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ENVIRONMENT AND PLANNING ARCHITECT & CIVIL ENGINEER
REVIEW TRIBUNAL

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FLORIANA

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OUR REF: 5962
PA REF: PA/02959/20
DATE: 25 March 2022

The Chairman
Environment & Planning Review Tribunal
Floriana

Application No. PA/02959/20
Location: Site at off, Triq l-Imgarr, Xewkija
Proposal: To sanction the request to occupy site
for the placing of kiosk selling
beverages and snacks.

APPEAL AGAINST REFUSAL

I write on behalf of Mr Brendon Portelli of 'Narcis' Triq San Gwann il-Battista, Xewkija, Gozo, in order to file an appeal from the decision dated 15 February 2022 and published on 2 March 2022 whereby my client's application was refused. The application is in respect of the above mentioned development.

The application was refused for the following reasons:

1. *The proposed kiosk is located approximately 10 metres from Triq L-Imgarr, an arterial road and thus can cause problems of congestion in this road, which would result in a lack of pedestrians/clients safety and lack of visibility to drivers, as also argued by Transport Malta. The proposal is counter to paragraphs 5.6 of the Supplementary Guidance for Kiosks and Article 72 (2f) of the Development Planning Act (Chapt 552), which requires that the Planning Board shall have regard to recommendations made by consultees.*
2. *The proposal runs counter to paragraphs 5.2, and 5.8 of the Supplementary Guidance for Kiosks in terms of siting and size.*

Applicant kindly submits that the above reasons for refusing his application are unjustified for the following reasons:

1. There are a great number of parking spaces available (see block plan in doc. 1b) and these are only used during football matches.
2. Most of the parking spaces are empty during the week and hence the placing of the kiosk in one parking place as shown in doc. 1b, will not have any adverse impact on the parking spaces available.
3. Clients are safely served from the existing pavement and are at no risk to vehicular traffic.
4. The kiosk will be occupying one parking space and hence will not obstruct visibility to drivers.
5. Applicant has acquired the Lands Authority clearance, GLA12A/2019/0140 (see doc. 10c) to sanction the site for the placing of this kiosk selling beverages and snacks.

In view of the above submissions, the Tribunal is requested to overturn the refusal and grant the permit requested by my client.

A copy of the relative decision and of the site plan are being herewith attached together with the form attesting payment of the fee.



Perit Emanuel Vella
c.c. Planning Authority