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[PADCN]

## Copy of Original Decision Notice



Mr Frederick Azzopardi  
Malta Power & Gas Ltd  
Enemalta Corporation  
Church Wharf  
Marsa MRS 1571

Date: 14 April 2014  
Our Ref: PA/00022/14

Application Number: PA/00022/14  
Application Type: Full development permission  
Date Received: 19 July 2013  
Approved Documents: Site Plan - PA 22/14/21G  
Block Plan - Drwg. 475/D/0015 - PA 22/14/21C  
Fuel Terminal 01 - Drwg. 475/D/0030 - PA 22/14/21D  
Fuel Terminal 02 - Drwg. 475/D/0031 - PA 22/14/21E; and supporting documents:

PA 22/14/64A - Malta Resources Authority  
PA 22/14/70 - OHSA  
PA 22/14/69A - Transport Malta  
PA 22/14/62A - Superintendent of Cultural Heritage  
PA 22/14/56A - Environmental Health Directorate  
PA 22/14/75D - Terms of Reference of Construction Management Plan and Monitoring Requirements

Location: Delimara Power Station, Triq il-Power Station, Marsaxlokk, Malta  
Proposal: Construction of jetty and ancillary facilities.

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

The Malta Environment & Planning Authority hereby grants development permission in accordance with the application and documents described above, subject to the following conditions:

- 1 These development permissions (PA 21/14 & PA 22/14) are subject to a bank guarantee to the value of **EUR 500,000** to ensure compliance with all the terms and conditions, including the approved plans and the mitigation measures contained in the approved documents (including the reserved matters). 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 these permissions are adhered to and the approved drawings/documents are complied with.

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- 2 These development permissions (PA 21/14 & PA 22/14) are subject to a planning gain to the value of **EUR 125,000** towards the Environmental Initiatives in Partnership Programme (EIPP). The funds raised from the planning gain shall be used to fund environmental improvement projects in the locality of the site. The planning gain is not refundable and funds shall be utilized as required and directed by the Malta Environment and Planning Authority.

3 **Reserved matters**

*Construction works*

All works shall follow the provisions of the Construction Site Management Regulations, 2007 (Legal Notice 295 of 2007) and shall be subject to a comprehensive Construction Management Plan (CMP) and a Works Monitoring Programme in line with the general recommendations arising from the Environmental Impact Statement and the Appropriate Assessment. In this regard, no works shall commence on site prior to the approval of the following by MEPA:

(a) A comprehensive Construction Management Plan (CMP), in accordance with the Terms of Reference being included herewith as an approved document. The CMP shall include a comprehensive method statement for all works.

(b) Works monitoring programme addressing mainly the following aspects:

- (i) marine environment (including benthic habitats and water quality), particularly during the construction of the jetty and any ancillary coastal engineering works associated with the LNG facilities;
- (ii) dust monitoring during the construction phase;
- (iii) noise monitoring during the construction phase;
- (iv) stability of rock-faces exposed by excavation works; and
- (v) marine archaeology.

(c) A list of approved sites for disposal, re-use or recycling of the excavated material (particularly from minor excavations associated with the CCGT plant). In the absence of available sites, the applicant shall require a separate development permit for the management or disposal of this excavated material.

The above submissions shall comply with all the parameters set out in the conditions of this permit, and their approved version shall be considered as an integral aspect of the permit specifications which need to be complied with.

- 4 The development shall not be brought into operation until such time that the IPPC permit is issued.

- 5 Applicant is to ensure that the proposed gas turbine units comply with the Best Available

Techniques set out in the Large Combustion Plants (LCP) Best Available Technique Reference Documents (BREF) when operating both as open cycle and closed cycle. Applicant is to note that the LCP BREF is currently being updated and the adopted document will have a bearing on the operation of the plant.

6 Should the processing of the IPPC permit require infrastructural modifications to accommodate mitigation measures and/or abatement technologies, the applicant is to apply for amendment of this development permit or apply for further development permission.

7 Infrastructural or operational amendments must be reviewed through the process of the IPPC permit, and in any case must not extend the risk zones as defined in the preliminary Consultation Zones as endorsed by the COMAH Authority. Furthermore certification on ATEX in terms of LN 41 of 2004, for the Delimara Power Station facility must be provided to the satisfaction of the OHSA.

8 *Subterranean Features*

(a) Any fissures (dagħbien), caverns, hollows, geological faults, Quaternary deposits or other features of potential geological, geomorphological, palaeontological or archaeological interest which are discovered must be reported immediately to MEPA (c/o Environmental Assessment Unit and Heritage Planning Unit), and to the Superintendent of Cultural Heritage. No further workings or activity which would disturb or damage these features must take place until the respective investigations have been completed, and thereafter works shall proceed strictly in line with the terms established by the above-indicated entities. The approved development may need to be amended as requested by MEPA and/or the Superintendent of Cultural Heritage so as to accommodate preservation in-situ of the discovered features.

(b) Any uncharted infrastructure discovered on site at any stage shall be reported immediately to the relevant public institution, also informing MEPA. Thereafter, works shall proceed strictly in line with the terms established by the relevant institution, unless otherwise required by MEPA or by the conditions of this permit.

9 *Visual Impact Mitigation*

A Visual Impact Mitigation Plan including the possibility of soft landscaping, comprehensively covering the Delimara power station precincts, shall be submitted for approval by MEPA within 12 months from the date of issuing of these development permits. The plan shall include all relevant measures to better integrate the entire power station complex (including the development hereby approved) into the surrounding landscape and to mitigate its visual impact to a reasonable minimum, without entailing any further encroachment onto the surrounding environment. To this effect, the plan shall identify all relevant planting, camouflaging, design and other measures also taking into consideration any requirements arising from both the Industrial Emissions Directive and the Seveso Directive and avoidance of conflicts therewith.

10 *External lighting*

External lighting of the development shall be kept to a minimum and shall be appropriately shaded, and (except where indispensable for safety purposes) shall consist exclusively of low-key full cut-off downlighters of low wattage in order to reduce light pollution. Globes and uplighters are not allowed. Intruder-triggered switching shall be used wherever possible. Lighting of surrounding areas (including rural roads) beyond the operational precincts is strictly prohibited. The applicant shall, prior to the issuing of any compliance certificate, submit certification and verification by an independent engineer that all lighting complies with this condition. Any fixtures installed on site should be acceptable to the International Dark Sky Association. To this effect, a lighting plan shall be submitted for MEPA approval within 3 months from the date of issuing of this permit.

- 11 The conditions imposed and enforced by the Malta Resources Authority are at document PA 21/14/61a and PA 22/14/64a. The architect/applicant is required to contact the MRA, before any construction is undertaken to ensure that the necessary reports and studies are submitted and that the development is carried out in conformity with the conditions imposed by the Malta Resource Authority.
- 12 The conditions imposed and enforced by the Occupational Health and Safety Authority are at document PA 21/14/ 62 and PA 22/14/70. The architect/applicant is required to contact the OHSA, throughout all the construction phases of the development hereby approved and to submit all the necessary reports and studies, to ensure that the development is carried out in conformity with the conditions imposed by the Occupational Health and Safety Authority.
- 13 The conditions imposed and enforced by Transport Malta are document PA 22/14/69a. The architect/applicant is required to contact TM, before any construction is undertaken on the jetty and to submit all the necessary reports and studies, to ensure that the development is carried out in conformity with the conditions imposed by Transport Malta.
- 14 The conditions imposed and enforced by the Superintendence of Cultural Heritage are at document PA 22/14/62a. The architect/applicant is required to contact the SCH, throughout all the construction phases of the development hereby approved and to submit all the necessary reports and studies, to ensure that the development is carried out in conformity with the conditions imposed by the Superintendence of Cultural Heritage.
- 15 The conditions imposed and enforced by the Environmental Health Directorate are at document PA 21/14/56a and PA 22/14/56a. The architect/applicant is required to contact the Environmental Health Directorate, throughout all the construction phases of the development hereby approved and to submit all the necessary reports and studies, to ensure that the development is carried out in conformity with the conditions imposed by the Environmental Health Directorate.
- 16 *Management of waste generated by site preparation, excavation and construction operations*  
  
(a) All operations concerning the management of waste are subject to the Waste Management Regulations (Legal Notice 184 of 2011, as amended) and the Waste Management (Activity Registration) Regulations (Legal Notice 106 of 2007).



(b) All wastes generated during the construction phase of the project shall be separated according to the different waste streams as per EWC codes defined in Commission Decision 2000/352/EEC and deposited in sites permitted by MEPA to accept such wastes.

(c) Inert waste material resulting from demolition may be reused as fill material within the site as long as such reuse is in line with the approved plans and other conditions of this permit, or shall be deposited at facilities duly permitted by MEPA and in accordance with the Waste Management Regulations (Legal Notice 184 of 2011, as amended) and the Waste Management (Activity Registration) Regulations (Legal Notice 106 of 2007).

(d) All material, structures, vehicles and machinery required for, or generated by, the works should be entirely confined to specific areas identified for such purpose and no deposition, storage, overspills or construction-vehicle access beyond such areas should be allowed to occur.

(e) The extent of areas temporarily committed for construction phase disturbance shall be duly contained and kept to the reasonable minimum required for the works and shall wherever possible coincide with the development footprint, avoiding other lands, both coastal and inland, which should be left pristine or which would be difficult to restore to satisfactory standards.

(f) During construction works the applicant and contractors shall prioritise the adoption of good practices through which adverse impacts on the marine environment and on marine life shall be avoided.

(g) The applicant and contractors shall be responsible for ensuring that containment measures through best available techniques are applied to ensure that any proposed works result in the least possible damage and disturbance to land and the coastal zone.

(h) Underwater dust suppression equipment should be utilised in cases where coastal engineering works cause turbidity and dust emissions to the surrounding coastal zone.

(i) All stockpiles of construction and waste material are to be positioned in such a way as to avoid contamination of air or water through wind, runoff or accidental spillages respectively. Dust suppression equipment shall be installed and used in stockpiling areas.

(j) The applicant shall ensure that provision is made to ensure that dust or mud does not contaminate areas adjacent to the site.

(k) Runoff from stockpiling areas shall be collected and /or intercepted so as to avoid contamination to land and the coastal zone.

(l) A contingency plan shall be set in place to cater for the effective containment, abatement and prevention of all potential spillages, including the spreading of silt. This plan is to be made available to the contractors to ensure they are aware as to what needs to be done in such eventuality.

(m) Rainwater shall be segregated from all process areas that are potentially contaminated with raw materials, intermediates and/or products.

(n) Rainwater shall not be discharged into the sewer.

(o) With the exception of sanitary wastes, the Operator shall not discharge any

wastewater into the sewers.

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- a) 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.
  - b) This permission relates only to the development as specifically indicated on the approved drawings. This permission does not sanction any other illegal development that may exist on the site.
  - c) Copies of all approved drawings and documents shall be available for inspection on site by MEPA staff at all reasonable times. All works shall be carried out strictly in accordance with the approved drawings, documents and conditions of this permission. Where a matter is not specified, then the conditions of this permission and of Development Control Policy and Design Guidance shall take precedence and shall modify the drawings and documents accordingly.
  - d) Before any part of the development hereby permitted commences, the enclosed green copy of this development permission 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 permission must be maintained in a good condition and it shall remain displayed on the site until the works are complete.
  - e) The enclosed Commencement Notice shall be returned to MEPA so that it is received at least five days prior to the commencement of any works hereby permitted.
  - f) Where applicable, the development hereby permitted shall be carried out in accordance with the provisions of the Environmental Management Construction Site Regulations, Legal Notice 295 of 2007 (or subsequent amendments). Any hoarding shall be erected in accordance with Schedule 2 of the same Regulations.

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 19 April 2014.**



Joseph Borg  
Board Secretary  
MEPA

[PADCNCopy]



## **Notes to Applicant and Perit**

### **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.