

Copy of Original Decision Notice



Mr. Tonio Montebello
 obo Wasteserv Malta Ltd
 EKO Centre
 Latmija Road
 Marsascala MSK 4613

Date: 31 July 2014
 Our Ref: PA/02585/13

Application Number: PA/02585/13
 Application Type: Full development permission
 Date Received: 10 August 2012
 Approved Documents: PA 2585/13/94b: Site Plan
 PA 2585/13/106b: Existing Block Plan
 PA 2585/13/106c: Proposed Block Plan
 PA 2585/13/106d: Plan Level 0
 PA 2585/13/106e: Plan Level 1
 PA 2585/13/106f: Plan Level 2
 PA 2585/13/31g: Elevations
 PA 2585/13/106g: Sections
 PA 2585/13/125B: Swept Paths; and supporting documents:
 PA 2585/13/91a: Environmental Health Directorate
 PA 2585/13/106i: Water Services Corporation
 PA 2585/13/106j/106k: Fire Safety and Ventilation
 PA 2585/13/112: Civil Protection Directorate

Location: Site at, Triq Garrick, Triq il-Biccerija, Xatt Il-Mollijiet, Marsa, Malta
 Proposal: Construction of an autoclave as an ancillary to the MTTF

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 This development permission is subject to a bank guarantee to the value of €50,000 (fifty thousand Euro) to ensure compliance with all other terms and conditions imposed in this permit, including adherence to the approved plans and specifications. 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. Prior to the release of the bank guarantee, the applicant shall submit to MEPA certification from a qualified engineer confirming that the

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development fully satisfies the requirements specified in report PA 2585/13/106j/106k.

- 2 This development permission shall supersede permit PA 5115/07. Gates which had been approved obstructing the public road shall be removed as indicated in block plan PA 2585/13/106C and the same road shall be left unobstructed and rendered public.

3 *Reserved Matters*

Within 6 months from the issue of the development permission:

(a) A Detailed Construction Management Plan (CMP). The CMP shall include a comprehensive method statement for all works.

(b) A Works Monitoring Programme covering the construction phase.

Both documents shall satisfy the Terms of Reference being made available to architect and applicant. No works shall commence on site prior to the approval of MEPA.

- 4 This permission is subject to a Bank Guarantee of €7221 (seven thousand, two hundred, twenty one Euro) to ensure that the street is properly restored in accordance with the Environmental Management Construction Site Regulations, 2007 (Legal Notice 295 of 2007). The bank guarantee shall only be released after the permit submits a post-construction condition report together with photographs evidencing compliance with this condition, accompanied by clearance from the Local Council. The clearance from the Local Council is to be endorsed by the Mayor and the Executive Secretary of the Local Council. This guarantee shall be forfeited if, after 3 months from the date of notification by the Authority of a notice to effect the remedial works, these are not carried out. Its forfeiture shall not, however, preclude the applicant from adhering to all the conditions contained in this development permission.

- 5 A separate development application covering Phase II is to be submitted. This shall address the requirements for additional storage and bunding capacities for different types of wastes.

6 *Management of waste generated by site preparation, excavation and construction operations*

i. 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).

ii. 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).

iii. Any tarmac and asphalt resulting from excavation or demolition works shall be separated from all other wastes and deposited in sites permitted by MEPA to accept such

waste 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).

iv. All wastes arising from the construction, excavation and demolition phase of the project shall be separated according to the different waste streams as per EWC code and deposited in sites permitted by MEPA to accept such wastes;

v. The Construction Management Plan shall also address the management of construction, demolition and excavation waste, and shall seek to ensure maximum diversion of excavation waste toward reuse or recycling rather than disposal or landfilling;

vi. The discharge of any type of effluent to land, bedrock or underground cavities, stormwater drains or sea is prohibited, unless specifically approved by MEPA;

vii. Contaminated discharges to the land and foul sewer shall be prohibited unless otherwise permitted by the WSC and MEPA, as relevant. Where requested by the WSC, effluent should pass through an adequately sized and well maintained interceptor; and

viii. At no point in time shall any hazardous waste generated be landfilled.

7 The conditions imposed and enforced by the:

- Environmental Health Directorate are at document PA 2585/13/91a.
- Water Services Corporation are at document PA 2585/13/106i
- Civil Protection Department are at document PA 2585/13/112

The architect/applicant is required to contact the Environmental Health Directorate, Water Services Corporation and 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 said departments.

8 a) The approved premises shall be used as indicated on the approved drawings or as limited by any condition of this permission. If a change of use is permitted through the Development Planning (Use Classes) Order, 2014 (or its subsequent amendments), and it is not restricted by a condition of this permission, approval from the National Commission for Persons with Disability may be required. Reference needs to be made to MEPA Circular 3/10 or its subsequent amendments.

b) Where provided, loading and unloading shall take place solely within the premises, and not from/on the public pavement or street.

c) Unless shown on the approved drawings, no approval is hereby granted for the display of any sign or advertisement. These must form the subject of a separate application for advertisement consent.

d) No activity is to take place outside the boundary indicated in block plan PA 2585/13/106C, unless clearly indicated on the approved drawings, and no crates or other items are to be stored outside. The placing/installation of any structures or facilities in front of the premises, unless indicated on the approved drawings, must be the subject of a separate clearance/permission from MEPA.

e) The premises shall be used only as a waste treatment facility and for no other purpose, including any use falling within Category E of the Development Planning (Use Classes) Order, 2014 (or its subsequent amendments).

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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) 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.
- h) 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.
- i) A water cistern with a volume in cubic metres of 60% of the total roof area (in square metres) of the building(s) shall be constructed to store rain water run-off from the built up area of the development. This cistern shall be completed and available for use prior to the development hereby being first brought into use.
- j) Where applicable, an area of a depth of 4 metres from the pavement, with a gradient not steeper than 1:10, shall be provided within the site for vehicles to wait at pavement level before entering the street.

permission 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 Environment and Planning Review Tribunal or quashed by the Court of Appeal.

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 9 August 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

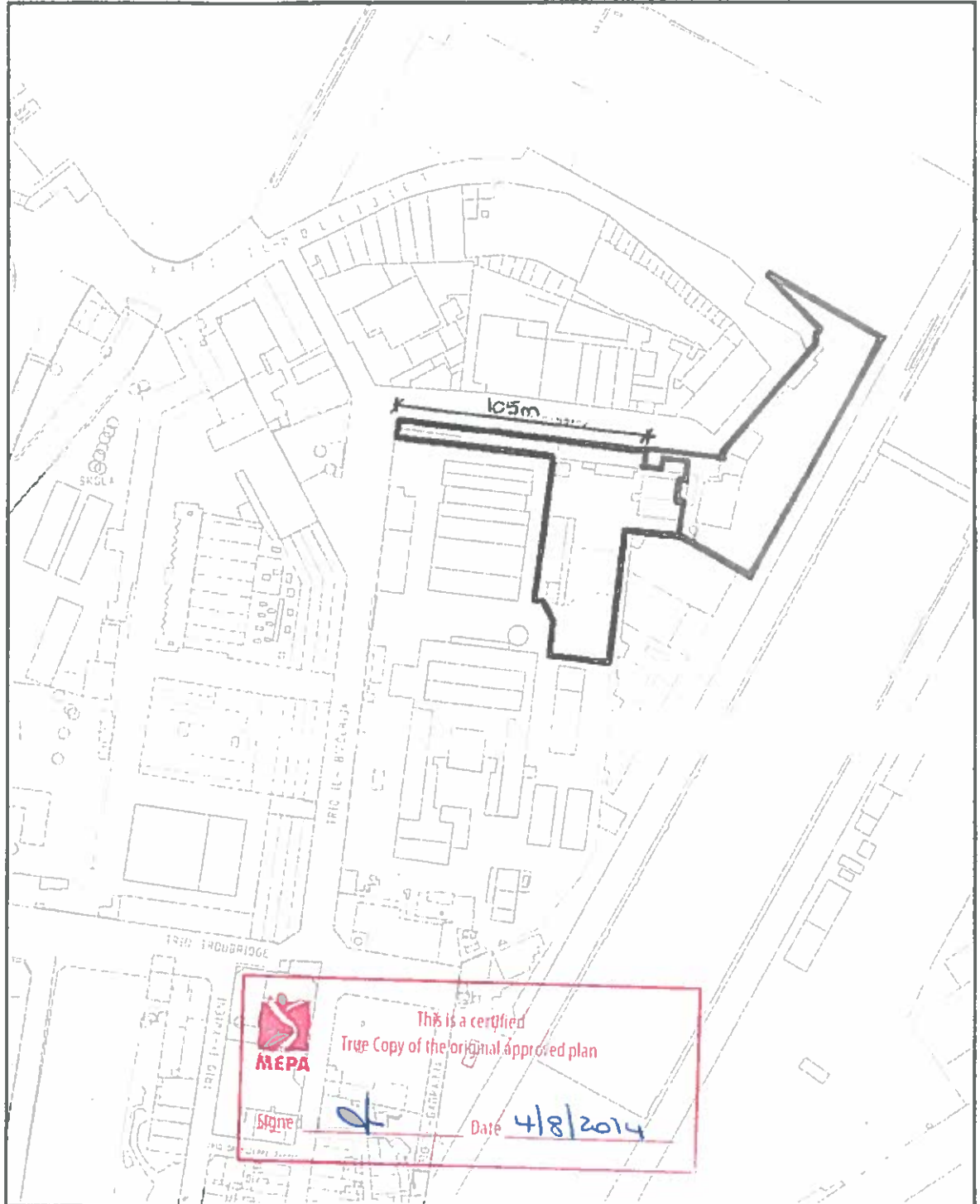
With regards to requests for reconsideration, Form MEPA 6/10 must be used for submission. All fields of the Form must be filled in as appropriate. Requests for reconsideration can only be submitted electronically.

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.

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MEPA - www.mepa.org.mt

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Site Plan, Scale 1:2500

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Not to be used for interpretation or scaling of scheme alignments

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