



Terms of Reference for the Preparation of a Restoration Method Statement - Nature (Specimen)

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Environment & Resources Authority

Version 1



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1. Introduction

- 1.1 The Restoration Method Statement – Nature (RMS)¹ is a document intended to describe in detail the proposed interventions, operations and works for the restoration and/or re-instatement of the site to its pristine condition. The RMS should also address impacts on the natural environment which may result from the implementation of the RMS itself, and the proposed mitigation measures to address such impacts.
- 1.2 The RMS shall be prepared to the satisfaction of the Environment & Resources Authority (ERA), in accordance with the case-specific Terms of Reference (TORs) provided by ERA. Generally, the MS shall include the following information, in addition to other requirements, as may be determined by ERA, on a case-by-case basis. The MS must be detailed, concise and to the point to avoid unnecessary delays during processing.

Disclaimers

- 1.3 These generic Terms of Reference (TORs) are intended as an indicative specimen and are not necessarily tailor-made to particular projects, since details of such projects may not yet be available. **ERA could adapt these TORs on a case-by-case basis, as relevant, depending on the nature of the project, associated environmental impacts and site context.** The TORs and their ensuing requirements are also subject to any future changes that may arise, even at short notice and/or whilst the assessment process is ongoing, for various reasons including force majeure (such as changes to legislation or similar regulatory parameters), changes to the baseline situation on site, amendments to the project, new information about the project or site, etc. Thus, any use of these TORs is on the explicit understanding that the actual TORs for the eventual projects are likely to vary significantly from the specimen version hereby provided.
- 1.4 The TORs have been prepared in connection with ERA's environmental assessment of development applications and related follow-ups. However, subject to the necessary adaptations, the following requirements and provisions could be equally relevant to other ERA functions (e.g. permitting, compliance and enforcement).

Applicability of the RMS - Nature

- 1.5 ERA may request an RMS where the site is considered to merit environmental restoration and ERA is seeking the retention and/or reinstatement of the original characteristics of the site/area, including landform, topography, habitats/ecology, species and/or natural features. These sites are not restricted to environmentally protected areas, as not all sites, areas and features meriting conservation have been formally designated for protection as yet. In particular, an RMS may be requested as a consequence of:
 - ERA's communication in connection with any relevant application for development consent, or as a follow-up of such consent;
 - conditions attached to a development consent or other relevant environmental legal requirement, including non-compliance with such conditions or legal requirements;
 - damage or degradation caused as a result of construction works connected with the execution of a development project or other similar site interventions; and

¹ RMS and Method Statement (MS) are used interchangeably in the report.

- other circumstances which ERA considers relevant with respect to obligations and requirements arising from the Environment Protection Act.

2. General requirements

- 2.1 The RMS document should be available for public viewing through the Planning Authority's eApps system, be made available as a digital copy, not be a restricted/controlled document, and include:
- (i) A front page which clearly refers to the RMS for the project and its location;
 - (ii) A contents page;
 - (iii) A revisions sheet at the front of the document for any revisions/updates carried out to the RMS together with the dates of such revisions;
 - (iv) A page format allowing a footer and/or header on each page which should include the version and date of the document; and
 - (v) Page numbers as well as heading/paragraph numbering to facilitate review and cross-referencing.

3. Organization and responsibilities

- 3.1 Proposed project management arrangements for all phases of the restoration works are to be presented in the RMS. The document must include:
- (i) An identification and contact details of the applicant/developer and the perit, and where relevant the environmental consultant/s (or any other relevant professional/specialist consultant/s), who shall be responsible for overseeing the execution and completion of all works in accordance with the MS. When deemed relevant by ERA, contact details of the respective contractor/builder/mason (or similar) for each phase of the project shall also be provided. This may also include the details of the environmental manager (or any other equivalent qualified person) as approved by ERA. All of these details are to be provided as soon as available, but prior to the commencement of any works or preparations on site. The contact information should include name and surname, company name (as relevant), address, contact numbers, email, etc. (including emergency contact numbers outside operational hours); and
 - (ii) An undertaking by the applicant/developer and the perit, to notify ERA and where available the environmental manager (or any other equivalent qualified persons), of any changes to the work schedule in the RMS as approved by ERA, within a reasonable period of time in advance (e.g. 1 week). Any urgent works which are necessary due to unforeseen circumstances and which are justified to require an immediate response may, at ERA's discretion, not require such prior notification. Details of such urgent interventions, including reasonable mitigation measures that are adopted on site, should be reported to ERA and where available to the environmental manager (or any other equivalent qualified person), at the earliest. Urgent interventions remain the responsibility of the applicant/developer, and ERA reserves the right to seek suitable remedial action for any deleterious environmental impact or damage caused as a result of such urgent works.

4. Description of the site and surroundings

- 4.1 This RMS should include a dedicated section on the description of the site and surroundings, and should include:
- (i) A site plan showing a clear outline of the areas to be affected by the restoration works and a clear indication of the surrounding area(s), including the types of adjacent land-uses and/or activities. Access routes to the site from the nearest public roads should be indicated, together with an indication of the existing

- routes suitable to be taken by heavy vehicles and routes for all other vehicular traffic;
- (ii) Details, including maps and drawings, are to be provided of the site topography, geology, hydrology, natural habitats/ecology and other natural, cultural or historical features, as may be relevant, (e.g. old irrigation systems, rubble walls, water galleries, wells) within (or under) the site and its surrounding area of influence. This must be supported with a photographic survey duly cross-referenced to a clear site plan. Any other relevant or supporting surveys (e.g. ecological, geological), should be included or suitably cross-referenced as necessary. Depending on the nature of the proposed works and sensitivity of the affected area, ERA may request more detailed technical studies/surveys accordingly, including ecological surveys, etc., as necessary;
 - (iii) Details, including maps and drawings, are to be provided of any existing trees and vegetation (including their scientific and vernacular names and any noted pathological or disease issues), that are present within the site and affected surroundings; and
 - (iv) The identification of any existing baseline sources of polluted runoff onto the site, and any other sources of environmental problems.

5. Description of the proposed restoration works

- 5.1 The RMS shall seek the retention and reinstatement of the original characteristics of the area (including landform, topography, habitats/ecology and natural/cultural features) and to complement the surrounding natural environment. In particular, the RMS should include a detailed justification for the proposed works, including the following matters:

Programme of works

- 5.2 A programme of works (PoW) describing all the sequenced phases of the restoration required to remedy damage to the natural environment, remove any structures/material, site interventions and/or illegalities, and restore the site to its pristine state, including:
- (i) A timetable for the commencement, duration and expected completion of all phases of the restoration works, including monitoring;
 - (ii) Details of when and how specific measures will be implemented to avoid impacting flora/fauna, particularly during critical periods. This shall take into account the findings of any surveys carried out, as relevant; and
 - (iii) Details of all relevant dependencies on any other interventions (e.g. on preceding phases or on preparatory interventions related to the restoration) or other relevant factors/uncertainties, as relevant.
- 5.3 Subject to prior agreement with ERA, the PoW could be submitted separately before the commencement of works on site, i.e. once that the contract of works is established between the applicant/developer and the contractor/builder/mason (or similar). The proposed timetable/schedule would need to be agreed by ERA prior to the commencement of such works, taking also into account any relevant seasonality issues.

Proposed interventions, operations and works

- 5.4 A detailed description of the envisaged site interventions, operations and works for each phase/stage of restoration (i.e. what, how, when and where). This description shall take into account the findings in Section 4.1 above, and shall include the following as relevant:

- (i) Plans, elevations and sections (including conventional colours as relevant) regarding the proposed operations/works to be undertaken, including ancillary interventions as relevant;
- (ii) A photographic survey of all areas where such interventions are proposed;
- (iii) Site preparation such as removal of any material from site (e.g. silt, debris, inert material, etc.), preparatory topographic interventions (including re-terracing), pruning and uprooting of trees, cutting/removal of vegetation or any other species of concern, such as invasive species, and other interventions on natural features, etc. The removal of invasive species must be carried out by relevant qualified persons in accordance with ERA's guidelines²;
- (iv) Details and location of interventions on existing structures, including dismantling/reconstruction of rubble walls, restoration works, removal of illegalities, protection measures for existing buildings/structures/natural features, as well as interventions on terraces, etc.;
- (v) Site plans showing species of trees and vegetation (including their scientific and vernacular names), which are not compatible with the ecological importance of the site and its natural characteristics, and which are to be removed as part of the restoration works. Details are also to be submitted regarding any trees or other species which are proposed to be transplanted, together with their transplant location;
- (vi) A detailed description of the species (including scientific and vernacular names) to be planted on site, and the proposed planting layout. This should seek to emulate and extend natural vegetation patterns, avoiding artificial layouts (e.g. rectilinear), and should also be adapted to the natural environmental context of the site (e.g. adaptation to the site topography/contours or, in the case of riparian vegetation, following a watercourse, etc.). The RMS should also indicate the timing and aftercare of the planting;
- (vii) Photomontages of the site (incorporating the main views into the site), copy and date of the base photograph used (of the same scale as the photomontage to enable comparisons) and site map indicating the exact positions from where the photographs were taken and to which the photomontages should cross-refer. **[Note to EA Officer: photomontages should only be requested when justified to be critical to the assessment of the proposals. Careful consideration should be given to the possible false picture that such photomontages could depict];**
- (viii) Details of all temporary work-phase structures and safeguards (including materials used), such as temporary access roads, hoarding, public safety structures, cordoned off areas, containment measures (e.g. bunding, sediment interceptors/ponds, silt curtains and any other spill containment measures as necessary) etc.;
- (ix) Details of the types, quantities and source of materials (preferably recycling material already present on site), including water, stone (including rubble stone) and other resources to be used, consumed, stored and/or retained together with the respective EWC codes;
- (x) Details of storage and/or stock-piling of all materials on site, including wastes and their respective EWC codes;
- (xi) Details of the removal and disposal of unwanted material (e.g. waste) from site, including the relevant EWC codes, the disposal locations and travel routes;
- (xii) Details of the location and depth of excavation, and volume and type of material envisaged to be excavated. The same type of information is to be provided in relation to dredging where specifically requested by ERA, depending on the merits of the case;

² <https://era.org.mt/en/Documents/PlantInvaders-RestorationGuidelines-MEPA-2013.pdf>

- (xiii) Details of the type of lighting and noise/vibration arrangements to be adopted throughout the execution of the works, including the measures that will be applied to ensure that such works will be conducted in optimal visibility conditions (so as to minimise inadvertent damage resulting from workmanship errors);
- (xiv) Details regarding the extent of the project's impact on existing utilities such as storm sewer, sanitary sewer, water main, etc.;
- (xv) Identification and description of existing access routes (both for vehicular & foot access) to the site during and after the execution of restoration works, including a description of how vehicles, machinery, equipment and/or tools shall be brought on site and subsequently removed, including travel routes;
- (xvi) Details (including type and respective number) of vehicles, equipment, machinery and tools, required to carry out the respective interventions, operations and works, including site plans showing where each will be sited during the execution of the works, and overnight, as well as safety measures to be implemented;
- (xvii) Details of routes to be followed by vehicular through traffic during the different phases of the project and a comprehensive traffic management scheme for the affected areas, as relevant;
- (xviii) Details of the operations which may involve the use of land, including roads or footpaths, beyond the boundaries of the site, for operations related to the restoration works and/or any mitigation/safety measures being proposed; and
- (xix) Clarification of any additional conditionality required to ensure recovery of the site environment and/or to prevent deterioration or degradation of the site and its surrounding environment both during and after the works;

Moreover, with respect to the re-instatement of garrigue (as relevant):

- (xx) An indication of how any removal of material will take place. It is being requested that the material should be removed by hand to expose the natural rocky terrain without causing overspill. Any other adequate alternative/s should be put forward for ERA's prior approval;
- (xxi) An indication that the garrigue vegetation will be allowed to regenerate naturally from adjacent communities; and
- (xxii) An indication that minor traces of soil and organic material will be left in the various degrees of depressions and fissures found in the landscape.

Mitigation measures

- 5.5 A detailed description, including plans and drawings, of the mitigation measures proposed to avoid further environmental impacts, as follows:
- (i) Details of measures to be taken to avoid damage to trees, vegetation, other species (e.g. by allowing fauna to escape from matter/debris before disposal of same) and natural habitats, as well as geological, geomorphological, hydrological, agricultural, cultural or other features within the area of work and surrounding area of influence. This should take into account any surveys on ecology, geology or other natural features carried out;
 - (ii) Details of any mitigation measures proposed to ensure that no trampling, disturbance, parking/storage or land modification occur outside the permitted areas;
 - (iii) Details of any mitigation measures to be taken to avoid light and noise pollution, as well as vibration impacts, on the surrounding natural areas and any natural features as relevant;
 - (iv) Details of adequate measures to be taken, to ensure that no deposition of dust, mud, rubble or other materials, due to agents such as wind, runoff, wave action,

subsidence or collapse, anthropogenic factors, or a combination of any of the above, occurs on the surrounding features and area, during on site work as well as during transportation of material to and from the site. Any over spills, leakages and contamination impacts from stockpiling onto adjacent areas are to be prevented through strategic positioning, interception and/or collection (e.g. wheel washing facilities); and

- (v) Details of any mitigation measures adopted to contain any murky, silting, smothering, scouring and pollution of the site and any natural features, natural habitats, species and water bodies (terrestrial or marine) in the site and in the surrounding areas or located further downslope or downstream.

6. Mandatory specifications and requirements

- 6.1 **Note to ERA Officer:** Other relevant guidelines and mandatory requirements which need to be adhered to by the responsible persons such as developers/ contractors and periti, and by any other responsible persons engaged or subcontracted for the carrying out, overseeing or monitoring of any aspects of such works on site, should be referred to in this section.

7. Environmental monitoring

- 7.1 The RMS should include a clear environmental monitoring and reporting programme describing how progress of all works will be monitored, recorded and reported in a timely manner in order to enable immediate action as required. This should include any requirement for monitoring of the effects of the proposed operations and works, on the physical environment and natural features such as vegetation, geology, etc., as relevant to the site and its context. Monitoring of works shall be recorded, e.g. by photographic means - before, during and after. A copy of the photographs and other records shall be submitted on a regular pre-agreed basis. The following must be addressed:
 - (i) The environmental monitoring programme addressing the relevant works identified in the RMS and their risks to the natural environment shall be submitted within a reasonable period of time in advance (e.g. 1 month), prior to the commencement of works on site, for ERA's approval. The monitoring programme shall be in place throughout the restoration phase, or for any period specified by ERA, on a case-by-case basis, and shall take into account (but not be limited to) the concerns and recommendations established in the [XXXX e.g. EIA Report; ERA responses];
 - (ii) The environmental monitoring programme shall identify: the methodologies and frequencies of monitoring; a map-based extent of the areas which will be monitored; the frequency and mode of reporting; and any baseline studies that may be required. Where possible, the programme shall also identify the threshold limits beyond which works should be halted or adjusted due to unacceptable environmental impacts, and any other relevant triggers and parameters for pre-emptive, remedial or damage-limitation intervention. Specialist consultants for each specific monitoring requirement shall also be identified as relevant and their details submitted for ERA's approval;
 - (iii) The environmental monitoring programme shall be formulated by an environmental monitoring consultant (hereinafter referred to as "the monitor"), who shall have the necessary expertise and track record, to ensure that the monitoring programme is satisfactorily devised and implemented, and that the specialist consultants are duly present on site, as required, for effective monitoring. The monitor is to be approved in advance by ERA, after nomination by the applicant/developer. The monitor will be responsible for the immediate

- alerting of the relevant authorities when the thresholds are exceeded or in the case of cultural/archaeological/geological or other related discoveries;
- (iv) The monitor and specialist consultants shall be engaged at the expense of the applicant/developer;
 - (v) The monitor shall ensure that all works are carried out in accordance with the ERA-imposed permit conditions, relevant approved drawings and other ERA-approved specifications, including the MS (as relevant); and
 - (vi) The monitor shall also be responsible for submitting regular monitoring reports in line with the approved arrangements. Both ERA and the monitor shall reserve the right to request further submissions or additional samples, and to impose any further conditions as deemed necessary during the progress of works.

8. Contingency plan

- 8.1 The RMS must include a contingency plan to cater for risks of accidental damage from the execution of the proposed operations, works and interventions and/or other unforeseen risks to the natural environment.

9. Environmental permitting

- 9.1 The RMS should identify which aspects of the proposed operations and works require prior authorisation from ERA under the respective environmental regulations³. Separate authorisations from ERA must be obtained prior to the commencement of such operations and works on site.

³ <https://eracms.gov.mt/en/Pages/Environmental-Permitting-Services.aspx>