in blue ink, appearing to read 'Av. Ian J. Stafrace', written over a light blue horizontal line.

Av. Ian J. Stafrace

Witnesses:

1. Appellants, and consultants and consultees and officers of the Authority to confirm the facts.



Av. Ian J. Stafrace
9/4 Britannia House
Old Bakery Street
Valletta