

The Executive Chairperson  
Planning Authority  
St. Francis Ravelin,  
Floriana

Date: 12 December 2018  
Our Ref: EA 00060/18

Dear Sir,

**Planning Ref.:** PA 09079/18  
**Description of Proposal:** Restoration plan for Quarries HM15, HM22 and HM23, the former Hard Rocks Ltd Quarry and Blockrete Ltd.  
**Location:** Ballut Blocks, Triq Wied Filep, Naxxar, Malta

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The ERA's recommendation and representation on the said development proposal are being lodged in its capacity as an external consultee and an interested party in accordance with the Development Planning Act and the Development Planning (Procedure for Applications and their Determination) Regulations, 2016 (L.N. 162 of 2016).

Reference is made to your consultation (doc. 28a) on the submission of the Restoration Plan, sections and other documents (doc. 3a-d; 14b, c) which ERA received on 18 October 2018. Following detailed review of the Restoration Plan, sections and other documents, the below ERA remarks are being referred.

**EIA Screening (*citations refer to S.L. 549.46, except where otherwise specified*):**

The proposed project falls under *Schedule I, Category II of the EIA Regulations, 2017 (S.L. 549.46)*:

- *Section 1.0.2.1 – Development with a site area of 2ha or more.*
- *Section 9.0.2.3 – Restoration and after-use of existing or disused quarries or mines, other than for restoration of the site back to its pristine state.*

The following are ERA comments on the proposed development.

**General**

1. The final landform is to be as near as practically possible to the original landform, taking also in consideration the pre-existing natural geomorphological and hydrological configuration of the site particularly the 'reconstruction' of the valley of Wied Filep. ERA is not yet satisfied that the current proposal constitutes a sufficiently close approximation to the original site conditions, whilst acknowledging the geotechnical constraints posed by the steep site topography. In this regard, ERA looks forward to receiving a further refined version duly supported by a geotechnical report.
2. The assessment of specific details relating to the after-use as a nature conservation park is agreed with. More detailed aspects such as material and location of paths, riprap channels, wildlife structures, signposting, assessment of capping material etc. may need to be adjusted further in the light of the considerations raised in point 1 above. The introduction of

3. parking, site formalisation, and built structures should be avoided such that the restoration of the site remains the primary focus of the proposed development.
4. The areas within the underlying valley bed at Wied il-Ghasel that have been affected by the overspill of scree/debris, most prominently through the fissures on the western part of Quarry HM 22, are to be cleaned up and included in the restoration works. The restoration works are to commence following the submission of the adequate methodology of works and obtaining the necessary authorisation from ERA.

### **Ecology**

Reference: Restoration Plan, 2006 (doc 3a):

1. Planting of *Populus alba* and *Salix* sp. in the restored area, particularly the overhanging tributaries into Wied il-Ghasel is not advisable as these require a good water supply. It would be best to replant the area with species requiring less water and are reasonably characteristic of the area such as *Laurus nobilis* and *Celtis australis*.
2. *Arundo donax*, which is an alien invasive species, is not recommended as part of the restoration. *Arundo plinii*, *Phragmites australis* or other rushes should replace *Arundo donax*.
3. *Rhamnus oleiodes* and other species that are known from the area such as *Anagyris foetida*, which achieve high ground cover rapidly and produce a number of ecosystem services such as fruits are recommended.
4. Paragraph 5.37 states that “the Sandarac Gum Tree (*Tetraclinis articulata*), now Malta's National Tree, were extirpated by the quarries; this species no longer occurs along the Wied il-Ghasel system”. However, *Tetraclinis articulata* is still present on site. There are three specimens on site; two of local stock and the other planted.
5. Importation of foreign stock of *Tetraclinis articulata* is to be avoided at all costs, to ensure that the local stock is not ‘polluted’ as stated in Regulation 24 of the Flora, Fauna and Natural Habitats Protection Regulations (S.L.549.44). Noting this, only *Tetraclinis articulata* of Maltese stock is to be used.
6. The above-mentioned Regulation 24 applies as well for the other species in the restoration plan, and for those species not listed (if any), use of local stock is still preferred.

### **Environmental Permitting**

The proposal for the infilling of the quarries qualifies for an Environmental Permit.

## **Noise Emissions**

As the quarrying phase shall include a considerable amount of excavation works for a period of 4 years (ref: Restoration Plan 2006 (doc 3a); paragraph 3.7), a noise study including a baseline study (current situation) and assessment of the operational noise sources (consisting of construction type works) in accordance with standard BS 5228:2009+A1:2014 is to be carried out. The study is to be compiled in view to assess the noise impact from the restoration of the quarries at the sensitive receptors closest to the scheme. The noise study being requested may need to be updated in the future in accordance with any recommendations related to the Environmental Permitting process. Guidelines with respect to the Noise study are included in Appendix 1.

## **ERA Conditions**

ERA requests that the conditions annexed with this consultation reply are also included as an approved document to the development permit.

## **EIA Screening**

The case was also screened from an EIA perspective. In this regard, ERA is of the opinion that, as long as above considerations and specifications are duly incorporated into the mainstream development consent mechanism, the quarry restoration would be of significant environmental benefit and any residual side-impacts of the intervention are unlikely to be significant to the point of warranting an EIA.

Yours faithfully,

Ryan Busuttill  
Assistant Environment Protection Officer  
f/Director Environment & Resources

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### *Disclaimer*

*The above comments are being issued without prejudice to any additional issues which are regulated by ERA through any relevant environmental permitting and, or compliance mechanisms, as well as to any environmental considerations that may be beyond the scope of the application under consideration.*

*The above assessment is based on the information provided to ERA in the application. Should it result that such information is incorrect, incomplete or misleading, or in the event of any omissions, or subsequent modifications, amendments or changes to the proposal, application and/or related submissions, the above assessment (including any favourable consideration, lack of objection, any proposed conditions or lack thereof, or any other equivalent stance, etc.) may need to be reopened to ERA's satisfaction. ERA shall not take responsibility for comments, assessments or judgments based on information that is incorrect, incomplete, missing or misleading, and which is only discovered after its assessment, nor for any environmental impacts resulting from developments which it was not specifically consulted on. Furthermore, ERA also retains the right to take additional action should the information provided, or any incorrect, incomplete, missing or misleading details, be tantamount to fraud.*

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**Appendix 1: Terms of Reference for Noise Study**

This study should provide sufficiently detailed information on representative background levels of noise, vibration and nocturnal lighting (as relevant), as a baseline for assessing the levels and effects expected to result from the development, including any short- and long-term changes, peaks and fluctuations as well as their acute or chronic impacts. The study should also take into account other relevant factors such as:

- Cumulation with other existing sources including traffic and with other predicted sources such as new developments;
- Additional effects of road traffic associated with operations on the site;
- Sensitive receptors (e.g. residents, schools, hospitals, recreational areas, fauna and avifauna, natural ecosystems); and
- The potential for attenuation or exacerbation by 'environmental' factors (e.g. topography, vegetation, physical barriers etc.), and for mitigation (e.g. shielding, muffling/soundproofing, reduced lighting, etc.).

**Note 1:** *In the case of light pollution, the study needs to consider, among others, glare (e.g. the blinding light which is a danger to motorists/pedestrians and to fauna), light trespass (light straying into an area where it is not desired or required) and sky glow ('wasted' light directed upwards), together with any other relevant variables which are relevant to the determination of impact on the surrounding receptors.*

The study results should include measurable parameters (e.g. frequency, intensity) as relevant, and should be evaluated against appropriate reference values<sup>1</sup>. The reference points and measurement locations used should be approved by ERA prior to commencement of studies and, unless otherwise indicated, should be at ground level.

The methodology to be used should be submitted for ERA's evaluation prior to commencement of the studies. The Noise Assessment shall be conducted in accordance with Annex I to these terms of reference.

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<sup>1</sup> Unless otherwise specifically indicated, it is recommended that: ISO 1996 and ISO 9613 (all series) standards are used for the noise assessment; BS6472 (relating to human exposure to vibration) and BS7385 (covering the effects on buildings) are used when studying vibration; BS 5228 is used for the assessment of construction noise; and BS 4142 is used vis-à-vis noise complaints.