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Mr. Chairman,
Environment and Planning Review Tribunal.



Proposal: PA 476/21: To Sanction the erection of an external aluminium enclosure.

Location: Army & Navy, No. 1, Ix Xatt ta Tigne, Sliema.

Recommendation: Refuse for the following reasons as follows:

The proposed Outside Catering Area runs counter to the Policy, Guidance and Standards for Outdoor Catering Areas on Public Open Space, Policy P21 in terms of lack of safety for pedestrians. The proposal, which is being objected to by Transport Malta runs also counter to Article 72 (2f) of the Development Planning Act (Chapt 552), which requires that the Planning Board shall have regard to recommendations made by consultees.

We are appealing this decision for the reasons which are listed as follows:

Similar applications which are at close proximity and along the same street of this proposal and which had been approved by the Planning Authority as listed below:

PA 4034/20: To sanction outdoor canopy with alterations and to sanction difference in tables and chairs area at No.18, Ix -Xatt ta' Tigne Siema,

and

PA 9414/18: To sanction relocation and extension of table and chairs and canopy on public open space at No 19, Café Oasis, Ix Xatt ta Tigne Sliema

Similarly, both these approved applications sought to sanction an aluminium/glass enclosure canopy which are identical to this proposal. In both these two occasions TM did not object to the said proposals.

Also:

On the 4th March Transport Malta objected to this proposal on the basis that this enclosure obstructed pedestrian passageways. During the period between 4th of March and 19th April we contacted TM in an effort to determine the reasons for this refusal and to point out the fact that:

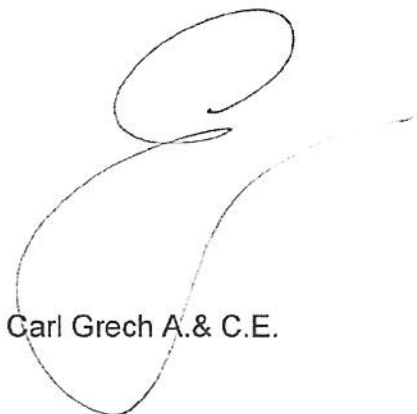
1. This proposal allowed a clear and unobstructed pedestrian passageway of 1.50m.
2. To clarify the said 'lack of safety' such that we could rectify accordingly if possible.
3. Pointed out that when we researched other proposals on the same stretch of street, these were found to be identical to this proposal and consequently we could not acquire any information in this regard and consequently we could not alter/rectify any shortcomings as to render this canopy safe to pedestrians.
4. That the final proposal satisfied the requests from CRPD.

Whilst awaiting feedback from TM, on the 19th of April 2020 a second objection was received from Transport Malta. This happened to occur just one day before the DPA report was issued with a recommendation for a refusal.

The relatively short period between these two decisions allowed us no time to re-initiate discussions with TM nor did we have the time to temporarily suspend the PA application for us to be able to proceed with these discussions.

I trust that these reasons as listed above are sufficient enough for us to appeal the decision of the Planning Authority which refused this proposal which as objected by Transport Malta runs counter Article 72(2f) of the Development Planning Act (Chapt 552), which requires that the Planning Board shall have regard to recommendations made by consultees.

Yours truly,

A handwritten signature in black ink, appearing to be 'Carl Grech', written in a cursive style. The signature is positioned above the printed name 'Carl Grech A.& C.E.'.

Carl Grech A.& C.E.