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Central Administration Building
Church Wharf
Marsa MRS 1000

Date: 14 April 2015
Our Ref: PA/03349/14

Application Number: PA/03349/14
Application Type: Full development permission
Date Received: 4 July 2014
Approved Documents: PA 3349/14/67B - Site Plan
PA 3349/14/1H - Section AA;
PA 3349/14/1I - Section BB;
PA 3349/14/1J - Section CC;
PA 3349/14/15B - Plan; and supporting documents:
PA 3349/14/26 - Restoration Method Statement
PA 3349/14/54A - Conditions imposed by the Environmental Health Directorate
PA 3349/14/55 - Conditions imposed by the Occupational Health and Safety Authority
PA 3349/14/58A - Condition imposed by the Malta Resources Authority
PA 3349/14/62A/62B/62C - Conditions imposed by the Superintendence of Cultural Heritage
PA 3349/14/64B - Project Description Statement
PA 3349/14/71A - Program of Works

Location: Marsa Power Station, Triq Belt il-Hazna / Il-Moll Tal- Pont / Moll Tal-Knisja, Sqaq Sannat, Marsa, Malta

Proposal: To decommission, dismantle and demolish Marsa power station

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 Reserved matters

Prior to the commencement of works, applicant is to submit the following to MEPA's satisfaction:

- Detailed method statement for every zone / phase as per PA 3349/14/71A including traffic route;
- Construction Management Plan;
- Demolition Plan which also addresses condition 3d2 and 3d3.

PA/03349/14

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No works shall commence on site prior to the approval of the above documents by MEPA.

- 2 The conditions imposed and enforced by the Environmental Health Directorate, Occupational Health and Safety Authority, Malta Resources Authority and Superintendence of Cultural Heritage are at documents **PA 3349/14/54A, PA 3349/14/55, PA 3349/14/58A and PA 3349/14/62A** respectively.

The architect/applicant is required to contact the Environmental Health Directorate, the Occupational Health and Safety Authority, the Malta Resources Authority and the Superintendence of Cultural Heritage 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, the Occupational Health and Safety Authority, the Malta Resources Authority and the Superintendence of Cultural Heritage.

- 3 a. This Development Permit shall only apply to the demolition and dismantling of structures up to slab level as indicated in the approved drawings and documents submitted with this application. It shall also cover the land investigations required as part of the provisions of LN 10 of 2013, Industrial Emissions (Integrated Pollution Prevention and Control) Regulations 2013.

b. No excavation of rock, removal of foundations or removal of fill material shall be carried out. A separate development application is necessary for any of the above.

c. Upon completion of all demolition works, for each zone indicated in Figure 6 of the Project Description Statement PA 3349/14/64B, all settling pits/ interceptors and underground pipework contaminated with chemicals, hydrocarbons or other hazardous waste shall be identified, cleaned and disposed of as per the legal provisions of Commission Decision 2000/532/EC, and LN 184 of 2011 waste regulations 2011 as amended. The resulting waste shall be deposited in sites permitted by MEPA to accept such wastes. This may include the removal of any below ground structures associated with pollution containment required to expose any contamination to allow ground testing.

d. The dismantling/ demolition works shall not commence until such time that an IPPC Permit is obtained for the full surrender and the full decommissioning of MPS (IP003/07) which also addresses the activities permitted by this development.

1). The issue of the IPPC permit will also be subject to the submission of any additional information as deemed necessary by MEPA and any of its statutory consultees.

2). Waste management issues including characterisation of waste (including sampling and testing) will be retained as reserved matters which shall be addressed through the IPPC process.

3). The sampling and characterisation of the extent of any contamination of underlying substrate will also be addressed through the IPPC process following the submission of a proposal to MEPA for vetting and approval.

e. The provisions of the Permit issued under LN 10 of 2013, Industrial Emissions (Integrated Pollution Prevention and Control) Regulations 2013; LN 172 of 2010, Large Combustion plants Regulations 2010; and after 1st January 2016 LN 11 of 2013,

Industrial Emissions (Large Combustion Plants) Regulations 2013 shall apply to the site covered by this development permit until such time that the site is deemed fit for after use by the Malta Environment and Planning Authority through the conditions and provisions of an IPPC permit issued for the Marsa Power Station site to address its full decommissioning and surrender.

f. 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);

g. All wastes shall be separated according to the different waste streams as per EWC codes as defined in Commission Decision 2000/532/EC, and deposited in sites permitted by MEPA to accept such wastes.

h. All wastes shall be stored within a designated and controlled storage area(s) prior to ultimate disposal; wastes to be recycled should be stored in a designated container or area and not mixed with other wastes.

i. Liquid and hazardous wastes shall be stored in a labelled, closed container(s) within a designated and controlled storage area(s) prior to ultimate disposal. Wastes of different natures should not be mixed in the same container.

j. High voltage switchgear containing SF 6 (sulphur hexafluoride) to be removed from site shall be either drained from fluorinated greenhouse gases or have all SF6 circuits sealed and removed prior to relocation/disposal. This shall be carried out in line with the legal provisions Regulation (EU) No 517/2014 on fluorinated greenhouse gases and repealing Regulation (EC) No. 842/2006 and LN 184 of 2011 waste regulations 2011 as amended

k. Dismantling of Asbestos shall follow OHSa regulations and should be carried out by persons having the appropriate training and equipment. Asbestos should be disposed of at authorised waste management facilities permitted under LN 184 of 2011 waste regulations 2011 as amended, and should be handled by authorised waste brokers as per provisions of L.N 106 of 2007 Waste management (registration), Regulations 2007. Further information in this regard together with a complete list of authorised waste brokers can be found on the following link: www.mepa.org.mt/wastebrokers. The transport & disposal of hazardous waste locally shall be subject to a permit from MEPA and shall follow the hazardous waste consignment note procedure while transport & disposal of hazardous waste abroad shall follow the requirements of LN 285/2011. Further information in this regard may be found on the following link: www.mepa.org.mt/waste-cons_notes. Waste carriers commissioned to transport any waste shall also be registered with MEPA as per provisions of L.N 106 of 2007 Waste management (registration) , Regulations 2007. Further information in this regard can be found on the following link: www.mepa.org.mt/wastecarriers.

l. The applicant 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 the surrounding land, coastal zone and sea.

m. All stockpiles of construction/ demolition 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.

n. The applicant shall ensure that provisions are made to ensure that dust or mud does not contaminate areas adjacent to the site.

o. Runoff shall be diverted and /or intercepted through the use of adequately sized settling pits and/or oil water interceptors so as to avoid contamination to land and the coastal zone by mud, dust, debris, oils and fuels.

- 4
- 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.
- 5
- 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.

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 2B, 2C, 4A and 4B uses as listed in the Development Planning (Use Classes) Order 2014, or its subsequent amendments.

This decision is being published on 22 April 2015.

Joseph Borg
Board Secretary
MEPA

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.

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