

## Copy of Original Decision Notice



Mr. Jonathan Scerri  
CEO, WasteServ Malta Ltd  
Triq il-Latmija  
Marsascala MSK 4613

Date: 20 August 2013  
Our Ref: PA/00964/11

Application Number: PA/00964/11  
Application Type: Full development permission  
Date Received: 8 March 2011  
Approved Documents: PA 964/11/61a/61c/61d/61e/61f/61g/61h/61i/61j/61k/61l/61m/61n/61p/61r/61s/61t/ 61u/61x/61y/61z/61aa; and supporting documents:

PA 964/11/80a - Department of Environmental Health  
PA 964/11/76a - Superintendence of Cultural Heritage

Location: Site at, Il-Ghallies ta' Gewwa, Naxxar, Malta  
Proposal: Amendments to PA 4834/04 including sanctioning of variations.

### **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 Restoration**

A separate development application shall be submitted with the details of the restoration of the Hazardous landfill. This shall include a landscaping plan.

#### **2 Reserved Matters**

##### ***Landscaping***

Within 3 months from the issue of this development permission the applicant shall submit a detailed landscaping plan for the screening bunds. The details are to be approved by the Director of Environment.

#### **3 Bank guarantee**

The bank guarantee/irrevocable letter of understanding mentioned in condition 4 of PA 4834/04 shall be transferred to cover this development permission. This same guarantee

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shall cover all conditions of this development permission.

This Bank Guarantee shall be released only after MEPA grants the necessary operational permits for all the uses proposed in this development permission which shall incorporate a financial guarantee that would cover all the engineering phases of the development.

This bond or part thereof will be forfeited if, in the opinion of the Malta Environment and Planning Authority the applicant fails to abide with any of the conditions of the development permission.

#### **4 Monitoring Programme**

Within 3 months from the issue of this development permission the architect shall submit a works monitoring programme addressing mainly the following aspects:

(i) Dust monitoring, particularly during the transportation of waste material during the construction phase.

(ii) Noise and vibration monitoring during the excavation phase of the project.

(iii) Any other issues as considered appropriate by the monitoring consultant or by the Malta Environment and Planning Authority.

#### **5 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.

#### **6 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. Leaching tests in accordance with Council Decision 2003/33/EC shall then be carried out accordingly.

## **7 Construction Management Plan**

An updated Construction Management Plan shall be submitted within 3 months from the issue of this development permission.

8 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) Where applicable, all building works shall be erected in accordance with the official alignment and official/existing finished road levels as set out on site by MEPA's Land Surveyor. The Setting Out Request Notice must be submitted to the Land Survey Unit of MEPA when the setting out of the alignment and levels is required.

e) Where an officially schemed street, within the development zone, bordering the site is unopened or unformed, it shall be opened up and brought up to its proper, approved and

official formation levels prior to the commencement of any development hereby being permitted.

f) 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.

g) 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.

9 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 of permission. Prior to the issuing of the Final Compliance Certificate for this development, the applicant shall submit to MEPA:

(i) certification from the Department of Environmental Health stating that the development fully satisfies the conditions mentioned in report PA 964/11/80a;

(ii) certification from a Superintendent of Cultural Heritage stating that the development fully satisfies the conditions mentioned in report PA 964/11/76a.

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 PA/00964/11

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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 24 August 2013.**



David Cassar  
Board Secretary  
MEPA

[PADCNCopy]