



Public Consultation Submissions & Responses

Trees and Woodlands Protection Regulations, 2018

June 2018

Environment & Resources Authority

CONSULTATION FEEDBACK - Public Consultation held between 01/02/18 – 01/03/18



Ref No.	Name of Stakeholder / Date	Comments Received	Response / Remarks
	Galea Gian Giorgio	<p>Law Trees and Woodlands Protection</p> <ul style="list-style-type: none"> . Please add in private/ public gardens (backyard and side cartridge) . All Protected Tress in private/public gardens must be protected and Registered with ERA . ERA must received each year all registered statements from public /Private Garden (backyard and side cartridge) . ERA must compensate (maintained) yearly upon statement provided that the mention public/Private Garden (backyard and side cartridge) Gardens have listed protected tress . All full development application must guarantee (bank) lookout before planning permit that protected tress listed are not harmed, 	<p>Trees falling within Table 1 part A of Schedule I are protected in all locations in Malta. On the other hand, ERA is addressing other important trees in selected gardens and other locations through the Tree Protection Areas as per criteria established in regulation 7 of the proposed regulations.</p> <p>Registration of all trees in private and public gardens would entail an extensive administrative burden which goes beyond the scope of these regulations.</p> <p>Irrespective of any development permit issued by other authorities, any works falling within the scope of these regulations, would still require prior approval by ERA. The updated Regulations ensure that the Authority may require the provision of a suitable financial guarantee to be made in favour of the competent authority to secure the obligations under the nature permit.</p>

	<p>. Upon planning permit, the applicant must compensate ERA were the protected tree are listed or registered with ERA for 50 meter diameter</p> <p>. The Applicant upon planning permit, calculated the compensate for the Lose of sunlight over the mention protected tree as it effect the growing process</p> <p>. If the Applicant upon planning permit add or increases his floor higher level again the ERA must compensate third party</p>	<p>The proposed regulations stipulate compensatory measures to mitigate impacts of a permitted activity.</p> <p>Matters related to development permits are beyond the scope of these regulations.</p>
Camilleri Jon	<p>Is there an appeals process? Similar to legal notice 414/2005 for contraventions some persons will want to appeal against enforcement on reasonable or other reasons this in view of the right to fair trial a human right.</p> <p>The list of trees and shrubs set out in the schedule might be unexhaustive, one might want to include a schedule that is revised by a board regularly as I believe is the current practice within the public sector. I fail to understand why one needs to have a doctorate to sit on these boards, some members of Parliament have a baccelleraute level of education so there is a certain perceived level of unequal treatment in selecting board members and experts this applies also to the European Commission's criteria for fitness they are too high for common mortals with the average salary to reach thus further create the impression that inequality is unfortunately supported by bureaucracy and structure in an irrevocable manner.</p>	<p>Any aggrieved individual may appeal to the Environment and Planning Review Tribunal in line with the Environment Protection Act and the Environment and Planning Review Tribunal Act.</p> <p>The Schedules may be reviewed in instances when the need arises for the protection of particular species.</p>
Debono Roberto	<p><u>Proposal: to include a 50-year time-barred exemption for newly planted protected trees (as per Schedule 1) by private entities.</u></p>	<p>Trees listed in Table 1 of Schedule I are protected trees which are critically</p>

		<p>Whereas the legislation is to be lauded on the regulation of trees in existence, it does not allow the flexibility for individuals who, out of their initiative and good will, plant protected trees under Schedule 1 on their private land. For example, a person who wishes to plant a Sandarac Gum tree, a Holm Oak or a Carob Tree on his private land (be it urban area or ODZ) knows beforehand that he will be tied down by this proposed law not to remove or prune the trees, or else face harsh penalties. Since the planting of such trees as regulated by the law will create strict restrictions on the utilisation of land for other purposes, such a person will by default avoid planting protecting trees on his private land. I think that this goes against the spirit of the proposed law which so much as it seeks to protect indigenous trees that are already in existence, should also promote the planting of new indigenous trees by private entities. This can be done by including a time-barred exemption (e.g. 50 year) for newly planted indigenous trees by private individuals after a reference year (e.g. the year of planting of the tree). Such an exemption will create the possibility for private entities to experiment with planting new indigenous trees provided they have the flexibility to remove them. The case will be that some trees will establish themselves and if left in place for long enough will also start enjoying the protection of the law as for trees already in existence. With satellite imagery, today it is very easy to determine with accuracy the year when new trees are planted.</p>	<p>endangered or possibly extinct in the wild and thus merit protection and high penalties.</p> <p>Whilst acknowledging that indigenous trees are protected by these proposed regulations, this does not mean that no interventions can be carried out on such species. In the updated Regulations, following public consultation, the pruning of trees planted in gardens of private dwellings in urban areas does not require a permit, with the exception of trees in protected areas. However, other interventions, such as uprooting, require prior authorisation from ERA so that the most critically endangered trees found in Malta are safeguarded.</p> <p>In addition, trees in pots are excluded from these regulations as per amendments carried out following this public consultation.</p> <p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees.</p>
	<p>Dr DeBono Daniela</p>	<p><u>Proposal: to include a 50-year time-barred exemption for newly planted protected trees (as per Schedule 1) by private entities.</u></p>	<p>Trees listed in Table 1 of Schedule I are protected trees which are critically endangered or possibly extinct in the wild</p>

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DeBono Emmanuel	<p><u>Proposal: exemption for newly planted protected trees (as per Schedule 1) by private entities.</u></p> <p>Whereas the legislation is to be praised on the regulation of trees in existence, it does not allow the flexibility for individuals who, out of their initiative and good will, plant</p>	<p>Trees listed in Table 1 of Schedule I are protected trees which are critically endangered or possibly extinct in the wild and thus merit protection and high penalties.</p>

		<p>protected trees under Schedule 1 on their private land. Since the planting of such trees as regulated by the law will create strict restrictions on the utilisation of land for other purposes, such a person will by default avoid planting protected trees on his private land. I think that this goes against the spirit of the proposed law which so much as it seeks to protect indigenous trees that are already in existence, should also promote the planting of new indigenous trees by private entities. This can be done by including an exemption for newly planted indigenous trees by private individuals. Such an exemption will create the possibility for private entities to experiment with planting new indigenous trees provided they have the flexibility to remove them. The case will be that some trees will establish themselves and, if left in place, will also be enjoyed by everybody.</p>	<p>Whilst acknowledging that indigenous trees are protected by these proposed regulations, this does not mean that no interventions can be carried out on such species. In the updated Regulations, following public consultation, the pruning of trees planted in gardens of private dwellings in urban areas does not require a permit, with the exception of trees in protected areas. However, other interventions, such as uprooting, require prior authorisation from ERA so that the most critically endangered trees found in Malta are safeguarded.</p> <p>In addition, trees in pots are excluded from these regulations as per amendments carried out following this public consultation.</p> <p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees.</p>
	<p>DeBono Mary Rose</p>	<p>L-għan ta' dawn ir-regolamenti dwar il-ħarsien tas-siġar u l-imsaġar fl-gzejjer Maltin u li tissalvagwardjahom, hija ta' min ifaħħarha. Imma problema li nara hi li din il-liġi tiskuraggixxi individwi milli jieħdu l-inizjattiva li jhawlu siġar protetti fuq l-art jew fil-ġnien tagħhom, anzi b'din il-liġi se tiskoraġġihom.</p> <p>Jekk persuna tkun tixtieq tħawwel waħda minn dawn is-siġar protetti, hi tkun jaf li se tkun marbuta b'din il-liġi u ma tkunx tista' tneħhi s-siġar u lanqas tiżborhom għax</p>	<p>Siġar elenkati fit-Tabella 1 tal-Ewwel Skeda huma siġar protetti li huma f'periklu li jinqerdu u possibilmest estinti fis-selvaġġ u għaldaqstant haqqhom protezzjoni u penali għoljin.</p>

		<p>tista' tiffaċċja pieni ħorox. Il-ligi tagħti lok li din il-persuna tista' tapplika għall-permess imma dan ma jfissirx li l-permess se jinħariġlu awtomatikament. Għalhekk wieħed jieħu l-iktar triq faċli u ma jhawnel xejn minn dawn. B'hekk flok ninkoraġġixxu iktar sigar indigeni qed niskoraġġu li dawn jithawlu.</p> <p>Nissuġġerixxi li individwu li jrid iħawwel sigar indigeni jithalla jagħmel dan mingħajr xkiel u ma jkunx imxekkel minn din il-ligi.</p>	<p>Filwaqt li l-ERA tagħraf li s-sigar indigeni huma protetti b'dawn ir-regolamenti proposti, dan ma jfissirx li ma jista' jsir l-ebda tip ta' ntervent fuq dawn l-ispeċi. Fir-Regolamenti l-godda, iż-żbir ta' sigar f'għonna ta' djar privati, li jinsabu f'żoni urbani, ma jirrikjedux permess, ħlief b'eċċezzjoni ta' sigar li jinsabu f'żoni protetti. Mill-banda l-oħra, interventi oħra, bħal qluġh, jirrikjedu awtorizzazzjoni minn qabel mill-ERA. Dan bil-għan li jiġi assigurat li sigar li huma protetti minħabba li huma f'periklu li jinqerdu jew estizzjoni, jiġu salvagwardjati.</p> <p>Barra minn hekk, sigar imħawla fil-qari issa ġew esklużi minn dawn ir-regolamenti.</p> <p>Bħalissa l-ERA qegħda tassessja modi u miżuri kif jiġi ċċentivat it-thawwil ta' sigar indigeni.</p>
Caruana Elsie		<p>Mal-Lista ta sigar tajjeb ukoll li zzidu speci indigeni ta sigar tac-citru bħal-laringa ta Malta maghrufa bhala il-Maltese Orange f'pajjizi bħal Kalifornja. Hemm bosta ohra li jista jsir certa ricerka fuqhom u taraw liema huma. Hemm il-bergamot ukoll. Ghaliex ghandna nipromwovu u nbieghu sigar ta barra fejn ahna ghandna bil-bosta x'niehdu hsieb. Hemm kull tip jekk forsi ghad fadal minnhom. Din il-link huwa ta ktieb li huwa utli li taghtuh daqqa t'ghajn:</p> <p>https://archive.org/details/cultivationdisea00borgrich</p>	<p>Dawn ir-regolamenti jkopru sigar indigeni u arkeofiti (sigar Maltin li ġew imdaħħla mill-bniedem fil-qedem, pereż. iż-żebbuġa) biss. Varjetajiet lokali li ġew immissla minn sigar mhux Maltin għal għanijiet agrikoli (bħal-laring tad-demmi ta' Malta) jaqgħu barra mill-iskop ta' dawn ir-regolamenti.</p> <p>Ir-Regolamenti l-godda qed iħarsu ċertu eżemplari ta' sigar Maltin tal-frott li jinsabu</p>

			f'ċertu postijiet, bħaċ-ċirasa, għanbaqar, ħawħa u l-langasa.
Vincenti Joe obo Bonsai Culture Group	<p>On behalf of our VO Bonsai Culture Group-Malta, we welcome the draft regulations aimed at protecting our environment.</p> <p>As a group dedicated to the growth, maintenance and care of miniature trees i.e. Bonsai we feel that the current definitions may expose us legally to the fines related to Prohibited Interventions under Clause 14.</p> <p>We recommend after internal legal consultation, that:</p> <ol style="list-style-type: none"> Under the definition of "tree" in Clause 2 there is an amendment to read..."means a perennial plant planted in the ground, whether... <p>Or</p> <ol style="list-style-type: none"> At the end of the definition of 'tree' in Clause 2 to add "but shall exclude such plants cultivated in pots, popularly known as Bonsai" <p>Please advise us after internal consideration if these recommendations will be included in the draft LN</p>		Comment noted. Regulation 3 amended accordingly. Trees in pots are excluded from these regulations as per amendments carried out following this public consultation.
Cauchi Daniel	<p>I thoroughly approve of the new regulations and hope that they will be enforced. However, I would like to echo the concerns raised by Dr. Debono on the Times of Malta article (https://www.timesofmalta.com/articles/view/20180209/opinion/Unwanted-corollary-outcome-Roberto-Debono.670159) where he urges the inclusion of an article in the legislation that exempts newly planted protected trees by private individuals on private land. This would remove the existing disincentive for private land owners from planting protected trees on their land.</p>		<p>Trees listed in Table 1 of Schedule I are protected trees which are critically endangered or possibly extinct in the wild and thus merit protection and high penalties.</p> <p>Whilst acknowledging that indigenous trees are protected by these proposed regulations, this does not mean that no interventions can be carried out on such</p>

			<p>species. In the updated Regulations, following public consultation, the pruning of trees planted in gardens of private dwellings in urban areas does not require a permit, with the exception of trees in protected areas. However, other interventions, such as uprooting, require prior authorisation from ERA so that the most critically endangered trees found in Malta are safeguarded.</p> <p>In addition, trees in pots are excluded from these regulations as per amendments carried out following this public consultation.</p> <p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees.</p>
	Bianchi Nicholas	The new regulations should exempt newly planted protected trees (schedule 1) by private individuals on private land.	<p>Trees listed in Table 1 of Schedule I are protected trees which are critically endangered or possibly extinct in the wild and thus merit protection and high penalties.</p> <p>Whilst acknowledging that indigenous trees are protected by these proposed regulations, this does not mean that no interventions can be carried out on such species. In the updated Regulations, following public consultation, the pruning</p>

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	Bajada Elaine	<p>There should be an appendix that promotes the following:</p> <ol style="list-style-type: none"> 1. Tax rebate or some other benefit for land owners who replace trees in schedule II with trees in schedule I and maintain them healthy for a good number of years. If they increase the number of planted trees on their land the benefit should also be increase, but only within a certain limit so as to limit competition between the plants. 2. Involve schools and give incentives to allow the children to grow the trees then plant them in allocated sites. The last part of the papers show fines. Add a section to show incentives. Start from the children - they will grow to care more for their environment and if they know what trees they are growing, they will love and look after their natural heritage in the future. 	<p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees. This recommendation will be brought to the attention of the relevant competent authorities.</p> <p>Initiatives involving schools are already in place.</p>

	<p>Azzopardi Anthony</p>	<p>1. Trees planted in private areas be exempt from these regulations unless such trees are more than 30 years old.</p> <p>2. It be stated clearly that Government and Parastatal entities be also subject to such regulations and the Minister (as the top-most authority) be made personally responsible for any infractions (like other private owners are responsible) Otherwise it means that there is one law for the common citizen and another law for the Government - which is unfair. This should be publicized in an effort to regain the trust of the people. Excuses such as to widen roads shall not be tolerated.</p> <p>3. If such protected trees are found in ODZ areas then this area shall never be developed (i.e. exploited)</p> <p>4. To encourage the planting of more indigenous trees, substantial compensation should be granted to whoever plants such trees.</p>	<p>Refer to previous comments on this issue.</p> <p>These regulations do not distinguish between contraveners. The regulations allow for permission to be granted by the Authority for certain interventions on trees which may include uprooting, provided that the Authority may impose compensatory measures listed in regulation 23.</p> <p>While prior authorisation is required from ERA for protected trees falling under these regulations, the granting of development permits is not within ERA's remit.</p> <p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees.</p>
	<p>Vassallo Franco</p>	<p>Is-sigar protetti ghandhom jkunu protetti kullimkien u mhux biss meta qeghdin f'ODZ.</p> <p>Ghandu jkun obbligu tal-istat li jimponi obbligu fuq kull minn jinghata zvilupp fuq ODZ li jizra u jmantni fuq art tal-istess medda sigar endemici f'post maghzul mill-istat.</p>	<p>L-ispeċi tas-siġar elenkati f' Tabella 1 ta' Taqsima A tal-ewwel Skeda huma mħarsa fil-lokalitajiet kollha ta' Malta, indipendentement fejn jinstabu. Permezz ta dawn ir-regolamenti, saħansitra qed tinghata iktar protezzjoni lil dawk l-ispeċi li jinsabu fi spazji miftuħa pubbliċi u urbani.</p> <p>L-ERA tagħmel kundizzjonijiet dwar kumpens u manteniment fil-permess</p>

			ambjentali u rakkomandazzjonijiet għal miżuri ta' kumpens f'każijiet ta' żvilupp tul il-proċess ta' konsultazzjoni rregolati mill-Awtorità tal-Ippjanar.
	Vella Richard Joseph	Zommu f'kunsiderazzjoni l-fatt jekk is-sigar humiex imkabbra jew fis-selvagg. Ghax per ezempju, zebbug u rummien kkultivati hawn hafna allura ghandu jkollu dritt il-bidwi li jizborhom hu. Fil-kaz ta' zebbug selvagg, l-istorja differenti. Il-bdiewa (ta' veru) ghandu jkollom 'dritt' li jizbru anke harrub per ezempju ghax kultant tkun tahrat u ma tkunx tista tghaddi bil-harruba. Ghandu jkollu dritt li jiss ftit il-harruba.	Dan is-suggeriment huwa digà indirizzat permezz ta' Regolament 15. Fir-Regolamenti kif emendati, sigar tal-frott li jinsabu f'Tabella 2 ta' Skeda I mhumieq protetti jekk huma imħawla għal skopijiet agrikoli għall-produzzjoni tal-frott jew żejt go għalqa użata minn bidwi registrat f'art irregistrata għal użu agrikolu mad-Direttorat tal-Agricoltura.
	Camilleri Phyllis	<p>* Sorveljanza minn entita awtorevoli meta jkunu ser isiru interventi ta kostruzzjoni fejn jintmessu jew jinqalaw sigar. u dan ghandu jsir biss bil-permess. l-entita ghandha tkun iffurmata minn nies li vera jimpurthom mhux qedin hem biex jghogbu lil min jkun ser jghamel l-intervent!</p> <p>* meta jkunu ser jigu zviluppanti 'areas' godda, speċjalment urbani ghandu jidhol fil-pjan 'green space' biex titjeb l-estetika (mhux gebel biss) u anke ghas-sahha tal-publiku u tal-ambjent.</p> <p>* fl-opinjoni tieghi diga hawn izejjed kostruzzjoni ghandna nevitaw li jittiehdu aktar 'green areas' u titkompla il- hidma biex dawn niehdu hsiebhom.</p>	<p>Ċerti interventi fuq is-sigar protetti b'dawn ir-Regolamenti jirrikjedu permess mill-ERA. L-istess Awtorità tassigura li l-kundizzjonijiet imposti fil-permess jigu mħarsa.</p> <p>L-ERA tagħmel rakkomandazzjonijiet għal miżuri ta' inkluzjoni ta' sigar f'tali każijiet tul il-proċess ta' konsultazzjoni fuq applikazzjonijiet għal żvilupp mal-Awtorità tal-Ippjanar.</p>

	Sara Camilleri	<p><u>Proposal: to include a 50-year time-barred exemption for newly planted protected trees (as per Schedule 1) by private entities.</u></p> <p>Whereas the legislation is to be lauded on the regulation of trees in existence, it does not allow the flexibility for individuals who, out of their initiative and good will, plant protected trees under Schedule 1 on their private land. For example, a person who wishes to plant a Sandarac Gum tree, a Holm Oak or a Carob Tree on his private land (be it urban area or ODZ) knows beforehand that he will be tied down by this proposed law not to remove or prune the trees, or else face harsh penalties. Since the planting of such trees as regulated by the law will create strict restrictions on the utilisation of land for other purposes, such a person will by default avoid planting protecting trees on his private land. I think that this goes against the spirit of the proposed law which so much as it seeks to protect indigenous trees that are already in existence, should also promote the planting of new indigenous trees by private entities. This can be done by including a time-barred exemption (e.g. 50 year) for newly planted indigenous trees by private individuals after a reference year (e.g. the year of planting of the tree). Such an exemption will create the possibility for private entities to experiment with planting new indigenous trees provided they have the flexibility to remove them. The case will be that some trees will establish themselves and if left in place for long enough will also start enjoying the protection of the law as for trees already in existence. With satellite imagery, today it is very easy to determine with accuracy the year when new trees are planted.</p>	<p>Trees listed in Table 1 of Schedule I are protected trees which are critically endangered or possibly extinct in the wild and thus merit protection and high penalties.</p> <p>Whilst acknowledging that indigenous trees are protected by these proposed regulations, this does not mean that no interventions can be carried out on such species. In the updated Regulations, following public consultation, the pruning of trees planted in gardens of private dwellings in urban areas does not require a permit, with the exception of trees in protected areas. However, other interventions, such as uprooting, require prior authorisation from ERA so that the most critically endangered trees found in Malta are safeguarded.</p> <p>In addition, trees in pots are excluded from these regulations as per amendments carried out following this public consultation.</p> <p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees.</p>
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	<p>Scicluna Silvio</p>	<p>Submissions for changes on the draft LN of 2018, Trees and Woodland Protection Regulations, 2018:</p> <p>1. 15 (1) remove ‘pruning of the’. Exceptions to regulation 14 should include the full management of horticulturally-grown trees i.e. pruning, removal, topiary cut, etc. One should leave people manage themselves their horticulturally-grown trees in order to promote the planting of trees listed in schedule I. Then if a tree reaches say 50 years, then it will be included under the same protection of Schedule 1 restrictions of Part A and B. In other words one should exempt the horticulturally-grown trees (in private gardens, front gardens, public soft areas) from these regulations. If this is not changed it will scare the public or entity, and discourage them from planting the trees in Schedule I.</p> <p>2. In 19 (2) Section (d). Public open spaces if not categorised in regulation 6, it should not be included in this section but categorised as horticulturally-grown trees.</p> <p>3. Penalties. I think the penalties are draconian. I can understand that there should a punishment but the amounts are too harsh.</p> <p>4. Trenching. I did not notice any provision in this respect. If this is covered by “near a tree” (Reg. 3. (1)) or 10 meters from the trunk, then rest assured that all trenching works become illegal or else reason it out that, better a street without trees to avoid clashing with these regulations.</p>	<p>In the updated Regulations, following public consultation, the pruning of trees planted in gardens of private dwellings in urban areas does not require a permit, with the exception of trees in protected areas. However, other interventions, such as uprooting, require prior authorisation from ERA so that the most critically endangered trees found in Malta are safeguarded.</p> <p>Urban public open spaces are specified in the definitions section in Regulation 3.</p> <p>Penalties are in line with the Environment Protection Act.</p> <p>Trenching works damaging protected trees are addressed through regulation 14. Interventions near a protected tree or in any protected area require a prior authorisation from ERA.</p>
	<p>Jonathan Tanti</p>	<p>I am sending this email to say my thoughts. I am a register beekeeper where i have 45 beehives and i am on my way to reach my goal of 75 hives. In my area i depend mostly on the honey that the bees collect from the eucalyptus trees which amounts approximately about 15kg of honey per hive for me. From spring and summer combined i rarely get that amount of harvest.</p>	<p>The importance of gum trees/eucalypts to apiculture is duly acknowledged. The propagation and planting of alien eucalypt trees (specifically <i>Eucalyptus gomphocephala</i> and <i>E. camaldulensis</i></p>

		<p>This tree was essential two years ago after the no rain year as when August kicked in and the flowers opened the hives grew much better.</p> <p>With the eradication of this tree i am sorry to say that after all the investmdnt that i have made which amounts to thousands will go to waste because than i will lose half my yearly honey harvest which than i will not even breakeven.</p> <p>I would be very sorry to lose my hives but that is what i will have to consider if eucaliptus is to be eradicated.</p>	<p><i>/rostrata</i>) is subject to an ERA permit due to damage that these trees cause to Maltese biodiversity.</p> <p>Nonetheless, these species are now being protected if located in urban public open spaces.</p>
	<p>Joe Buttigieg</p>	<p>Nixtieq nikkummenta dwar ir-“Regolamenti tal-2018 dwar il-Ħarsien tas-Siġar u L-Imsaġar “</p> <p>Jien bhala persuna li nrabi nahal, l ewkaliptus ghandu rwol importanti fit-trobija tan-nahal. Jekk titnehha din is-sigra jonqos l ammont ta ghasel li niproducu f Malta u b hekk l ammonti li niproduci ma jkunux biżżejjed biex nibqaw fis-suq. Ghalhekk ghandu jsir studju biex wiehed jara x ammont ta nectar tghati siġra tal ewkalitpus u liema siġar maltin ghandhom l istess kapaċità – e.g. Harrub u Rihan. Huma żewġ siġar indiġeni ohra li nahal jiehu nectar minnhom. Is-sigar tal ewkaliptus ma jistax jitenneha u flokhom jithawlu siġar indiġenu kwalunkwe e.g ballut. Imma jrid ikun siġar indiġenu imma li ukoll in nahal jahdem fuqu.</p> <p>Wiehed ghandu jaghmel studju biex jara x ammont ta nectar jaghti l ewkaliptus u wara jaraw siġar bhal harrub u rihan x jaghtu (fost ohrajn). B hekk tkunu tistaw tikkalkolaw kemm il siġar tar rihan u harrub jridu jithawwlu ghal kull ewkaliptus li titnehha.</p> <p>Dawn is siġar aljeni ghandhom jitnehew biss meta is siġar indiġeni li jkunu thawwlu jkunu lahqu l maturita u bdew jghatu mill inqas li stess ammont ta nectar</p>	<p>Filwaqt li l-ERA tifhem it-tħassib dwar l-użu tas-siġar tal-gamie/ewkaliptu għall-apikultura, il-propagazzjoni jew it-tħawwil ta’ speċi aljeni tal-ewkaliptu (speċifikament <i>Eucalyptus gomphocephala</i> u <i>E. camaldulensis /rostrata</i>) huwa soġġett għal permess mill-ERA minħabba l-ħsara li dawn l-ispeċi jikkawżaw għall-bijodiversità Maltija.</p> <p>Madanakollu, dawn l-ispeċi li jinsabu fi spazji miftuħa pubbliċi u urbani, qed jiġu mħarsa.</p>

		Kull ma ghidt hawn fuq jghodd ukoll ghas sigra tal Akacja li minnha nahal jaghmel l ghasel ukoll	
	Calleja Eman	<ol style="list-style-type: none"> 1. The penalties in schedule IV section (i) are too high. They minimum value of €25,000 should only be used for critically endangered trees such as the Phillyrea and Paliurus spina-christi. Such high fines might otherwise dissuade authorities and the police from persecuting common individuals, since the fines could be crippling. 2. Are the fines age dependant or dependent on the size of the tree? In other words, if one collects a handful of suckers of Rhus coriaria, or Ulmus canescens, or remove some suckers that are overgrowing into the footpath, would ERA prosecute those individuals for 25,000 and 10,000 euro for each sucker removed, respectively? Do these fines apply to seedlings too, or to mature trees only? Is age or size of the tree taken into consideration? If yes, the fine for Rhus coriaria is highly exaggerated, and people will be taken to court every year when they clear the secondary road from suckers growing across the road. 3. With regards to tree reserves and protected areas. Often it is necessary to include the thinning of protected trees as a management measure. Trees which may have been planted too closely could grow to be stunted. Sometimes it is also required to remove some over represented species and plant other species which are typical of the phytosociological association in order to improve the structure of a habitat. The felling of planted trees for thinning purposes should be allowed. 4. With regards to the licensed tree specialist, how would this work in practice? If you have a group of 3-4 people working on the pruning of a tree or its transplantation, 	<p>Penalties are in line with the Environment Protection Act.</p> <p>A permit is required for interventions on protected trees.</p> <p>A permit is required for interventions on protected trees.</p> <p>Licensed tree specialists are needed to carry out interventions on particular trees</p>

		would all of them need to be licensed tree specialists or just the supervisor? Ideally it should be the supervisor. You do not need all the workers to be tree specialists.	as stipulated in regulation 19. Therefore, any person doing interventions on such trees need to be licensed.
Buhagiar Michael (Segretarju - Għaqda Produtturi tal-Għasel Malti)		Nixtieq li f'isem l-Għaqda produtturi tal-Għasel Malti nwassal l-opinjoni tagħna lil min hu konċernat fl-emendi tal-liġi dwar il-Ħarsien tas-Siġar. Bħala naħhala (beekeepers) ilna dawn l-aħħar snin insofru minn avvenimenti li laqtu ħażin is-settur tan-naħal. Il-bdil fil-klima qed joffri staġuni iqsar u wkoll ifqar fejn in-naħal isib nectar x'jiġbor. Matul l-aħħar mitt sena tħawwlu għadd ta' siġar tal-Ewkaliptus (jidher li dawn ġew introdotti mill-militar Inġliż) li għalkemm hi siġra aljena ma hix waħda invażiva bħal siġar oħra. Qed naraw li hu propost li din ma tibqax permessa li tithawwel f'żoni urbani u wkoll li jekk ikun meħtieġ tinqered ukoll minn kullimkien. Nixtiequ nenfasizzaw li din is-siġra tgħamel fjuri fi żmien opportun għan-naħal u dan jgħin mhux biss li n-naħal jiġi mitmugħ inqas għalf artifiċjali iżda wkoll iżomm il-kolonja b'saħħitha. Il-magġoranza ta' dawn is-siġar jwarrdu lejn Awwissu/Settembru. Dawn is-siġar huma l-aktar siġar nektiferi waqt is-sħana tas-Sajf fejn prattikament kullimkien ikun niexef. Hawnhekk ukoll irid jiġi mfakkar li l-eqreb staġun ikun intemm f'Ġunju fl-inħawi tal-Mellieħa fejn prattikament ma jifdal xejn, ħlief sagħtar waqt li fl-inħawi l-oħra f'Malta l-aħħar staġun ikun spicċa f'Mejju. Il-prodotti tan-naħal barra li għal membri tal-Għaqda tagħna huma ntrojtu iżjed lejn il-familji tagħna dan l-insett hu ferm importanti fis-sistema ekoloġika ta' pajjiżna. Mingħajr ma nithallsu min irabbi n-naħal joffri b'xejn dakra lil prodotti agrikoli u siġar oħra. Nittamaw li tifmhu t-tħassib tagħna u wkoll tifmhu l-importanza li din is-siġra għandha fis-settur tal-Apikultura. F'każ ta' bżonn ta' għajjnuna jew iktar tgħarif aħna lesti li ngħatu l-għajjnuna tagħna.	Filwaqt li l-ERA tifhem it-tħassib dwar l-użu tas-siġar tal-gamem/ewkaliptu għall-apikultura, il-propagazzjoni jew it-tħawwil ta' speċi aljeni tal-ewkaliptu (specifikament Eucalyptus gomphocephala u E. camaldulensis /rostrata) huwa soġġett għal permess mill-ERA minħabba l-ħsara li dawn l-ispeċi jikkawżaw għall-bijodiversità Maltija. Madanakollu, dawn l-ispeċi li jinsabu fi spazji miftuħa pubbliċi u urbani, qed jiġu mħarsa.
Bonello Cassar Annick obo Nature Trust	<ul style="list-style-type: none"> NTM is of the opinion that having a license for just one year is too short term and would lead to added bureaucracy. It should be done for at least 3 years and renewable if permit holder abides by regulations. <p>Some points which could be addressed:</p>	Comment noted and regulations amended accordingly.	

	<p>Exceptions 15. (1) The provisions of regulation 14 shall not apply to the pruning of horticulturally-grown trees for the purpose of: (a) reviving already damaged trees, or preventing their further deterioration or improving their health; (b) preserving their strength, enhancing their overall health, removing water sprouts or suckers, grafting, improving their fruit productivity or avoiding likely injury to persons or likely damage to property; or (c) controlling growth for the purpose of avoiding the entry of mice or rats within a building. Provided that any branch or offshoot to be pruned must lie within not more than one and a half metres (1.5m) from such building and as long as the pruning does not affect the main trunk of the tree.</p> <ul style="list-style-type: none"> • to include – removal of branches which would have collapsed /partially collapsed by natural events (wind/ lightning) or by parasite attacks - due to danger they could cause (on cars/ within schools) • EMERGENCY measures must listed - where fallen trees / branches are a threat to human life. <p>(Personal experience - a massive branch from an olive tree within a school was broken by wind - and posed danger to cars/ children - in such cases this should be removed with EMERGENCY.</p> <p>16. (1) No person shall dump, throw, pour, place, bury in the ground or deposit: (a) any biocide, defoliant, acid, alkali, saline water, or any poisonous, corrosive or growth-inhibiting chemical substance; (b) any tyre, rubber or polystyrene; (c) any fuel, or other combustible or explosive material; or (d) refuse or other waste, rubble or scrap, near any protected tree or any protected area:</p> <ul style="list-style-type: none"> • add: inserting nails in trees (to be killed) or removing bark to kill the tree 	<p>The regulations provide for emergency measures both in regulations 15 and 25.</p> <p>These are addressed in regulation 14.</p>
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		<ul style="list-style-type: none"> ringing of trees (whereby a wire is tightly wound around a tree trunk- eventually killing it - not sure of nomenclature) 	<p>Ring-barking is included in the definition of “remove the bark”, and therefore is also addressed by regulation 14.</p>
	<p>Dr Grech Charles</p>	<p>Some comments and suggestions</p> <p>“tree” means a perennial plant, whether dead or alive, which in its adult form has a main woody trunk or trunks and woody branches; To include palms and other monocots.</p> <p>“tree preservation order” means any tree scheduled through a Notice in the Government Gazette issued through the provisions of the Development Protection Act, 1992; Act has been repealed ?! so please refer to new Env. Act.</p> <p>“woodland” includes natural or semi-natural vegetation communities characterised by trees such as natural forest or woodland remnants, semi-natural woodland, primary and secondary maquis, coastal maquis, and riparian or rupestral copes</p> <p>Should include all forest areas even those that are planted. This is too restricted and defeats the purpose of protecting Maltese forest areas. It is myopic</p> <p>The old regs of 2001 where much superior in this respect. Forget the science and think trees!</p> <p>"woodland area" means land bearing not less than twenty trees, whether sited naturally or planted by man, on either public or privately owned land.</p> <p><small>Application in writing</small></p> <p>21. (1) A person shall submit an application to the Authority in writing at least three weeks prior to the carrying out of the activity.</p> <p>What if a tree blocks roads etc?</p>	<p>Comment has been noted .</p> <p>TPOs have been issued under the DPA of 1992 and are still in force.</p> <p>Comment has been noted.</p>

		<p>(5) The Authority may not issue or renew a permit if the applicant has defaulted on any of the terms, conditions, obligations, approved specifications or limitations of any other permit, licence, approval or authorisation issued by the Authority in relation to the site in question or otherwise affecting it, whether under these regulations or not.</p> <p>Too stringent; be careful do tie your own hands ERA</p> <p>Emergency Permits</p> <p>25. The Director may, in cases of emergency or grave danger, issue a temporary permit for the carrying out of any activity regulated by these regulations, and in so doing he may issue any such directives, terms and conditions, and decisions as he deems appropriate.</p> <p>Insert ‘even verbally and over any communication method or device.’</p> <p>Issue not only permit but ‘instructions’</p> <p>Schedule 1</p> <p>Include</p> <p>Quercus coccifera Balluta xewwieka Kermes oak</p> <p>Quercus species when they are indigenous to Mediterranean Region. These are absolutely rare and with their rate of growth, pose no threat of invasion.</p> <table border="1" data-bbox="478 1161 1350 1291"> <thead> <tr> <th><i>Cydonia oblonga</i></th> <th>L-Ġnibru</th> <th>Quince</th> </tr> </thead> <tbody> <tr> <td><i>Juniperus phoenicea</i></td> <td>Il-Ġnibru; Il-Ġniepru; L-Għargħar</td> <td>Phoenician Juniper</td> </tr> <tr> <td><i>Laurus nobilis</i></td> <td>Ir-Randa</td> <td>Rav Laurel; Sweet Rav</td> </tr> </tbody> </table>	<i>Cydonia oblonga</i>	L-Ġnibru	Quince	<i>Juniperus phoenicea</i>	Il-Ġnibru; Il-Ġniepru; L-Għargħar	Phoenician Juniper	<i>Laurus nobilis</i>	Ir-Randa	Rav Laurel; Sweet Rav	<p>Emergency permits may be issued through regulation 25.</p> <p>Comment has been noted.</p> <p>Comment has been noted.</p> <p>Comment noted and suggestion accepted.</p> <p>The name <i>għargħar</i> is used interchangeably in Maltese for both species. A further clarification has been</p>
<i>Cydonia oblonga</i>	L-Ġnibru	Quince										
<i>Juniperus phoenicea</i>	Il-Ġnibru; Il-Ġniepru; L-Għargħar	Phoenician Juniper										
<i>Laurus nobilis</i>	Ir-Randa	Rav Laurel; Sweet Rav										

	<p>No donot mix things up let Ġniepru be Juniperus and Tetraclinis be Araar !</p> <p>Include Juniperus oxycedrus spp. macrocarpa Ġniepru xewwieki Prickly juniper. This tree is in the same category as Arbutus, Celtis australis and Quercus pubescens.</p> <p>To list as protected</p> <p>Quercus sp.</p> <p>Juniperus oxycedrus spp. macrocarpa Ġniepru xewwieki Prickly juniper</p> <p>Quercus pubescens Balluta muswafa</p> <p style="text-align: center;">SCHEDULE II</p> <p style="text-align: center;">INVASIVE ALIEN OR</p> <p>Include all Yucca sp. This is the latest fashion with Yucca being planted all over the countryside. We need to act urgently over this alien. Indeed it is very easy to grow, very hardy and it may be only a question of time (latent period) before it truly and fully becomes invasive.</p> <p>Include AGAVE another dangerous plant. Since these are Trees and WOODLAND regulations we can protect Woodlands from all alien plants even if not strictly trees. Agave is physically dangerous and should only be limited to a few controlled specimens in a botanical garden.</p>	<p>included in the Regulations to clarify that the scientific name shall prevail in any cases of conflict of common names.</p> <p>Comment noted and suggestion accepted.</p> <p>4 species of <i>Quercus</i> are now protected.</p> <p>Comment noted and suggestion accepted.</p> <p>Comment has been noted.</p> <p>This comment will be considered in relation to policies on alien species.</p> <p>This comment will be considered in relation to policies on alien species.</p>
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		<p>The species listed below shall be subject to the provisions of regulation 9, however trees belonging to the species marked with an asterisk (*) shall be subject to the terms of paragraph 1 (i) of Part B of Schedule I.</p> <p>Change surely not in ODZ & protected areas but yes in urban areas. We should protect the tree pits ie the space for the tree rather than the tree itself in these cases. Make and include protection of soft area in meters square and trees pits as part of these regulations.</p> <table border="1" data-bbox="457 597 1365 695"> <tr> <td><i>Celtis australis</i></td> <td>Il-Buglar; iċ-Ċeltis</td> <td>Nettle Tree</td> <td>10,000</td> <td>50,000</td> <td>5,000</td> <td>30,000</td> </tr> <tr> <td></td> <td></td> <td>Shrubby</td> <td></td> <td></td> <td></td> <td></td> </tr> </table> <p>Southern nettle tree</p>	<i>Celtis australis</i>	Il-Buglar; iċ-Ċeltis	Nettle Tree	10,000	50,000	5,000	30,000			Shrubby					<p>Comment has been noted.</p> <p>Comment noted and suggestion accepted.</p>
<i>Celtis australis</i>	Il-Buglar; iċ-Ċeltis	Nettle Tree	10,000	50,000	5,000	30,000											
		Shrubby															
<p>Maas Suzanne obo Friends of the Earth Malta</p>		<p>Submission of Friends of the Earth Malta in response to Public Consultation – Trees and Woodlands Protection Regulations & Guidelines on Works involving Trees (2018)</p> <p>While we welcome legislation on the protection of trees and guidelines for good practice in works on trees, in our opinion the legislation falls short in communicating the benefits and importance of the protection and safeguarding of trees and woodlands to our natural ecosystems, in terms of biodiversity and providing a home for other flora and fauna, and in our urban areas, in terms of benefiting people's physical and mental well-being. We would recommend the creation of a holistic policy and legislative framework that puts these benefits upfront and has as its core aim to increase and promote trees and woodlands on our islands, not merely to minimise damage inflicted on trees and woodlands.</p> <p>Urban trees</p>	<p>ERA has published Guidelines on Works on Trees and already addresses such policy aspects in relation to the National Environmental Policy, the National Biodiversity Strategy and Action Plan and Guidelines on the Planting of Trees and on Restoration of Habitats issued since 1992.</p>														

	<p>Malta's urban area generally does not meet EU air and noise pollution regulation standards, and physical activity figures of the population are extremely low. As a result of these and other factors combined, we have the highest incidence of obesity in the EU, and alarming rates of asthma and other respiratory diseases, especially among children. The importance of adequate urban design, including the promotion of trees and greenery in urban areas, should not be overlooked: there is plenty of empirical evidence for the contribution of trees and greenery in cities to alleviating negative health effects due to air and noise pollution, and in bringing about positive physical and mental health benefits associated with access to green urban spaces.</p> <p>One of the most common urban tree species, the Ficus, is a hardy specimen that provides several beneficial functions in our city and village squares, and along promenades and roadways, such as providing shade, air filtering, noise abatement and providing a home for many urban birds (such as the sparrow roosts in Valletta). This tree species is completely omitted in the legislative framework, and yet the loss of more of these trees and the benefits they provide with their grand canopies in our densely populated urban areas is not something we can afford to lose. We would therefore welcome seeing them included as a protected species in urban public open spaces.</p> <p>We would encourage the inclusion of a mechanism to grant historic or landmark trees monument status, and as such schedule them as part of the national natural patrimony.</p> <p>Alien or invasive species</p> <p>In our work we work together with local beekeepers and support local apiculture in an effort to protect the local bee species <i>Apis mellifera ruttneri</i> and other pollinators, as their role in our ecosystems and food production system is vital. The Eucalyptus tree, while rightly indicated as an alien species, does however play an important role in supporting bees and other pollinators, as they flower during a time when nearly no other local flora flowers, and as such are essential in supporting bees and pollinators throughout the year. We would like to see the role of this tree species in the context</p>	<p>Comment noted and suggestion accepted.</p> <p>Kindly note that this is catered for in regulation 6 of the regulations.</p> <p>The importance of gum trees/eucalypts to apiculture is duly acknowledged. The propagation and planting of alien eucalypt trees (specifically <i>Eucalyptus gomphocephala</i> and <i>E. camaldulensis/rostrata</i>) is subject to an</p>
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	<p>of the local ecosystem, and in particular in relation to apiculture, better reflected in the legislation, as eradication of this species will severely impact the local bee population.</p> <p>While we welcome the protection of many tree species endemic to the Mediterranean region and/or compatible with our ecosystems, we do not believe eradicating all alien species will necessarily be the best approach to conserving our natural areas and ecosystems. While alien or invasive species do pose threats, they can also play valid roles in ecosystem management, such as through preventing soil erosion, sequestering carbon, acting as wind breakers and providing a habitat and food source for local fauna. We would not wish to see the Trees and Woodlands Protection legislation resulting in a de facto decrease of trees and woodlands on our islands, and therefore would advocate reconsidering your approach to eradicating alien and invasive species to include a more holistic perspective that can ultimately lead to the goal of increasing the number of trees and woodlands on our islands.</p> <p>Decision-making framework and enforcement</p> <p>The legislation lacks a clear framework that sets out on what parameters decisions will be based, apart from the generic factors set out in paragraph 20.2. We fear a lack of transparency in the decision-making process on what is permitted and what not could lead to applying double standards. We would highly recommend the inclusion of a transparent decision-making framework for granting or refusing permits in the legislation.</p> <p>Lack of enforcement is a problem in the upholding of legislation in different fields. We encourage the set-up of a strong enforcement team to be able to enforce and act upon any lack of compliance with the new legislation.</p> <p>In conclusion, we believe that in light of climate change, loss of natural habitats and access to nature, and for our own well-being and quality of life, increasing the number</p>	<p>ERA permit due to damage that these trees cause to Maltese biodiversity. Nonetheless, these species are now being protected if located in urban public open spaces.</p> <p>The threat posed by alien species to biodiversity is of national and global concern and it is the second largest impact on biodiversity after habitat loss. (Alien species also cause habitat loss.) These regulations mostly address protection of native and archaeophytic trees; other regulations under the Act address invasive alien species.</p> <p>Permits granted under these regulations are publicly available, as per regulation 26.</p> <p>ERA has a compliance and enforcement unit within the Environment and Resources Directorate, which strives to enforce environmental legislation. ERA shall be further strengthening its enforcement arm</p>
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		<p>of trees and woodlands on the Maltese islands is of the utmost importance. We hope that a strong and holistic policy and legislative framework on the protection of trees and woodlands can aid in achieving this aim.</p>	<p>in order to be able to execute this function more effectively.</p>
	<p>Spiteri Jorge (Vice- President) Obo Malta Beekeepers' Association in collaboration with Gauci P obo PermaCultur e Research Foundation, Malta</p>	<p>The impacts and dangers of a totalitarian approach to eradicating alien species of trees and shrubs in a changing Mediterranean climate</p> <p>This document is being submitted to the Environment and Resources Authority in view of the active policy consultation of 'Trees and Woodlands Protection Regulations, 2018' and the 'Guidelines on Works involving Trees' from the Malta Beekeepers' Association members in collaboration with Peppi Gauci of PermaCulture Research Foundation Malta.</p> <p>Climate change is something we have been hearing of for a number of years and experiencing even more harshly this last decade. However, few people still are able to connect the dots between macroscopic effects and microscopic changes within eco-systems.</p> <p>While many terrestrial changes have been made to our islands, it seems that as a nation, we still have not managed to address the issues of ecological land management in relation to soil and water conservation (the basis of ecosystems management), let alone how we can have holistic understanding and thus management of the evolution of ecosystems.</p> <p>While we as a nation suffer from a dry climate, we exacerbate our problems with the type of infrastructure that we have developed: making land less permeable to runoffs and with it increasing the gigantic problem of soil erosion. The latter is happening everywhere, and while going unnoticed, we are losing a great natural capital which happens to be the skin responsible for all civilizations.</p> <p>“ Here erosion has done its worst...if the soils had remained, even though the cities were destroyed and the populations dispersed, the area might be re-peopled again</p>	<p>The importance of gum trees/eucalypts to apiculture is duly acknowledged. The propagation and planting of alien eucalypt trees (specifically <i>Eucalyptus gomphocephala</i> and <i>E. camaldulensis /rostrata</i>) is subject to an ERA permit due to damage that these trees cause to Maltese biodiversity.</p> <p>Nonetheless, these species are now being protected if located in urban public open spaces.</p> <p>The threat posed by alien species to biodiversity is of national and global concern and it is the second largest impact on biodiversity after habitat loss. (Alien species also cause habitat loss.) These regulations mostly address protection of native and archaeophytic trees; other regulations under the Act address invasive alien species.</p>

	<p>and the cities rebuilt, but now that the soils are gone, all is gone.” Lowdermilk 1938, (USDA soil conservation, Department of Agriculture)</p> <p>A totalitarian approach to handling and eradicating ‘alien’ species of existing biota in part of the current local ecosystems can be more damaging in both the short and long term effects of the system itself or many living components forming part of it.</p> <p>If we are to mention the eucalyptus trees and acacia trees alone for argument’s sake we can actually bring out a number of arguments as to why these two types of trees have valid contributions towards our ecosystems today. Having said that, this is all being approached from a managed ecosystem point of view with understanding the relationships that such trees have with other local species and the surroundings. These two types of trees are both fast growers and thus have also been used for the wrong reasons and in exaggerated quantities by certain hobbyists for their own interest without consideration.</p> <p>However, such trees have also the capacity to pioneer growth, and if used correctly, create a microclimate which is more hospitable for local and endemic trees to flourish. This system can be used holistically in forestry and afforestation projects. Moreover, the biomass generated for the few years of growth of such trees, can be used for a number of uses, one of which is mulching and creating weed suppression around other desired long term trees.</p> <p>Such trees can be used as windbreakers, thus saving the wind impact on other longer term desired trees or fruit trees in many coastal areas which are affected by wind and salty wind sprays. Given that pioneering trees usually have a lifespan of around 15 years max (such as in the case of acacias) this is just about a relative time to establish mature growth on many Mediterranean trees in our climate and coastal zones. Pioneering trees are usually thinned out and turned back into soil or compost through mechanical systems at their end of life. In some cases, the trees have also been cut and used as embankments to control soil erosion in-situ, rather than having to import other foreign components.</p>	<p>ERA is currently assessing means and measures to incentivise the planting of indigenous trees.</p>
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	<p>Many existing alien trees are now potentially serving one or a number of these uses in some areas.</p> <p>Some types of acacias and mimosae as well as eucalyptus trees have other positive contributions to the existing fauna too. Many bee keepers know and understand the importance of such trees in their areas since they provide the nectar for bees at various times of the year. In the case of the latter, since it flowers around August, it provides food for both bees as well as wasps at a time when there is no other quantified valid fodder for these most important pollinators and natural predators of pests. If such trees had to be eradicated, there would potentially be catastrophic repercussions for such important insects and key living components resulting in a domino effect over our whole ecosystem.</p> <p>Furthermore, one needs to also understand that today's climate is changing rapidly and with such changes, no one can be certain as to how many of our local trees would respond positively. It would be immoral to force/eradicate trees that have shown a capacity to withstand drought and winds while tying up soil mechanisms (including fungi). While one can argue that certain alien trees exuberate a phytochemical that suppresses the growth of endemic flora around its roots, it is also well noticed that this effect is shown mostly when such trees are grown in certain quantities and have been regimentally planted without a wholistic plan. When trees are planted in a mixed manner system copying a natural forest pattern, one will be able to observe that such negative impacts are non-existing or minimal.</p> <p>In conclusion, whilst it is well understood that certain approaches to planting alien trees has got negative impacts on parts of the ecosystem, it should also be acknowledged that the same types of trees have also positively contributed to many important living components of the ecosystem itself. Rather than a totalitarian approach, one needs to address situations independently and weigh out considerations and impacts in order to reach the most valid conclusions. Certain regulations make sense at face value, however when taken into depth of weight and validating the complexity of certain issues, a totalitarian approach cannot be favorable to the natural environment and its constituents at large.</p>	
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		<p>In addition to the already sent reply, the Malta Beekeepers' Association is requesting the retention of the two species hereunder if planted prior to 2011. Such trees should be retained until they die naturally unless the Environment and Resources Authority deems otherwise due to the protection of biodiversity and the natural environment.</p> <table border="1" data-bbox="447 415 1394 570"> <tr> <td data-bbox="447 415 785 493"><i>Eucalyptus camaldulensis</i> * [= <i>Eucalyptus rostrata</i>]</td> <td data-bbox="785 415 1104 493">Ewkaliptus; Siġra tal-Gamem</td> <td data-bbox="1104 415 1394 493">Red Gum; Red River Gum</td> </tr> <tr> <td data-bbox="447 493 785 570"><i>Eucalyptus gomphocephala</i> *</td> <td data-bbox="785 493 1104 570">Ewkaliptus; Siġra tal-Gamem</td> <td data-bbox="1104 493 1394 570">Tuart</td> </tr> </table>	<i>Eucalyptus camaldulensis</i> * [= <i>Eucalyptus rostrata</i>]	Ewkaliptus; Siġra tal-Gamem	Red Gum; Red River Gum	<i>Eucalyptus gomphocephala</i> *	Ewkaliptus; Siġra tal-Gamem	Tuart	
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<i>Eucalyptus gomphocephala</i> *	Ewkaliptus; Siġra tal-Gamem	Tuart							
Farrugia Patrick		<p>May I present my opinion as part time farmer.</p> <p>General Background Considering that number of full time farmers is reducing and land agriculture is getting less and less profitable, tendency by land owners including part-time farmers might be more to plant trees rather than using land for seasonal crops as farming is becoming much more a hobby rather than just for profit making.</p> <p>High legislation on trees protection would succeed in protecting the existing trees but is likely to be a heavy deterrent to future planting of trees by land owners in their land. Owners will likely refrain planting trees considering that planting of such trees would make these protected thereby the owner will immediately lose control of the land use.</p> <p>Putting less restriction to tree cultivation might result in not 100% expertise in for example pruning methods but overall might still have a positive effect on the island greenery. Putting land owner, farmers and part-time farmers mind at rest that planting trees will not pose burden in future will be a great incentive to plant otherwise very attractive trees such as carobs, olives and Black Mulberry. The regulation should include positive and creative ways to increase the trees rather than just conserve the existing ones. The comments below mainly address trees mentioned in table 2.</p>	<p>Kindly note that reference to farmers in these regulations is Regulation 19, wherein an exception is provided for farmers having their trees in Tree Protection Areas. Such farmers are allowed to prune their trees without the need to be duly licensed as a tree specialist.</p>						

	<p>The Regulation seem to address only urban public spaces but then mentions practices by registered farmers which therefore give me understanding that this address all areas (not just public but also private). Sorry if this is a misunderstanding.</p> <p>1. Text and Table 2 does not clearly state whether trees mentioned in this table become protected immediately or after a period of time. It seems that these are protected even in private areas as soon as planted.</p> <p>2. I could not find anywhere any leeway for eg farmers to sufficiently prune trees in their land which may have extended onto their private roads in order to enable them eg to continue to pass from their private roads by the vehicle. Please note that some trees, if neglected and not pruned every year might develop thick stems and therefore any subsequent pruning might give the impression of heavy pruning. Farmers and</p>	<p>Furthermore, following public consultation, certain trees listed in Table 2 of Schedule I are now not protected if planted for agricultural purposes for fruit or oil production in a field registered for agricultural use with the Agriculture Directorate and used by a registered farmer.</p> <p>The species listed in Table 2 of Part A of Schedule I list trees which are protected if found within protected areas, in ODZ, in green areas, and natural or rural/green enclaves in Urban Area (development zone), or in urban public open spaces irrespective of their age.</p> <p>In the updated Regulations, following public consultation, the pruning of trees planted in gardens of private dwellings in urban areas does not require a permit, with the exception of trees in protected areas. However, other interventions, such as uprooting, require prior authorisation from ERA so that the most critically endangered trees found in Malta are safeguarded.</p> <p>Regulation 15 provides for exceptions of prohibited interventions on protected trees. Any tree which is not listed in Table 1, Table 2 or in Part B of Schedule I may be pruned without a requirement to obtain a</p>
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		<p>part-time farmers may not always find the time to keep the area in top condition every year.</p> <p>3. Regulation seem to be all conservative; aiming to protect trees but seem to fail to promote increase in trees plantation.</p> <p>4. May I suggest that a survey is done to land owners, farmers and part-time farmers, organisations etc to obtain feedback as to whether they will be encouraged to plant more trees if they are confident that this would not present any restriction to them in future.</p> <p>5. Suggest that consideration is given to provide guidance material is provided for the public to better understand the regulation.</p> <p>6. Paragraph 19(2) states “Provided that for the interventions mentioned in paragraph (b) registered farmers may be allowed to prune trees...” It is not fully clear which “Paragraph (b)” this is referring to. The previous (b) states “trees protected under regulation 7”.</p>	<p>prior permit from ERA. An additional clause has been included under Table 2 of Schedule I to address such issues. Additionally, a new sub-regulation 15 (6) has been added.</p> <p>Afforestation falls beyond the scope of these regulations.</p> <p>Comment has been noted.</p> <p>Comment is being considered. ERA remains available for guidance on any matter pertaining to these regulations.</p> <p>Refer to first comment.</p>
	<p>Baldacchino Alfred</p>	<p>All the trees listed in Schedule I are indigenous. So why not include this in the title of the regulations, i.e. Indigenous tree protection regulations.</p> <p>Article 2 – Definitions In the Maltese version, the year of the Act is missing, and thus it does not correspond to the English version. It should read: “l-Att” tfisser l-Att dwar il-Protezzjoni tal-Ambjent 2016;”</p>	<p>Kindly note that Table 2 of Schedule I also includes non-indigenous species such as archaeophytic species.</p> <p>Comment has been noted.</p>

	<p>There is no definition of the word “alien”. This word is mentioned in the text so it is advisable that there is such a definition both in English and in Maltese, accordingly: “alien species” means a non-indigenous organism, which has never been a native of Malta or which has been introduced therein during the past five hundred years; "speċi barrani" tfisser organiżmu mhux indigenu li qatt ma kien indigenu f'Malta, jew li gie introdott f'Malta f'dawn l-aħħar ħames mitt sena;</p> <p>There is also no definition of the word “biodiversity” despite that it is mentioned in the text. It is suggested that such definition both in English and Maltese is included. This definition is included in the present regulations of 2011, in force. “biodiversity” (biological diversity) means the variability among living organisms from all sources including, among others, terrestrial, marine and other aquatic ecosystems, and the ecological complexes of which they are part; this includes diversity within species, between species and of ecosystems; “biodiversità” (diversità bioloġikà) tfisser il-varjabilità li teżisti qalb l-organizmi ħajjin kollha li jeżistu fl-għejjun kollha, fost l-oħrajn, dawk li jgħixu fuq l-art, fil-baħar, f'ekosistemi akwatici u f'ekosistemi oħra, u f'kumplessi ekoloġiċi oħra li minnhom jiffurmaw parti; din tinkludi wkoll id-diversità tal-ispeċi, bejn l-ispeċi, u tal-ekosistemi tagħhom:</p> <p>It is suggested that the following definition of the word ‘endemic’ is also included accordingly: "endemic" means those species found in Malta which are either species of biogeographical importance or species whose native distribution range is limited to Malta only or to the Central Mediterranean region only, whereby the latter region includes Sicily and circum-Sicilian islands (including Pantelleria and the Pelagian Islands), the Maltese Islands and islands off Tunisia. Such endemic species also include possibly endemic species whose taxonomic status or identity requires further analysis;</p> <p>"endemika" tfisser dawk l-ispeċi li jinsabu f'Malta u li huma jew speċi ta' importanza bio-ġeografika jew li huma speċi li ż-żona ta' distribuzzjoni indigena</p>	<p>Comment has been noted.</p> <p>Biological diversity or biodiversity is already defined in the Environment Protection Act and there is no need for repetition.</p> <p>Comment has been noted.</p>
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	<p>"horticulturally-grown trees" means planted trees that are grown through horticulture and in artificial environments such as agricultural land, private gardens, roadsides and paved areas, and excludes indigenous trees in protected areas or in areas outside the development zone growing in their natural environment, whether originally planted or not;</p> <p>"siġar imkabbra b'mod ortikulturali" tfisser siġar imħawla li tkabbru b'mod ortikulturali u f'ambjenti artifiċjali bħal art agrikola, ġonna privati, ġnub ta' toroq u żoni pavimentati, u teskludi siġar indiġeni ġo żoni protetti jew f'arej barra miż-żoni ta l-iżvilupp li jikbru flambjent naturali tagħhom, sew jekk imħawwla oriġinarjament sew jekk le;</p> <p>There is no definition of the word "indigenous". Since these regulations are legal, then it is important to have such definition accordingly: "indigenous" means that the species is native and has always been growing wild in the Maltese islands, or has been growing in the Maltese islands for more than 500 years.</p> <p>"indiġeni" tfisser li l-ispeċi minn dejjem kienet tikber fis-selvaġġ, jew inkella ilha tikber fil-gżejjer Maltin għal aktr minn 500 sena.</p> <p>It is suggested that the following definition of the word 'in situ' is also included accordingly: "in situ conditions" means conditions where genetic resources exist within ecosystems and natural habitats, and, in the case of domesticated or cultivated species, in the surroundings where they have developed their distinctive properties;</p> <p>"kondizzjonijiet in situ" tfisser kondizzjonijiet fejn riżorsi ġenetiċi jkunu jeżistu fi ħdan ekosistemi u ambjenti naturali, u fil-każ ta' speċi kkultivati jew domestikati, fil-madwar ta' fejn l-istess speċi jkunu żviluppaw il-proprjetatijiet distintivi tagħhom;</p>	<p>The regulations do not make reference to "indigenous", and therefore including such definition would be futile.</p> <p>Kindly note that the regulations do not make reference to "in situ conditions", and therefore including such definition would be futile.</p>
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		<p>Invasive alien species is also referred to in the text. Because of the reason above mentioned, it is important to have the definitnon of invasive alien species, accordingly: "invative species" means an alien species whose establishment and spread threatens local biodiversity;</p> <p>"speċi invażivi" tfisser speċi barranin li meta jibdeu joktru waħedhom u jinfirxu fl-ambjent naturali jheddu l-biodiversità Maltija.</p> <p>The definition of "licensed tree specialist" as translated in Maltese need adjusting. As it is, it means that the trees are licensed and not the speciealist. So the following Maltese version is being suggested: Speċjalista liċenzjat dwar is-siġar" għandha jkollu l-istess tifsira mogħija lilha f' regolament 20. <u>minflok</u> "Speċjalista dwar is-Siġar liċenzjat" għandu jkollha l-istess tifsira mogħtija lilha f' regolament 20;</p> <p>There is no definiton of the word "offshoots" neither in English nor in Maltese. The folloiwng is suggested for inclusion. "offshoots" means a branch or lateral shoot from a main stem, as of a plant.</p> <p>"rimja" tfisser fergħa jew tkabbir laterali miż-żokk ewlieni tal-pjanta.</p> <p>There is also no definition, either in Maltese or in English of the word "pest" despite that it is referred to in the text and is also included in the present tree protection regulations pf 2011, in force. So it is suggested that the present definiton is also transported in the new proposed regulations, according:</p>	<p>Comment has been noted.</p> <p>Comment noted and suggestion taken on board.</p> <p>Comment has been noted.</p> <p>Definition of pests is included in relevant legislation cited in these regulations.</p>
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		<p>“pest” means any form of plant or animal life or any pathogenic agent, other than a beneficial organism, capable of directly or indirectly injuring any plant material or beneficial organism, and includes genetically modified pests.</p> <p>“għadu” (pest) tfisser kull forma ta’ ħajja ta’ pjanta jew animal jew xi organizmu ieġor, kif ukoll xi għadu ġenetikament modifikat, li jikkawża l-mard, ħlief dawk li jagħmlu l-ġid, li jstgħu kemm direttament jew indirettament jagħmlu ħsara lil kull pjanta jew parti minnha, kif ukoll lil xi ħajja oħra.</p> <p>The Maltese version of the definiton of “person” has a number of typo mistakes as highlighted (underline) below: “persuna” tfisser kull persuna, sew naturali jew <u>lwgali</u>, <u>koporata</u> jew inkorporata, u tinkludi kull persuna li taġixxi f’isimha jew taħt l-istruzzjonijiet ta’ kwalunkwe persuna oħra;</p> <p>The Maltese version of the definition of “poison” is not correctly translated. The translation for the word “specimen” is not “speċi” in Maltese. Both definitions are being refered to below: “poison” means any substance, or concentration of such substance, which is harmful to a specimen, and includes, but is not limited to, any application of such substance through injection, spraying, deposition or irrigation;</p> <p>“velenu” tfisser kwalunkwe sustanza, jew koncentrazzjoni ta’ tali sustanza, li hija ta’ ħsara għall-<u>ispeċi</u> u tinkludi, iżda mhux limitata għal kwalunkwe applikazzjoni ta’ tali sustanza permezz ta’ injezzjoni, bexx, depożizzjoni jew irrigazzjoni;</p> <p>The definition of the word “specimen” is not corretly translated in Maltese as “speċi” as shown below: “specimen” means tree or parts of tree; “speċi” tfisser siġra jew parti mis-siġra;</p>	<p>Comment noted and suggestion taken on board.</p> <p>Comment noted and suggestion taken on board.</p> <p>Comment noted and suggestion taken on board, and changed to “eżemplari”, as in other subsidiary legislation.</p>
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	<p>There is no definition of the word “sucker” neither in the English version or in the Maltese version, though this word figures in the text. Since this is a technical word, it is important for the legal community to have such a definition. The following is suggested:</p> <p>“sucker” means a plant growing from the root at the base or at a certain distance from a tree or shrub.</p> <p>“bagħal” tfisser pjanta li tikber mill-għeruq fil-qiegħ jew f’xi distganza ’l bogħod minn siġra jew arbuxell.</p> <p>The definition of a “tree preservation order” is not traceable, especially to the legal references. It is given as meaning any tree scheduled through a Notice in the Government Gazette issued through the provisions of the <u>Development Protection Act, 1992</u>;</p> <p>Besides the fact that a “Development Protection Act, 1992” does not exist (understandably a lapsus), the definition , “tree preservation order” used to mean an order for the purposes of article 48 of the Development Planning Act 1992. which was repealed by Act X of 2010 (vide Legal Notice 512 of 2010).</p> <p>Furthermore the Development Planning Act of 1992 was replaced by Development Planning Act of 2010 and the latter was also replaced by DPA of 2016. In the latter there is no mention of a Tree Protection Order.</p> <p>So a definition of a “tree preservation order” has to be included in these regulations.</p> <p>The definition of “wild trees” meaning trees which are not horticulturally grown, is also of concern. There are some “wild trees” which are not indigenous, but are exotic, and which are growing naturally in the wild, and are not included in the Schedule II listing invasive or detrimental species. Do such trees which are not horticulturally-grown, but are growing wild, are also regarded as “wild trees”?</p> <p>Wouldn’t the inclusion of the word indigenous correct this?</p>	<p>Comment has been noted.</p> <p>The Tree Preservation Order was included in the Development Planning Act of 1992. This was not included in subsequent amendments of this Act but the relevant Government Notices are still <i>in vigore</i>.</p> <p>Comment is being noted, however Table 2 of Schedule I also includes non-indigenous taxa such as archaeophytic species.</p>
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	<p>There is also the need to define the word “water sprouts” accordingly: “water sprouts” means shoots that arise from the trunk of a tree or from branches that are several years old. “għajn” tfisser rimja li tikber fuq iż-żokk ta’ sigra jew fuq xi fergħa li tkun xiħa.</p> <p>The definition of the word “woodland” is also not clear enough. The definition in the new proposed regulations is given as “woodland” includes natural or semi-natural vegetation communities characterised by trees such as natural forest or woodland remnants, semi-natural woodland, primary and secondary maquis, coastal maquis, and riparian or rupestral corses.”</p> <p>Does this definition includes just public or also private “woodland”?</p> <p>Furthermore there is also the need to define, for legal purposes, the technical words, to help the legal community. These include: “semi-natural vegetation communities” “natural forest” “woodland remnants” “semi-natural woodland” “primary and secondary maquis” “coastal maquis” “riparian” “rupestral corses”</p> <p>5. Protected Trees and Woodlands The trees, woodlands and sites referred to in Schedule I are all indigenous trees. So what is the problem with the inclusion of this word indigenous in these regulations?</p> <p>6. Criteria for selection of important sites</p>	<p>Comment has been noted.</p> <p>The definition does not differentiate between ownership.</p> <p>The following proposed definitions would not add anything to the interpretation of the regulations.</p> <p>This list includes both indigenous and archaeophytic species.</p> <p>Previous comment refers.</p>
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	<p>6. (a) characteristic Maltese woodland communities; The characteristic Maltese woodland communities referred to in these regulations are also all indigenous. What is the problem with the inclusion of this word in these regulations?</p> <p>6. (b) trees or woodland communities which are rare, threatened, endangered or that have a reduced or restricted distribution in Malta; This sub-article also refers to indigenous tree species. Again it justifies the inclusion of the word indigenous.</p> <p>6. (c) woodland habitats critical to the survival, reproduction and recovery of endangered, threatened, vulnerable or endemic flora and fauna; The characteristics of such woodland habitat again are all indigenous. So why not include also the reference to this character as indigenous. Furthermore, why only endemic flora and fauna. It can be endemic and indigenous flora and fauna and not just endemic, which does not make a lot of sense in these regards.</p> <p>6. (e) prominent landmark trees; The Maltese translation, as shown below, needs some correction and polishing. 6. (e) <u>siġar primententi li huma prominenti li huma punt ta' referenza fil-post fejn jinstabu</u>; Suggested phrase: siġar li għandhom rabta estetika, jew geografika mal-post fejn jikbru, u huma hekk magħrufa.</p> <p>6. (g) ex-situ live collections of rare, threatened or endangered specimens.</p>	<p>Previous comment refers.</p> <p>Previous comment refers.</p> <p>Comment has been noted.</p>
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	<p>The word <i>ex situ</i> needs a definition. It does not mean anything to the legal community. In fact even the Maltese translator does not know what it means. Definition included above (see 2.f).</p> <p>7. Tree Protection Areas 7. (1) 7. (1) Any site selected by the Authority in line with the criteria established in regulation 6 <u>may</u> be designated as a Tree Protection Area.</p> <p>Why not shall if they have any of the characteristics of article 6. In the present regulations of 2011 article 6. (1), it is shall.</p> <p>7. (3) The Authority <u>may</u> prepare or delegate the preparation of guidance documents to secure the effective protection and conservation of such site.</p> <p>Why not shall if they have any of the characteristics of article 6. In the present regulations of 2011 article 6. (1), it is shall.</p> <p>10. Removal Orders 10. (1) The competent authority <u>may</u>, within such time as it determines, order any owner or occupier of a site in which any tree listed in Schedule II is sited to remove, uproot, kill or destroy any such tree, where such removal would, in the authority's opinion, constitute an environmental improvement</p> <p>If the word 'may' highlighted as above in the original proposed text, is left as 'may' (as compared to the other words 'shall' in the regulations, this can solve the problem raised by Schedule 1 part b para 1 (i) where it states that: "1. (i) all trees that are visible on the 1967 aerial photos or are more than fifty (50) years of</p>	<p>Comment above refers.</p> <p>Comment has been noted. Such designation may also depend on other legislation particularly if the TPA is already adequately legally covered.</p> <p>Previous comment refers.</p> <p>Comment has been noted.</p>
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	<p>age, are protected if located within protected areas, ODZ, within an Urban Conservation.” which includes all invasive and detrimantal trees listed in the scheule II, and the three species marked with an asterisks (*) included in this schedule are removed.” However a proviso has to be entered accordingly:</p> <p>10. (1) Provided that this does not apply to species listed in Schedule II.</p> <p>11. (3) Without prejudice to the powers and obligations vested in the Director responsible for Plant Health, the Authority may stop or restrict the transportation, importation, possession, discarding or disposal of trees which in its opinion may endanger the biological diversity of trees or woodlands in Malta, or may be detrimental in any way to the environment.</p> <p>There is no definition of the term “biological diversity”. It is being suggested in the definitions (vide 2.c).</p> <p>13. Protection of biodiversity 13. No person shall carry out or permit to carry out any activity which in the opinion of the Authority may be damaging to any <u>specimen</u> covered under Schedule I.</p> <p>The Maltese version needs some correction. “Specimen” does not mean “speċi” in Maltese.</p> <p>13. Ebdha persuna ma tista’ twettaq jew tippermetti li titwettaq xi attività li fl-opinjoni tal-Awtorità tista’ tkun ta’ ħsara għal kwalunkwe <u>speċi</u> elenkat fl-Ewwel Skeda. This changes the meaning of the English version.</p> <p>15 (1) Exceptions</p>	<p>Previous comment refers.</p> <p>Specimen has been translated to “eżemplari” as in other subsidiary legislation.</p>
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	<p>15. (1) The provisions of regulation 14 shall not apply to the pruning of horticulturallygrown trees for the purpose of: "horticulturally-grown trees" according to the definition given in the official proposed Article 2. means planted trees that are grown through horticulture and in artificial environments such as agricultural land, private gardens, roadsides and paved areas. Does this mean that indigenous trees growing in artifical environemnts as described above qualify as horticulturllly-grown trees?</p> <p>15. (1) (b) preserving their strength, enhancing their overall health, removing water sprouts or suckers, grafting, improving their fruit productivity or avoiding likely injury to persons or likely damage to property; or</p> <p>The Maltese translation as quoted below, is not a fatifhul translation to the English version. "water sprouts" is not translated and they are not strictly "bgħula". Besides the Maltese translation needs some polishing.</p> <p>15. (1) (b) tippreserva s-saħħa tagħhom, issaħħaħhom, tneħhi l-bgħula, għat-tilqim, biex itejbu l- produttività tal-frott tagħhom jew biex jevitaw il-probabbilità ta' ħsara għall-persuni jew għall-proprjetà; jew</p> <p>15. (4) (f) impose any remedial measures to prevent, limit, mitigate, reverse or offset any damage inflicted by works which are in progress or which have already been carried out; or</p> <p>I do not think that this is completely enforceable. How can one reverse or offset any damage inflicted by works, if for example trees protected or not, have been removed or destroyed?</p> <p>S.L.433.03</p>	<p>Correct interpretation.</p> <p>"<i>Bgħula</i>" encompasses both watersprouts and suckers.</p> <p>There are various measures and tools which can be employed to reverse or offset any damage inflicted by works.</p>
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	<p>15. (5) The provisions of regulation 14 shall not apply to activities related to pruning, cutting, felling, treatment and, or destruction of any tree that harbours quarantine pests and diseases as listed in Schedules I and II of the Plant Quarantine (Harmful Organisms) Regulations, after written approval by the director responsible for plant health:</p> <p>It would be wise if such decisions are taken in consultation with the Environment and Resource Authority who is the responsible Authority for the protecton of trees and biodiversity in the Maltese Islands.</p> <p>Furthermore, the Maltese translation does not reflect the English text. For example “pest and diseases” is not “grieden tal-kwarantina”. This is another reason why the word “pests” needs a definition (see 2.m above). The Maltese version below is taken verbatim from the officially published proposed text.</p> <p>15. (5) Id-dispożizzjonijiet tar-regolament 14 ma japplikawx għal attivitajiet relatati ma’ zbir, qtugħ, twaqqiegħ, trattament u, jew qerda ta’ kwalunkwe siġra li tkun infestata b’organizmi li jikkawżaw ħsara <u>jew bi grieden ta’ kwarantina</u> kif elenkati fl-Ewwel Skeda u fit-Tieni Skeda tar-Regolamenti dwar Kwarantina tal-Pjanti (Organizmi li jagħmlu l-ħsara), wara li tingieb approvazzjoni bilmiktub mid-Direttur responsabbli għas-saħħa tal-pjanti:</p> <p>16. (1) Harmful, combustible or explosive substances 16. (1) No person shall dump, throw, pour, place, bury in the ground or deposit: No problem about this obligation, but where? 16. (1) (d) only refers to “near any protected tree or any protected area”. What about other wild trees, indigenous wild trees which are not listd in Schedule I or II, or others in urban areas?</p>	<p>The word pest has been amended in the Maltese version to reflect the definition of S.L.433.03.</p> <p>This suggestion falls out of the scope of these regulations; however such offence may be punished through other regulations.</p>
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	<p>17. Fire 17. (1) (c) let off fireworks within twenty (20) metres from a tree covered by Schedule I; I believe that 20 meters is too short a distance when one considers that the wind can carry unexploded or burning chemicals across such a short distance.</p> <p>Furthermore it is being suggested that tree protected area is included accordingly: “17. (1) (d) in a tree protected area.”</p> <p>19. (1) Register of licensed specialists 19. (1) The Authority may establish, publish, and from time to time update, a Register of Licensed Tree Specialists, hereinafter referred to as “the Register”, and may delegate such function to any public entity or committee.</p> <p>Why “may” and not “shall”?</p> <p>19. (2) (c) trees protected by a Tree Preservation Order; or There is a typo error in the Maltese translation.</p> <p>19. (2) (ċ) siġar protetti minn Ordni għall-<u>Preċervazzjoni</u> tas-Siġar; jew</p> <p>19. (2) (c) Provided that for the interventions mentioned in paragraph (b) registered farmers may be allowed to <u>prune trees</u> on their property as long as the tree is not significantly impacted by such interventions.</p> <p>Does the pruning refer to horticulturally grown trees, or is it even allowed on trees listed in Schedule I?</p>	<p>Comment has been noted.</p> <p>Comment noted and suggestion taken on board.</p> <p>Comment has been noted.</p> <p>Comment noted and suggestion taken on board</p> <p>Certain pruning would be allowed on trees listed in Schedule I such as those listed under Table 2 and those listed in Part B as per provisions of Regulation 15. Therefore under regulation 19(2)(c) pruning by registered farmers will be allowed if their</p>
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		<p>19. (3) (a) the minimum requirements established by the licensing authority; and</p> <p>Can these licensing requirements be listed in a new Schedule, prescribing also how to apply? Including them in the Guidelines only does not mean that they can be enforced.</p> <p>19. (4) Applicants for a Licensed Tree Specialist shall apply in the manner prescribed by the licensing authority, and shall provide all the information requested by the licensing authority together with a registration fee as established in Schedule III. The licensing authority shall not process any application if this is not accompanied by the required submissions and fees.</p> <p>Can these licensing requirements be listed in a new Schedule, prescribing also how to apply? Including them in the Guidelines only does not mean that they can be enforced.</p> <p>22. Applicable terms and conditions</p> <p>22. (4) The Authority may amend, vary, suspend, or revoke any permit or other authorisation granted under these regulations, and may order that the tree or site affected by the permitted activity be restored to the condition that preceded the permit, giving reasons for its decision. In such instances, the following terms shall apply:</p> <p>How can a site where the trees have been uprooted be restored to the condition that preceded the permit?</p>	<p>trees are in a Tree Protection Area and fall under Table 2 or Part B of Schedule I.</p> <p>Comment has been noted.</p> <p>Comment has been noted.</p> <p>Comment has been noted.</p>
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	<p>23. Preventive, mitigatory and compensatory measures</p> <p>23. (1) (a) limitation of the activity or intervention such that the existing trees or their habitat, or both, can be retained alive <i>in situ</i> with least adverse impact thereon;</p> <p>A definition of the words “in situ” is necessary (vide 2.i. above).</p> <p>23. (1) (d) ordering compensatory planting within the same site or in another location, or both;</p> <p>A condition regarding compensatory planting should include that the species of trees should be indigenous, and propagated from local stock. This would create a local industry in propagating indigenous trees from local stock, instill more awareness on local biodiversity, and also direct money which is spent overseas in local business, besides ensuring the protection of local biodiversity through the control of the introduction of invasive species and pathogens. Besides it would be according to the obligations of a number of international conventions, including EU Environmental Acquis, with regards to importation of indigenous species.</p> <p>23. (1) (e) ordering contribution to the Environment Fund;</p> <p>It would also be a great contribution to the protection, awareness and conservation of local biodiversity if the following is added to this article:</p> <p>“for the specific purpose of planting new indigenous trees propagated from local stock”.</p> <p>In the present tree protection regulations, that is, L.N. 200 of 2011 published on the 24th May, 2011. There is an article 29 (7) (produced verbatim below) which has not been transported to these proposed regulations. Is there any reason for this?</p> <p>29. (7) Notwithstanding the provisions of the Criminal Code, the Attorney General shall always have a right of appeal to the Court of Criminal Appeal from any</p>	<p>Comment has been noted.</p> <p>Mechanisms will be in place to ensure that genetic stock of specific native and archaeophytic trees is duly considered. However, it should be noted that the national genetic stock of selected species is extinct or requiring additional genetic diversity to maintain its conservation status e.g. strawberry tree, dwarf fan palm and willows.</p> <p>Comment has been noted.</p> <p>This is not necessary in view that the AG may always appeal in such cases.</p>
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		<p>judgement given by the Court of Magistrates (Malta) or the Court of Magistrates (Gozo), in respect of proceedings for any offence against these regulations</p> <p>SCHEDULE I - PROTECTED TREES - Part A - Table 1 The following species are hereby protected in all locations in Malta: The following species are being suggested for inclusion in Schedule I:</p> <p><u>Crataegus azarolus - Għanzalor - Azarole / Crete Hawthorn</u> The wild population of this indigenous species is very limited and restricted. Besides its propagation is not that easy, and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ, it surely merits inclusion in Schedule I Part A - Table 1 of these regulations.</p> <p><u>Crataegus monogyna – Żagħrun - Whithorn</u> The wild population of this indigenous species is very limited and restricted. Besides its propagation is not that easy and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ, it surely merits inclusion in Schedule I Part A - Table 1 of these regulations</p> <p><u>Crataegus ruscinonensis - Għanzalor Selvaġġ - Hybrid Hawthorn</u> The wild population of this indigenous species is very limited and restricted. Besides its propagation is not that easy, and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ, it surely merits inclusion in Schedule I Part A - Table 1 of these regulations</p> <p><u>Darniella melitensis - Sagra tal-Irmied / Xebb - Maltese Salt Tree</u> This is the only endemic tree found in the Maltese Islands, and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded</p>	<p>This species is very rare but is a lookalike closely resembling other native hawthorn species. Essentially, the best tool for protection would be identifying the key areas of the species and designating them as Tree Protection Areas.</p> <p>Same comment as for the azarole applies.</p> <p>This species is still frequent in the Maltese Islands, albeit sparsely distributed.</p> <p>This species is very common in the Maltese Islands and its population status is more than favourable.</p>
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		<p>protection even in ODZ, it also merits a place in Schelule I Part A - Table 1 of these regulations</p> <p><u>Chamaerops humilis - Gummar Safrani/Gummara - Dwarf Fan Palm</u> The wild population of this indigenous species is very limited and restricted. and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ, it surely merits inclusion in Schelule I Part A - Table 1 of these regulations.</p> <p><u>Myrtus communis - Rihan - Myrtle</u> The wild population of this indigenous species is also very limited and restricted and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ. It surely merits inclusion in Schelule I Part A - Table 1 of these regulations</p> <p><u>Populus alba – Luq - White Poplar</u> The wild population of this indigeous species is very limited and restricted, and considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ, it surely merits inclusion in Schelule I Part A - Table 1 of these regulations.</p> <p><u>Rhamnus alaternus - Alaternu - Mediterranean Buckthorn</u> Another indigenous species which also merits inclusion in Schelule I Part A - Table 1 of these regulations, considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protection even in ODZ, it merits the inclusion in Schedule I part A – Table I of thse regulations.</p> <p><u>Sambucus ebulus - Dwarf Elder - Sebuqa Selvaġġa</u> Another indigenous species which also merits inclusion in Schelule I Part A - Table 1 of these regulations, considering that the Eucalyptus which does so much damage to the Maltese ecosystem is afforded protecton even in ODZ, it merits the inclusion in Schedule I part A – Table I of thse regulations.</p>	<p>This species is frequent in landscaping. However wild trees have been protected through Tree Protection Areas.</p> <p>Same comment as for Dwarf Fan Palm applies.</p> <p>The species is increasing in landscaping and is the most frequent riparian tree in the Maltese Islands. However, relevant populations are/or will be covered through Tree Protection Areas.</p> <p>This species is increasing in both range and distribution. Interesting populations will be covered through other tools including TPAs.</p> <p>Comment has been noted. However, important populations of this rare species will be covered through TPAs.</p>
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	<p>SCHEDULE I - Part A Table 2 Provided that the species marked with an asterisk (*) are only protected if wild.</p> <p><u>Chamaerops humilis - Il-Ġummarra - Dwarf Fan Palm</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Crataegus azarolus - L-Għanzalor - Azarole; Crete Hawthorn</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Crataegus monogyna - Iż-Żagħrun Whithorn - Common Hawthorn</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Crataegus x ruscinonensis - I-Għanzalor Selvaġġ - Hybrid Hawthorn</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Myrtus communis - Ir-Riħan - Myrtle</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Populus alba - Il-Luqa; Is-Siġar taċ-Ċopp - White Poplar</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Rhamnus alaternus - L-Alaternu - Mediterranean Buckthorn</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p><u>Sambucus ebulus - In-Nittiena; Is-Sebuqa Selvaġġa - Dwarf Elder</u> Transfer to SCHEDULE I - PROTECTED TREES - Part A - Table 1</p> <p>SCHEDULE I Part b 1. (i) all trees that are visible on the 1967 aerial photos or are more than fifty (50) years of age, are</p>	<p>See previous comments.</p>
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		<p>protected if located within protected areas, ODZ, within an Urban Conservation.</p> <p>This means that all invasive, alien or environmentally incompatible species, both listed in Schedule II and others not listed will be protected. This is indeed contrary to national and international obligations, and is evidently earmarked to accommodate a small community, including garden centres, whose interest are not exactly towards the protection and conservation of local biodiversity, the main aim of these regulations.</p> <p>A proviso should be added to these paragraph accordingly: Provided that this does not apply to species listed in Schedule II.</p> <p>See my suggestions at paragraph 11.</p> <p>SCHEDULE III Invasive, alien or environmentally-incompatible species</p> <p>To include: Agave americana – Agave - American aloe Agave sisalana – Agave - Century plant</p>	<p>Comment noted. However this is already catered for in two provisos found in Part B of Scedule I.</p> <p>See comment at para 11.</p> <p>Your comment will be considered in relation to policies on alien species.</p>
	<p>Sammut Sephora obo The Cliffs Interpretation Centre</p>	<p>The current changes which will be brought about by the revised Trees and Woodland Regulations, 2018 will provide added benefits to protect tree species and ensure their conservation.</p> <p>The proposal for licensing tree specialists who are duly authorised to carry out interventions on the protected tree has to consider the different educational backgrounds of stakeholders who may be interested in tree conservation. Through involvement in several collaboration initiatives with local farmers and stakeholders, The Cliffs Interpretation Centre recognises that several farmers who are interested in tree conservation, may not have particular intellectual skills, despite the fact that they</p>	<p>Comment has been noted.</p>

		could be more hands-on in the field. Hence, the educational course shall be envisaged to be more practical, to ensure that it is reachable to persons with different educational backgrounds.	
	Laurent Janina obo BirdLife	<p>BirdLife Malta has reviewed the Trees and Woodlands Protection Regulations, 2018, and would like to use the chance to submit the following comments:</p> <p>Part II Protection of Trees and Woodlands - 7. Implementation</p> <ul style="list-style-type: none"> - Further to the provision of a map of the boundaries of these Tree Protection Areas, the shapefile should be made available on the map server of the Planning Authority's website <p>Trees that provide roosting sites for various bird and bat species:</p> <ul style="list-style-type: none"> - Trees – either protected species of schedule I or non-protected trees of schedule II – provide birds and bats with food, nesting sites and protection. Certain species of birds and bats rely upon the diverse range of insects that can be found living on mature native trees and veteran trees. Due to limited space and spread of urban environment, various bird and bat species will also roost in non-native trees in Malta. Therefore, trees that serve as known roosting sites for bats and birds should have a special conservation and protection status. 	<p>ERA is developing a GIS viewer which will incorporate all GIS layers for the benefit of the public. Maps are already available on era.org.mt</p> <p>Comment noted and suggestion taken on board. Such trees will be protected through regulation 6, as amended.</p>
	Ebejer Claude (Secretary) obo General ACT	<p>ACT is an autonomous non-governmental organisation whose ambition is to engage and empower public and private communities to collaborate for the effective and humane application of science and arts to restore, protect and enhance the public's and ecosystem well-being. ACT will strive to devise, provide and apply solutions to societal problems, promote diversity, sustainable practices, innovation and bolster active civic engagement.</p> <p>We are part of nature not separate from it. In the environmental field ACT will strive to obtain and maintain a mutual symbiotic relationship between nature, science and</p>	<p>Comment noted.</p>

	<p>humankind for the well-being of current and future generations. Malta needs a holistic environmental strategy that takes into consideration the progression of all habitats and their respective flora and fauna species to ensure social and ecological resilience. The restoration of the native genotype is quintessential, to safeguard the long-term survivability of the regeneration projects and to prevent foreign threats and diseases from further deteriorating our biodiversity.</p> <p>In the first part of this document we will enlist the number of amendments for the proposed Reevaluation of the Trees and Woodlands Protection Regulations 2018.</p> <p>We would like to point out that for upcoming consultations procedures, the authority should provide guidelines on how it wished that the amendments are proposed. It would be highly beneficial if the proposed documents for consultation are provided in word or google docs format to facilitate the procedure of submitting comments.</p> <p>Finally, we would like to reiterate our appreciation to the Ministry for the initial step taken by presenting this draft proposal and by giving us the opportunity to discuss and provide our input towards this draft proposal. ACT looks forward towards getting in touch with the Authorities concerned to further elaborate on our proposals and to provide clarifications where necessary.</p> <p>Part 1 ACT Proposed Amendments for the proposed Trees and Woodlands Protection Regulations 2018</p> <p>1. In PART II: PROTECTION OF TREES AND WOODLANDS</p> <p>Criteria for selection of important sites</p> <p>6. The Authority shall compile a list of important sites that contain:</p>	
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	<p>(b) trees or woodland communities which are rare, threatened, endangered or that have a reduced or restricted distribution in (TO INCLUDE) endangered, endemic or that have a reduced or restricted distribution in Malta;</p> <p>2. In PART IV: REGULATION OF ACTIVITIES</p> <p>Exceptions</p> <p>15. (3) In any event of doubt, disagreement, claim or contestation as to whether an action meets the criteria or requirements of sub-regulation (1) the onus lies with the (DELETE AND REPLACE) person or entity carrying out or intending to carry out the action authority which had approved the carrying out of the action.</p> <p>Harmful, combustible or explosive substances</p> <p>16. (1) No person shall dump, throw, pour, place, bury in the ground or deposit:</p> <p>(a) any biocide, defoliant, acid, alkali, saline water, or any poisonous, corrosive or growth-inhibiting chemical substance;</p> <p>(b) any tyre, rubber or polystyrene;</p> <p>(c) any fuel, or other combustible or explosive material; or</p> <p>(d) refuse or other waste, rubble or scrap, near any protected tree or any protected area:</p> <p>ALL OF THE SECTION UNDER CLAUSE 16 SHOULD BE DELETED. ALL THESE SUBSTANCES CAN NEVER BE USED TO TREAT AND SHOULD BE PROHIBITED. DELETE:</p> <p>Provided that the Authority may authorise the use of substances prohibited by paragraph (a) or any other treatment for weeding or surgical interventions which in its opinion may be reasonably required.</p>	<p>Suggestion has been included with different wording in regulation 6, as amended.</p> <p>Comment has been noted.</p> <p>Comment has been noted. In some instances biocides and other chemicals may be used by specialists for surgical</p>
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	<p>(2) The prohibition in sub-regulation (1) shall not apply to the use of substances for the treatment of trees for the purpose of preserving their strength, improving their overall health, improving their fruit productivity or preventing their deterioration:</p> <p>Provided that the Authority may prohibit such use, irrigation or treatment if it is of the opinion that the conservation of the specimen in question would be in conflict with the conservation of the trees, woodland, the ecosystem or with any relevant management plan.</p> <p>Register of licensed specialists</p> <p>19. (2) (d) trees in urban public open spaces unless duly licensed in line with these regulations:Provided that for the interventions mentioned in paragraph (b) registered farmers may be allowed to prune trees on their property as long as the tree is not significantly impacted by such interventions. (TO INCLUDE) This should then lead to a submission of a report by the registered farmer to indicate the changes undertaken.</p> <p>3. In PART V: PERMITS</p> <p>Permits</p> <p>(2) In deciding whether to issue such permits, the Authority shall consider the impacts, implications, risks and benefits on:</p> <p>(c) the structural integrity of buildings, structures, infrastructure, or natural physical features located in the vicinity and meriting retention;</p> <p>COMMENT:</p>	<p>treatment or other treatments of infected trees.</p> <p>Comment has been noted.</p>
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	<p>ACT suggests that it would be highly beneficial that a clear definition is provided and included in these regulations for “natural physical features”, as in this case it can be considered as being too broad.</p> <p>Application in writing</p> <p>21. (1) A person shall submit an application to the Authority in writing (to include) or via electronic methods at least three weeks prior to the carrying out of the activity. (to include) The Authority shall notify the person within three weeks of the decision taken.</p> <p>4. Schedule I Part A - Table 1</p> <p>COMMENT:</p> <p>ACT believes and stresses that the: Elm Trees should not be listed for protection and included in table 2. All of the species of this genus are alien, and would therefore inhibit the progression and gene-pool of the native Elm species (<i>Ulmus canescens</i>) through competition and hybridisation. We further advocate that a number of tree species listed in table 2 should be listed in table 1 due to the rarity of the species and habitat type of the species, these include:</p> <ul style="list-style-type: none"> • Chamaerops humilis/Ġummara/Dwarf Fan Palm • Crataegus monogyna/Żgħarun/Common Hawthorn • Juniperus phoenicea/Ġnibru/Phoenician Juniper • Laurus nobilis/Rand/Bay Laurel Tree • Myrtus communis/Riħan/Myrtle • Populus alba/Luq/White Poplar • Rhamnus alaternus/Alaternu/Mediterranean Buckthorn • Sambucus ebulus/In-nittiena/Dwarf Elder • Sambucus nigra/is-Sambuka/Common Elder • Tamarix africana/il-Bruka/African Tamarisk 	<p>Comment has been noted.</p> <p>Comment has been noted.</p> <p>Elm trees are superficially very similar and tend to hybridise profusely rendering identification very difficult also for the experts. As a standard practice in international law, lookalikes are given similar protection to ensure appropriate protection of the intended species.</p> <p>See previous comments in relation to related submissions.</p> <p>In relation to the Phoenician juniper, the bay laurel and the african tamarisks, relevant populations in the wild are covered by Tree Protection Areas or Special Areas of Conservations.</p>
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		<p>Attached please find a cover letter from ACT and the proposed policy amendments for 'Trees and Woodlands Protection Regulations 2018' and the Guidelines on Works Involving Trees by the Environmental Permitting Unit. We express our gratitude for this consultation procedure giving us the opportunity to discuss and provide our input towards this draft proposal. ACT looks forward towards getting in touch with the Authorities consultations to further elaborate on our proposals and to provide clarifications where necessary. We also look forward to being in contact with regards to other future projects.</p>	
	<p>Camenzuli Marie- Therese (Segretarja Amministratt iva) obo Kummissjoni Interdjoċesana Ambjent</p>	<p>Submission relating to consultation on draft Trees and Woodland Protection Regulations 2018</p> <p>The Church Environment Commission (KA) notes with satisfaction that the draft Trees and Woodlands Protection Regulations 2018, under the Environment Protection Act, are proposing, among other suggestions, that trees in urban public open spaces be protected.</p> <p>During the last year, through different press releases, the KA appealed to the authorities to protect such trees in urban areas especially in the case where road widening was to take place. The KA appeals to ERA so that the approved final regulations are not pruned in a way that such trees lose the proposed protection.</p> <p>Moreover, we appeal to ERA to make the required representations with Government so that if there are any provisions under any other Act (including, but not limited to, the Development Planning Act and its subsidiary legislation, and the Authority for Transport in Malta Act and its subsidiary legislation) that conflict with the proposed Trees and Woodland Regulations 2018, then such conflicts are addressed with urgency so that the proposed Trees and Woodland Protection Regulations 2018 live up to their name, and be of true service to the Maltese community.</p> <p>Finally, the KA also suggests that the ERA:</p>	

		<p>1. carries out an exercise so that certain large private gardens which are worthy of protection, and which are not currently so under any legislation, are also protected under the proposed regulations; and</p> <p>2. the reference to “good practice” in the proposed regulations is clarified to mean good practice in accordance with “The Guidelines on Works Involving Trees”, since, otherwise, what amounts to good practice may be stretched too much, rendering it, in reality, a less-than-good practice.</p>	<p>This is being considered in relation to designation of additional TPAs.</p> <p>Comment has been noted.</p>
	<p>Dr Soler Mark</p>	<p>I respectfully present my proposals to the Maltese Environment & Resources Authority on the matter regarding the new Trees & Woodlands Regulations which the current legislature is planning to introduce.</p> <p>Before I begin, allow me to express my deep concern for the welfare of trees and woodlands in Malta. Presently, I, and many others in this country, feel that people’s physical and psychological wellbeing have been subordinated to investment and economic growth. There are various research papers, freely available, which demonstrate that the presence of trees in our surroundings enhances mental health, an essential human need that continues to suffer year-by year. The prevailing law and policy, inspired by a short-sighted and illogical desire of short-term gain and material gratification, has led to the eradication of trees that have endured for decades. It is time to accept this as fact and be responsible enough to decide to correct past wrongs, rather than ignore them. Without the proper laws and their enforcement, there is an imminent danger that the population of indigenous trees will be depleted to the extent that seeing one will become a mere pleasure of the past for many people. This is an opportunity for one to say that the country’s natural heritage is worthy of protection, and that it should not be ruined for the sake of a construction project that will only generate more money and excess housing space.</p> <p>The Proposals are as follows:</p>	<p>Comment has been noted.</p>

	<p>Proposal 1: R. 2 definition of “horticulturally-grown trees” should clarify that protected trees falling on roadsides and paved areas (like Aleppo Pines) should not be classified as horticulturally-grown just because of their placement on the roadside or a paved area.</p> <p>Proposal 2: R. 2 definition of “site” should clarify that public land is also included, whether occupied or not.</p> <p>Proposal 3: R. 2 definition of “urban public open space” should include roadsides (as ancillary landscaped areas).</p> <p>Proposal 4: R. 7(2) should contain a rule stating that upon publication in the Government Gazette and the Authority’s website, the site in question immediately becomes a Tree Protection Area.</p> <p>Proposal 5: R. 9(2) should clarify that the planting, sowing etc. of species in Schedule II is prohibited everywhere, whether on private land (gardens) or public land.</p> <p>Proposal 6: R. 10(2) may consider imposing an obligation on owners/occupiers of land (private gardens) to declare the existence, if known, of any species listed in Schedule II to the ERA. Persons failing to comply will be guilty of a contravention and liable to the punishments for contraventions contained in the Criminal Code.</p> <p>Proposal 7: R. 10(4) should consider its effect in relation to the Government of Malta. In other words, if the Government engaged persons to plant trees listed in Schedule II anywhere it should be made to made to remove those trees, with expenses. If, however, trees have been planted on public land unbenknownst to the Government by an occupier, a right of recourse in favour of the Government against the occupier (once identified) should be allowed. R. 10(4) should also consider imposing liability in solidum on both the occupier/owner of the land who permitted the planting as well as the person actually planting it (this could be an entity or person who is gaining financially from the propagation of trees listed in Schedule II.</p>	<p>Comment has been noted</p> <p>The words “irrespective of who is the owner” encompass also government.</p> <p>Comment noted and suggestion taken on board.</p> <p>Such designation is automatic upon publication of the declaration in the Gazette.</p> <p>Regulation 9(2) applies for both private and public land.</p> <p>Comment has been noted, however this would be too cumbersome.</p> <p>Regulation 10(4) does not distinguish between public and private land.</p>
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	<p>Proposal 8: R. 13 should clarify the phrase “permits to carry out” i.e. any person who materially gives access to a plot of land owned or occupied by him for the planting should be as guilty of an offence as the person actually planting.</p> <p>Proposal 9: This is not really a proposal but more of an indication of what is happening in certain woodland areas in Malta. The felling of trees for the kindling of fires is being done in certain areas around Pembroke, with the resulting ash being left behind by the perpetrators. This act will violate both R. 17(1) as well as 3 the general prohibition on the felling of trees in R. 14 (a note to this effect may be included in the guidelines).</p> <p>Proposal 10: Proviso to R. 19(2) should be clearly subjected to the general prohibited under R. 14. The same should apply to licensed specialists covered by R.19(2). This will avoid equivocal interpretations of the law tending to argue that licensed specialists and farmers may fell trees at any time they deem fit.</p> <p>Proposal 11: R. 19(3) should consider setting a stringent test for applicants in order to ensure that practitioners will abide by the Authority’s guidelines. This can be inserted in the guidelines rather than the actual Regulation.</p> <p>Proposal 12: R. 20 should be read in conjunction with R. 14 and R. 1 which allows the Minister to decide the temporal commencement of R. 20. As soon as the Regulation is passed in Parliament R. 14 will come into force and apply to all construction projects</p>	<p>Regulation 13 encompasses such scenarios.</p> <p>This has been referred to our Compliance and Enforcement Unit. Any illegal activity should be reported immediately to the Authority.</p> <p>Under the proposed regulations, farmers are allowed to prune trees on their property provided that trees are not significantly impacted by such pruning; however a permit is required for pruning of trees which fall under Table 1 of Part A of Schedule I even by farmers.</p> <p>On the other hand, pruning of trees which fall under regulation 19(2) may be made only by licensed tree specialists. However, registered farmers may be allowed to prune their trees if their land is subject to a TPA.</p> <p>Suggestion has been noted.</p> <p>Comment has been addressed through renumbering of regulation 20 to regulation 19 in regulation 1(2).</p>
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	<p>which are currently pending. I believe that once the Regulation comes into force the general prohibition under R. 14 should apply to all construction projects that are ongoing and which may have been treated differently under previous regulations. In other words, protected trees situated on construction sites (at point of excavation usually) during the coming into force of this Regulation should receive the enhanced protection of the Regulation regardless of anything decided or represented to the developer by the ERA under previous laws and regulations. However, R. 20 should preferably come into force together with the general prohibition under R. 14, especially in light of the proviso to R. 20(1) which allows swift interventions for phytosanitary purposes by the Director Responsible for Plant Health.</p> <p>Proposal 13: R. 21(2) may consider inserting, as a “relevant document”, a signed certification by a specialist declaring that the activity or intervention will bear no effect that will breach any of the criteria listed under R. 20(2). This will enforce the rule in R. 21(2)(b) in its current form.</p> <p>Proposal 14: R. 23 currently applies to permitted activities or interventions. In other words, the ERA reserves the right to make the exercise of permitted activities conditional to any of the measures it deems necessary to counteract the adverse effects which that activity may produce. This is a necessary tool but is too limited. R. 23 should also reserve the ERA’s right to issue a stop order/enforcement order on: (i) activities exercised under the authority of a permit but which fail to comply with the conditions in that permit, and (ii) activities which take place completely without the required permit (e.g. on a construction site, even if the actual excavation and construction complies with planning permits and regulations issued by the Planning Authority). I understand that a. 76 of the Environment Protection Act (Cap. 549) gives the power to the ERA to issue stop orders in this regard. Reference should be made to that Article in R. 23. Moreover, a rule should be introduced, through the amendment of a. 76 EPA if necessary, that will allow the ERA to stop an entire construction project until the breach (e.g. a felling of a tree) has been remedied (e.g. through transplanting or compensatory planting as directed by the ERA itself). Such a rule will put a not unreasonable onus on developers to ensure the protection of Malta’s natural heritage, with the risk that an entire construction project may come to a halt if</p>	<p>Comment has been noted.</p> <p>The Environment Protection Act provides the necessary compliance and enforcement tools which may be used by the Authority to enforce environmental legislation and need not be reiterated in these regulations.</p>
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	<p>any of the permit conditions or rules under this Regulation are ignored. In this respect, the simple imposition of an administrative fine under Part VI: Compliance and Enforcement provides insufficient protection. We must also keep in mind that ‘compensatory planting’ cannot make up for certain losses of trees that have a historical and cultural value (i.e. that have a unique story and that constitute a part of Maltese local and national identities). Therefore, it is only right that the ERA can take swift action to halt any harmful development practices which can occur in the vicinity of such protected trees.</p> <p>Proposal 15: With respect to Lycium Barbarum found in Schedule 1, Part A, Table 1, this is a tree that has been imported into Malta and can prove to be very invasive.</p> <p>Proposal 16: The fine imposed for damaging/destroying the Tetraclinis Articulata should be increased to 25,000-85,000 (Total Destruction) / 7,000-35,000 (Harm not Resulting in Total Destruction). This is the Maltese national tree and is a species of tree that concerns the wider natural heritage of Europe.</p> <p>Proposal 17: The protection of trees falling under Schedule I, Part A, Table 2 depends directly upon, inter alia, their position within: (i) ODZs and (ii) green areas, and natural or rural/green enclaves in Urban Areas. ODZs and green areas etc. in turn depend upon the relevant delineation of land in policy instruments such as planning schemes and local plans. Therefore, any delineation within a planning scheme and local plan will have a direct impact on those trees listed within the part of the Schedule in question. The legislator will do well to keep in mind that the persons drawing up these policy instruments have a great responsibility to ensure that they are in fact drawn up in a manner that actually reflects scientific data demonstrating the geolocation tree and woodland concentrations around Malta. If necessary, the relevant planning policies should be amended in order to widen the protection given to trees around Malta.</p>	<p>Boxthorns are superficially very similar to each other rendering identification very difficult. As a standard practice in international law, lookalikes are given similar protection to ensure appropriate protection of the intended species.</p> <p>The fine has been equated to the rarity of the tree in question.</p> <p>Comment is noted. Such issue is within the remit of another Authority.</p>
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	<p>Proposal 18: Lastly, the legislator should consider introducing a rule which imposes a reporting obligation on the ERA, in favour of the Executive Police, whenever it identifies a breach which may render the offender liable to criminal proceedings. This will trigger the obligations of the Executive Police under a. 540 Criminal Code (Cap. 9 of the Laws of Malta). Further facilitation through a web application or a website that allows the public to pass on any suspicious activities or breaches of the Regulation online (to the ERA through its website) should also be considered.</p>	<p>ERA already has procedures for liason with the Commissioner of Police and its relevant entities in relation to criminal offences and prosecution. Your suggestion on means to improve communication are being noted.</p>
	<p><u>Late Comments</u></p> <p>General</p> <p>Current Regulations indicate two lists of trees divided into two schedules (1 and 2). A permit is required for uprooting of trees listed in schedule 1, most of which are rare to find within the development zone. On the other hand, a permit for the uprooting of trees listed in schedule 2 is not required, as these are not protected within the development zone.</p> <p>Revised Regulations retain the two lists separate, and still indicates the trees in schedule 2 (now table 2) as not protected within the development zones. However a permit is still required for their uprooting (and any intervention), irrespective of location. Most of these trees are quite common within development zones (eg. carob, cypress, bay laurel, mulberry, olive, date palm, pines, almond, and pomegranate). Revised Regulations state that in deciding whether to issue a permit, ERA will consider, amongst others, ‘the landscape, general character and environmental characteristics of the site and its surroundings’. One cannot assume that a permit will always be granted. On the contrary, one should probably expect ERA insisting on retaining trees (particularly in front gardens and villa areas) as has occurred in the past when the trees were clearly not protected. On numerous occasions the then EPD (within MEPA) had insisted on not giving their clearance, even when a permit was not required. On other occasions EPD had even insisted on transplanting of trees and compensatory planting, which lengthened the PA process considerably.</p> <p>PA should insist that a permit is not required for trees which are not protected within the development zone. At worst, trees that are not protected within the development zone should be allowed to be uprooted if there is a valid PA permit on site. Revised Regulations will only increase bureaucracy, lengthen the processing of PA applications, and derail the summary procedure.</p>	<p>Comment noted.</p>

	<p>Specific provisions</p> <p><u>Point 1:</u></p> <p>Reg 13 is a very vague statement which may have direct influence on land use in cases where specimens in schedule 1 are present. This implies that applicants should go beyond the application site to evaluate the extent of intervention when protected specimens are present. The words "unless permitted by the Authority" may be added to eliminate mix of interpretations in the future.</p> <p><u>Point 2</u></p> <p>Reg 16 – This could imply that Trees listed under Part A Table 1 of Schedule 1 can no longer be recommended as landscaping for Fuel Stations when the landscaping guidance of the FSSP recommends such. This also applies to industrial areas and AoCs where the presence of fuel, combustible materials, waste, scrap....etc forms part of the operations in such areas.</p> <p><u>Point 3</u></p> <p>Sub-regulation 2(a) of Regulation 17 may be expanded further to include areas in Point 2 above and not only dwelling units. Fire within a confined space can be controlled irrespective if it is a dwelling unit or an industrial establishment.</p> <p><u>Point 4</u></p> <p>Regulation 20 may have direct bearing where any proposal for development outweigh any possible benefits in cases where trees under schedule 1 are involved. The enactment of this LN may require some adjustment in the submission requirements of planning applications where trees under schedule 1 are involved, in that, a tree permit will be required with the submission.</p> <p><u>Point 5</u></p> <p>Sub-reg 1 of Reg 21 may be expanded further to make provisions for Point 4, in that, the word 'activity' may be defined to include 'the submission of a Planning Application'.</p>	<p><u>Point 1</u></p> <p>Comment noted and suggestion taken on board.</p> <p><u>Point 2</u></p> <p>Regulation 16 is mirroring the current regulation 14 and does not in any way preclude such trees from being used for landscaping purposes in these areas, once duly authorised.</p> <p><u>Point 3</u></p> <p>Comment has been noted. This may be duly authorised by ERA as per proposed regulations.</p> <p><u>Point 4</u></p> <p>Comment has been noted. It is confirmed that the applicant would need to apply for a nature permit from ERA in relation to Schedule I trees.</p> <p><u>Point 5</u></p> <p>This is being covered in regulation 20.</p>
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Mallia Frans
obo Planning
Authority

	<p>Administrative concerns</p> <p>Our current application form should be amended. The section Trees and Rubble Walls asks the question: This development includes the felling of trees? I think that we should query also if there are “any trees within the site” and if yes ask for a full survey with details of any interventions including pruning. This way, when we consult ERA, they will have all the necessary info to reply.</p>	<p>Comment has been noted.</p>
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	<p>Pace Thomas (Direttur) obo Il-Kunsill Nazżjonali tal-Ilsien Malti</p>	<p>Sinjuri,</p> <p>Jekk tkunu se tfasslu xi fuljetti, manwali jew linji gwida qosra għall-pubbliku maħruġin mid-dokumenti ta' politika tagħkom, ngħidu aħna fuq il-ħarsien tal-imsaġar tagħna, jew xi posters/charts għall-iskejjel inħegġukom tagħmluhom biż-żewġ lingwi. Minbarra li din hija ħaġa xierqa f'pajjiż uffiċjalment bilingwi bħal tagħna, bl-għażla taż-żewġ lingwi tkunu qed tilhqu iżjed lill-pubbliku għax ikun jista' jagħżel il-verżjoni li jippreferi jaqra.</p> <p>Bħala Kunsill lesti nikkollaboraw magħkom f'dan biex il-Malti jkompli jiżviluppa u jintuża kif jixraq fil-pubbliku.</p>	<p>Il-kumment tiegħek gie nnutat.</p>
	<p>Spiteri Jorge (Vice- President) Obo Malta Beekeepers' Association</p>	<p>Following our recent meeting and internal meetings of the Malta Beekeepers' Association. It is being recommended to remove the <i>Eucalyptus camaldulensis</i>* and <i>Eucalyptus gomphocephala</i>* from the list of Schedule ii and place it into another Schedule list, which will read as follow:</p> <p>Example: Schedule x: Trees protected in selected areas:</p> <p>The areas shall include, marshlands and areas prone to flooding, also at a maximum distance of 2km from the sea, not on garrigue or Natura 2000 sites. This would help retain storm water from being lost into the sea by being absorbed and used by the trees to mitigate climate change effects.</p> <p>Provided that the species in this schedule will follow the following procedure if intervened on. The intervention on such species shall bear compensatory planting, within a range of 2km from source. Compensatory planting shall be only of a number of same or other species which produce nectar/pollen (as the case may be) during the same period of the species intervened on. The number of compensated species shall</p>	<p>The importance of gum trees/eucalypts to apiculture is duly acknowledged. The proposed regulations, as amended, will protect eucalypt trees in urban public open spaces. The propagation and planting of alien eucalypt trees (specifically <i>Eucalyptus gomphocephala</i> and <i>E. camaldulensis/rostrata</i>) is subject to an ERA permit due to damage that these trees cause to Maltese biodiversity.</p> <p>Nonetheless, these species are now being protected if located in urban public open spaces.</p>

		vary according to the age and coverage of trees intervened on to the Authority's satisfaction.	
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