



11th January 2023

The Environment and Planning Review Tribunal

Nru. ta' l-Applikazzjoni: PA/2114/22

Lokazzjoni: King's Gate Arms, Triq tal-Hriereb, Msida

Proposta: Proposed removal of existing solid pavement platform and replace with a temporary timber platform, increase in area by 5sqm and shift to within extent of restaurant façade, placing of tables and chairs and install temporary and demountable retractable canopy.

Ref. Taghna:

Ref. Tribunal:

Emanuel Stivala
 vs
L-Awtorita' ta' l-Ippjanar

The appellant respectfully submits:-

- I) The applicant made the submission of this application in 2022.
- II) This application was refused by the Commission and the decision was published on the 14th December 2022.
- III) The appellant feels aggrieved by the decision and is hereby submitting this appeal.

Together with this appeal, the appellant is submitting:-

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

The appellant respectfully submits the following:

- 1.1 It is clear that the application should have been considered acceptable to the Authority on the strength of the applicable policies which are clear in enabling the proposed development and also on the strength of an identical permit issued on a site within touching distance from the site in question.
- 1.2 The Authority could not and should not have refused the application simply because it intensifies the use, since the current use is a legitimate use and hence the current application consolidates and complements the said use.
- 1.3 Reference is made to PA 6630/21 which is in Triq il-Hriereb c/w Triq tal-Qroqq and the current application should have been considered in the same way that this application was determined and decided by the same Commission within the Authority.
- 1.4 The Considerations that lead the Transport Authority not to favourably consider this proposal are manifestly wrong and contain facts that do not represent the actual facts of the application, such as consideration no. 2, 3 and 4. It is likewise unconscionable how this proposal was deemed unsafe when the proposal of PA 6630/21 which lies in a corner, was deemed adequate.
- 1.5 It is thus evident that the proposed development is acceptable in the area in question.

In view of the above, and further submissions that the appellant reserves to make, the appellant requests the Tribunal to annul the decision of the Commission, and order the approval of the application in question and hence the issue of the relative permit, and this under those terms and conditions that the Tribunal may deem appropriate.

With Respect



Av. Ian J. Stafrace

Witnesses:

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



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