

Copy of Original Non Executable Permit

No development may be carried out under the powers of the following development permission.

Ebda żvilupp ma jista' isir bis-saħħa tal-permess għall-iżvilupp segwenti.

Mr. Jonathan Scerri
CEO obo Wasteserv Malta Ltd
EKO Centre
Latmija Road
Marsascale MSK 4613

Date: 23 September 2013
Our Ref: PA/01294/12

Application Number: PA/01294/12
Application Type: Full development permission
Date Received: 18 May 2011
Approved Documents: PA 1294/12/1e/105b/105c/105d/105e/105f/105g/105h/105i/105j/105k/105n/105o/105p/210a; and supporting documents:
PA 1294/12/82b - Superintendent of Cultural Heritage Conditions
PA 1294/12/101a - Environmental Health Directorate Conditions
PA 1294/12/104a - Civil Protection Department Conditions

Location: Site at, Ta' Hammud, Naxxar, Malta
Proposal: Construction of biological treatment plant and manure (animal husbandry) treatment plant, including site offices / control rooms and circulation roads.

**Environment and Development Planning Act, 2010
Full Development Permission**

The Malta Environment & Planning Authority hereby grants development permission in accordance
PA/01294/12
Print Date: 23/10/2013

with the application and documents described above, subject to the following conditions:

- 1 This development permission is subject to a bank guarantee to the value of €250,000 (two hundred and fifty thousand Euro) to ensure compliance with the conditions imposed in this permit. The total amount of the guarantee shall be released to the applicant only after completion of the development hereby approved and upon confirmation by the Malta Environment and Planning Authority that the requirement of this condition has been complied with in full. If this condition is not complied with, then the total amount of the bank guarantee shall be forfeited. Its forfeiture would not, however, preclude the Authority from taking any action to ensure that the conditions of this permission are adhered to and the approved drawings/documents are complied with.

2 **Reserved Matters:-**

- (i) Within twelve(12) months from the publication date of this development permission and prior to the commencement of any works on site, the following shall be submitted by the applicant for the assessment and approval of MEPA:

(a) **A Construction Management Plan (CMP)**

The Construction Management Plan shall show: all construction access points; storage areas for materials and plant; a construction programme, including details of the timing and phasing of the development, how demolition, excavation and development is to be carried out; protection measures for retained buildings, structures and landscapes; protection measures for the safety of pedestrians/vehicles; the location of disposal sites for material from demolition and excavation, and the means and routing of transport to disposal sites; and a traffic management scheme for the area affected by the development and the construction traffic. The CMP shall also address what mitigation measures will be employed to ensure no nuisance from dust emissions and noise. The CMP shall include a monitoring programme in agreement with the Local Council and the Resident's Committees of the area. The monitoring programme shall include the monitoring focal person.

(b) **Works Monitoring Programme** addressing mainly the following aspects:

- Cultural heritage/archaeology, particularly the Taz-Żebbuġija megalithic remains;
- Dust monitoring, particularly during the transportation of waste material during the construction phase;
- Agricultural areas;
- Any other issues as considered appropriate by the monitoring consultant or by MEPA.

- (ii) Within twelve(12) months from the issue of this development permission, the following shall be submitted by the applicant for the assessment and approval of MEPA:

(a) **Lighting Plan** to be submitted prior to the commissioning of the site in question. The lighting plan shall ensure that:

- The Security Lighting shall work between sunset to sun rise when the pillar lamps are not in use.
- The Emergency Lighting is to be used at any time according to the needs of

- the emergency required.
- The Pillar Lamps shall be switched after sunset. These can only be used when the plant is in operation and not later than 00:00 hrs

(b) Landscaping scheme

Trees to be planted should conform to the Guidelines on Trees, Shrubs and Plans for Planting and Landscaping in the Maltese Islands. Landscaping shall take into account the landscape of the area and the surrounding ecological characteristics, thus avoiding blind out of context application of the lists appended in the guidelines.

The landscaping plan shall also identify:

- The location of all existing trees and shrubs within the site;
- The location, number and scientific/vernacular names of the trees/vegetation to planted, removed and retained;
- The location of the transplanted trees and trees planted as part of the compensatory planting measures within the sites identified in approved plan PA 1294/12/105B;
- Any measures that will be implemented to prevent damage to any trees/vegetation that will be retained;
- Any earth mounding, fencing and existing rubble walls;
- New rubble walls on site, including relevant representative sections; and
- Soft and hardened surfaces.

(c) Changes to plans

Any changes to the approved structures that do not materially affect the nature of the proposed development, including the massing, overall height and footprint. These amendments will require the approval of the MEPA Board.

3 Monitoring

a) Prior to the commencement of works on site the applicant shall submit for the approval of MEPA (i) a monitoring programme and (ii) nominate an Operational Management Consultant (OMC) who shall have the necessary expertise to ensure that the monitoring programme is fully implemented and that the specialist consultants are present on site when required by the monitoring programme. No works shall commence on site until the OMC is approved by MEPA.

b) The OMC and specialist monitors, required by the monitoring programme and these permit conditions, shall be engaged at the expense of the applicant who shall provide a suitably equipped site office for their use.

c) The OMC shall ensure that the applicant carries out all works in accordance with all permit conditions, drawings and other documents including the Construction Management Plan. The OMC shall notify MEPA immediately of any breach and shall consult MEPA and the applicant on any remedial measures to be taken.

4 Operational Permit

Once the operational permit is in place if there is a conflict between the conditions of this

development permission and those included in the operational permits, the condition of the latter shall take precedence.

5 Access

All vehicular access and related works during both the site-preparation phase (including excavation and construction) and operational phase shall be strictly limited to the land hereby approved for development. **Access to the site shall be strictly limited to Triq Tul il-Kosta.** Vehicular entry onto areas not already designated for development or for ancillary vehicular activity, as well as opening of any new or altered access, is not allowed.

Before any construction works take place, adequate land shall be reserved both for the parking of vehicles engaged in such works and for vehicle access to the site, to the satisfaction of the Malta Environment & Planning Authority. This land shall be kept available for this purpose at all times throughout construction. Lands required for storage or waste dumps shall be identified to the Malta Environment & Planning Authority before such sites are used.

- 6
- a. Before the commencement of the development hereby approved, archaeological field evaluation works may be carried out on the site. The method of excavation and clearance of site shall be as approved in advance by the Superintendent of Cultural Heritage and the Heritage Planning Unit (MEPA). Any further safeguarding measures which may be required shall be completed to an agreed programme, prior to the commencement of development and the approved development shall remain subject to the clearance from the Superintendent of Cultural Heritage if any archaeological findings are encountered.
 - b. The architect/applicant shall inform the Superintendent of Cultural Heritage, and the Heritage Planning Unit (MEPA) in writing at least two weeks before any works are taken in hand. The applicant/architect shall engage an independent and qualified archaeologist (hereunder referred to as the monitor) registered with the Superintendence of Cultural Heritage to carry out all the archaeological monitoring at the expense of the applicant. Prior to the commencement of the development, the applicant/architect shall forward the project work schedule to the monitor, the Heritage Planning Unit (MEPA) and the Superintendence of Cultural Heritage (so that the monitor may plan ahead the monitoring of the works), and shall thereafter facilitate access to the site to the monitor and any other person assigned to assist him. The monitor shall liaise closely with, and report on a weekly basis to, the officers of the Heritage Planning Unit (MEPA) and Superintendence of Cultural Heritage responsible for supervising/monitoring the development. The monitor shall produce and submit to the Heritage Planning Unit (MEPA) and the Superintendence of Cultural Heritage a written report (accompanied by relevant graphic documentation – photos, maps, illustrations and/or other drawings) on a weekly basis.
 - c. The provisions in the Cultural Heritage Act must be observed at all times. Any infilled fissures (debien), caverns, hollows, Pleistocene deposits or other features of potential geological, palaeontological or archaeological interest which are discovered must be reported immediately to the Superintendent of Cultural Heritage and the Heritage Planning Unit (MEPA) and no further works or activity must take place which would disturb these features until the Superintendence of Cultural Heritage has completed its investigations. In such cases, when archaeological findings are discovered,

depending on their extent and importance, the approved development may be required to be amended as requested by MEPA and/or the Superintendent of Cultural Heritage as provided by the Cultural Heritage Act, so as to accommodate preservation in-situ of the discovered archaeological findings as required by Structure Plan Policy Arc 2, and the Cultural Heritage Act.

- d. If the conditions for archaeological monitoring as required by the Superintendent of Cultural Heritage and the Heritage Planning Unit are not adhered to, part of the bank guarantee shall be forfeited.

7 Rubble Wall Demolition Permit

Permission is hereby being granted for the dismantling of the rubble wall(s) as specifically indicated in the drawing at approved Document PA 1294/12/105B, in accordance with the terms of Legal Notice 160 of 1997 (and as amended in Legal Notice 169 of 2004) subject to the following conditions:

- a. Works are limited to dismantling of the rubble wall(s) as indicated on approved Document PA 1294/12/105B.
- b. The works shall not be allowed to result in direct or indirect damage to (or demolition of) any other existing rubble walls other than those covered by this permit, or to any other structure protected by Legal Notice 160 of 1997.
- c. All material derived from the dismantling of such walls shall be collected for re-use on site for the reconstruction of rubble walls on site.
- d. The dismantled dry-stone rubble stones should not be used for cladding and facing of any non-rubble walls or structures except where the contrary is explicitly required by EPD.
- e. This permit for the dismantling of rubble walls is being issued without prejudice to any additional conditions stipulated in all the relevant development permits.

8 Construction of Rubble Walls

The construction and reinstatement of rubble walls shall be carried out strictly in accordance with the requirements of Legal Notice 160 of 1997 (as amended by Legal Notice 169 of 2004), and shall be subject to the following conditions:

- i. Rubble walls shall be constructed using rubble wall material from demolished walls within the site (as per relevant rubble wall demolition permit). The walls are to be constructed in loose, unhewn random rubble stones which stand by gravity and friction without the use of mortar.
- ii. No other extraneous material including concrete, franka blocks, bricks, or disused concrete slabs are to be incorporated into the walls.
- iii. The works required for the construction of the walls in question must not overflow onto, or cause any damage to, the surroundings of the site.
- iv. The works shall not be allowed to result in direct or indirect damage to (or demolition of) any other existing rubble walls or to any other structure protected by Legal Notice 160 of 1997.
- v. Cladding, facing and the use of mortar is not acceptable. In this respect, any mortar already used during the recent construction of existing rubble walls shall be removed.
- vi. No new walls, partitioning of land, encroachment beyond the site boundary, levelling of land, and reclamation of land, are allowed.
- vii. No fences shall be erected on the rubble wall.

9 **Tree Uprooting Permit**

Permission is hereby being granted in terms of the Trees and Woodlands (Protection) Regulations, 2001 (Legal Notice 200 of 2011), for the uprooting of the following protected trees as indicated on approved drawing PA 1294/12/105B:

- a. Almond –Prunus dulcis: nineteen (19);
- b. Carob- Ceratonia siliqua: thirty two (32);
- c. Aleppo pine- Pinus halepensis: one (1);
- d. Italian cypress- Cupressus sempervirens: ten (10);
- e. Fig- Ficus carica: nine (9);
- f. Olive- Olea europaea: one (1); and
- g. Lentisk- Pistacia lentiscus: one (1).

This tree uprooting permission is subject to the following conditions:

- a. This authorisation is only valid for the uprooting and transplanting of the above-identified trees as indicated on approved drawing PA 1294/12/105B. Any deviations therefore shall be discussed with MEPA prior to works and shall be subject to any required permits.
- b. No severe pruning or mutilation of the trees in question shall be carried out.
- c. The uprooted almond, carob, fig, olive and lentisk trees shall be transplanted within areas identified in approved plan PA 1294/12/105B. Compensatory planting to replace the uprooted and transplanted trees which do not survive shall be carried out by planting of five (5) indigenous trees of the same species within the areas identified, within the first planting season.
- d. In view that the uprooting and transplanting of Aleppo pine and Italian cypress trees is not feasible, these shall be compensated for by planting of five (5) indigenous trees per uprooted tree within the areas identified in approved plan PA 1294/12/105B.
- e. In view of their listing in schedule III of the Trees and Woodlands Protection Regulations 2011, the uprooted acacia and eucalyptus trees shall be destroyed and compensated for by planting of two (2) indigenous trees per uprooted tree within the areas identified in approved plan PA 1294/12/105B.
- f. All trees identified to be located within the planters A1, A2, A3 and A4 shall be retained on site without any interventions whatsoever.
- g. The uprooted trees and trees for compensatory planting shall be transplanted on site as part of the landscaping scheme.
- h. All operations shall be carried out under the supervision of an expert in arboriculture and in accordance with good arboriculture practice.
- i. All the relevant provisions as stipulated in Legal Notice 200 of 2011 are to be duly followed (<http://www.mepa.org.mt/file.aspx?f=5995>). A copy of the permit shall be in possession of any person in charge on site during the tree uprooting operation. This permit shall be made available to any official of the Competent Authority, and any duly authorised law enforcement official.

10 **Removal and re-use of soil, and management of waste generated by site preparation, excavation and construction operations**

(a) Any soil on the site shall not be built over and shall be collected for re-use in accordance with the Fertile Soil (Preservation) Act, 1973. A permit from the Director of Agriculture may be required to this effect.

(b) The deposition and reuse of any soil removed from the site shall be approved in advance by MEPA's Environment Protection Directorate if it would involve deposition or re-use in any site which is located Outside Development Zones or within a scheduled or otherwise legally protected site.

(c) Contaminated soils are to be managed and disposed of in accordance with the legal provisions laid down in Legal Notice 184 of 2011 [The Waste Management Regulations of 2011] as amended by Legal Notice 441 of 2011 and L.N. 168 of 2002 [Waste Management (Landfill) Regulations of 2002] and its amendments.

(d) Inert waste material resulting from excavation may be reused as fill material within the site (as long as this is in line with the approved plans and other conditions of this permit), or shall be deposited at facilities (for reuse as hard stone aggregate or backfilling, or as appropriate) permitted by MEPA and in accordance with the legal provisions laid down in Legal Notice 184 of 2011 [The Waste Management Regulations of 2011] as amended by Legal Notice 441 of 2011 and Legal Notice 106 of 2007 [Waste Management (Activity Registration) Regulations of 2007].

(e) All operations concerning the management of waste are subject to the legal provisions of Legal Notice 184 of 2011 [The Waste Management Regulations 2011] as amended by Legal Notice 441 of 2011 and Legal Notice 106 of 2007 [Waste Management (Activity Registration) Regulations of 2007].

(f) Full compositional analysis in order to determine soil contamination levels shall be carried out, in order to determine whether the material is inert, non-hazardous or hazardous. Any soil on the site shall not be built over but shall be collected for reuse. A permit from the Director of Agriculture is required to remove the soil from the site. All soil shall be deposited at the place indicated by the Director of Agriculture. Leaching tests in accordance with Council Decision 2003/33/EC shall then be carried out accordingly.

- 11 During the construction phase, all above ground oil and chemical storage tanks and containers with associated pipework shall be sited and bunded in a manner so as to retain any spillage to the satisfaction of the Malta Environment & Planning Authority.
- 12 A water cistern with a volume in cubic metres of 45% of the total roof area (in square metres) of the building(s) shall be constructed to store rainwater run-off from the built-up area of the development. This cistern shall be completed and available for use prior to the development hereby permitted being first brought into use.
- 13 All processes related to solid waste management, shall be carried out within the permitted buildings.
- 14 The conditions imposed and enforced by the Environmental Health Directorate are at document PA 1294/12/101A. The architect/applicant are required to contact the Environmental Health Directorate, throughout all the construction phases of the development hereby approved, to ensure that the development is carried out in conformity with the conditions imposed by the Environmental Health Directorate.

15 The conditions imposed and enforced by the Civil Protection Department are at Approved Document PA 1294/12/104A . The architect/applicant are required to contact the Civil Protection Department, throughout all the construction phases of the development hereby approved, to ensure that the development is carried out in conformity with the conditions imposed by the Civil Protection Department.

16 The conditions imposed and enforced by the Superintendent of Cultural Heritage are in approved document PA 1293/12/82B. The architect/applicant are required to contact the Superintendent of Cultural Heritage, throughout all the construction and operation phases of the development hereby approved, to ensure that the development is carried out in conformity with the conditions imposed by them.

17 The development hereby permitted shall be subject to Final Compliance (Completion) Certification, verifying that the development has been carried out in full accordance with the approved drawings, documents and conditions imposed in permission. Prior to the issuing of the Final Compliance Certificate for this development, the applicant shall submit to MEPA:

(i) clearance from the National Commission for Persons with Disability verifying that the development fully satisfies the accessibility standards and/or any conditions imposed by the Commission.

Should a partial compliance certificate be requested, a Bank Guarantee of EUR 50,000 shall be imposed to ensure that the final Compliance (Completion) Certificate is obtained.

(ii) clearance from the Civil Protection Department verifying that the development fully satisfies any conditions imposed by the Department in Approved Document PA 1294/12/104A;

(iii) clearance from the Veterinary Regulation and Fisheries Conservation and Control Division verifying that the development fully satisfies any conditions imposed by the Division.

18 **General**

a) All works shall be carried out strictly in accordance with the approved plans and the conditions of this permission. Where a matter is not specified on the plans then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and modify the plans accordingly.

b) This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

c) Before any part of the development hereby permitted commences, the enclosed green copy of the Development Permit shall be displayed on the site. This must be mounted on a notice board, suitably protected from the weather and located not more than 2 metres

above ground level at a point on the site boundary where it is clearly visible and can be easily read from the street. The copy of the permit must be maintained in a good condition and it shall remain displayed on the site until the works are complete.

d) No building material, waste material, machinery or plant shall obstruct the pavement or the smooth flow of traffic on the road in the vicinity of the site. The deposit of materials or the placing of equipment in the street must be authorised.

e) Copies of all approved plans and elevations must be available for inspection on site by Malta Environment & Planning Authority staff at all reasonable times.

f) This development permission is valid for a period of FIVE YEARS from the date of publication of the decision in the press but will cease to be valid if the development is not completed by the end of this validity period.

g) The enclosed Commencement Notice shall be returned to the Malta Environment & Planning Authority so that it is received at least five days prior to the commencement of the development hereby permitted.

h) It should be noted that a third party may have the right of appeal against this permission. Any development which is carried out when such an appeal has been made, or until the time limit for the submission of such an appeal has expired, is undertaken at the risk that this permission may be revoked by the Planning Appeals Board or quashed by the Court of Appeal.

i) The permit is issued on condition that, where applicable, any excavation shall be subject to the requirements of the Civil Code regarding neighbouring tenements.

j) Where applicable, the development, hereby permitted, shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, LN 295 of 2007.

k) The whole exterior of buildings, including all roof structures and all elevations, shall be constructed/retained in local stone, except where other materials, finishes or colours are specified on the approved drawings or documents. Where in local stone, the stone shall remain unrendered and unpainted, and it shall be allowed to weather naturally.

l) No services are to be located on the roof of the building, unless such services are specifically indicated on the approved drawings. Where approved, all services are to be clustered together and surrounded by a 1.5 metres high solid unrendered masonry wall. The services shall not exceed the height of this screen which shall be setback at least 2 metres from all the edges of the level on which the services are located.

m) Except where otherwise indicated on the approved drawings, any approved new boundary walls are to be constructed in a traditional manner (loose, unhewn random rubble stones which stand by gravity and friction without the use of mortar). Unless specified on the approved drawings, the height of any boundary wall shall not exceed 1.2 metres along its whole length, provided that where there is a difference between the levels on either side of the wall, the overall height of the wall shall not exceed 2.4 metres from the lower level and 1.2 metres from the higher level, at any point along its length.

n) Concrete flooring, paving and other hard surfacing shall be limited to the areas where such flooring, paving or surfacing is clearly shown on the approved drawings. All other unbuilt areas are to be left unsurfaced and covered in soil (unless otherwise specified in

the approved drawings or in any other condition of the permission).

The execution and validity of this permission is **suspended** and no works as approved by the said development permission may commence before the lapse of the time period established in Article 41(2) of the Act. It shall remain so suspended until the Environment and Planning Review Tribunal appoints its first hearing in terms of Article 41(4) if, together with an appeal lodged against such permit, a request for a suspension of permit is also requested in terms of Article 41(3).

Where the approved drawings and/or documents are dimensioned, then the declared dimensions shall prevail over the actual size as depicted on the approved drawings and/or documents.

Developers are advised to check the invert level to the sewer main with the Water Services Corporation as they would have to make their own arrangements where a gravity service connection is not possible. In these cases, the architect has to indicate the solutions envisaged and to indicate on the plan what needs to be carried out and obtain approval from WSC. Developers are further reminded that connection of storm water into main sewers is not allowed.

If the declaration of ownership, as contained in the application form, is determined as incorrect by a Court of Law, then the said Court of Law can declare this development permission as null and void. This development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

This development permission is granted saving third party rights. This permission does not exonerate the applicant from obtaining any other necessary permission, license, clearance or approval required from any Government department, local council, agency or authority (including MEPA), as required by any law or regulation.

This development permit does not authorise any storage of substances listed in Occupational Health and Safety Authority Act (Cap. 424) - Control of Major Accident Hazards Regulations, 2003, as amended, in quantities that would render this site an establishment within scope of these regulations. The storage and handling of said substances may require a new or amended development permission in line with current policies and regulations.

For any non-residential uses hereby being approved, prior to commencement of any works on site or any eventual permitted change of use, the applicant shall be required to contact the Environment Protection Directorate (within MEPA) to obtain any necessary operational permit or registration. This requirement does not apply to Class 4, 5, 7 and 8 uses as listed in the Development Planning (Use Classes) Order (1994), or its subsequent amendments.

This decision is being published on 2 November 2013.



David Cassar
Board Secretary
MEPA

PA/01294/12

Print Date: 23/10/2013

Notes to Applicant and Perit — Non Executable Permit

Non Executable Permit

Upon the full submission of the pending fees, within the validity of this permission, the full development permit will be issued where validity of the permit shall remain as advised in the Non Executable Permit.

Right for reconsideration

Where applicable, you have a right to submit a request for reconsideration to the Authority in terms of regulation 10 of Legal Notice 514 of 2010.

Right for appeal

You have a right to submit an appeal, against the decision, to the Environment and Planning Review Tribunal in terms of article 41 and the Second Schedule of the Environment and Development Planning Act, 2010.

Time limits

Requests for reconsideration or appeals must be made within 30 days from the publication of the decision notification in the local press as required by regulation 6(6) of Legal Notice 514 of 2010.

Fees to submit a request for reconsideration or appeal

In either case, there is a fee to be paid which should accompany the request for reconsideration or the appeal. The fees are as follows:

For reconsideration - 3% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €69.88.

For appeal - 5% of the Development Permit Fee paid in respect of the original application, subject to a minimum of €186.35.

Submission of request for reconsideration or appeal

With regards to requests for reconsideration, Form MEPA 6/10 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

With regards to appeals, as required by the Second Schedule of the Act, the submission must include the detailed grounds for appeal and the requests being made by the appellant. Appeals must be submitted physically at the offices of the Environment and Planning Review Tribunal, St. Francis Ditch, Floriana.

Submission of an appeal — General Services Board

If this application has been refused on sanitary issues, an appeal to the General Services Board may be submitted within one month from publication of Decision Notification on the press.