



First Public Consultation Submissions & Responses

Guidelines on Works Involving Trees

February / March 2018

Environment & Resources Authority

CONSULTATION FEEDBACK – First Public Consultation



Ref No.	Name of Stakeholder / Date	Comments Received	Response / Remarks
	Barbara John	<p>Hawn nuqqas ta' taghrif rigward zbir ta' sigar li b'konsegwenza qed iwassal ghal insetti hziema li jattakkaw u jmardu s-sigar. Nistaghgeb mhux ftit u nistmerr meta nara haddiema jahdmu f' gonon u toroq principali jqacctu frieghi minghajr ma jaghmlu protezzjoni. Haga ohra li jdejjaqni hija l-hrit taht is-sigar. Nahseb li dawn il- haddiema hawn ftit minnhom u biex jlahhqu mal- pajjiz kollu jirrikorru ghal dawn il- praticci hziema. Jien li niehu hsieb is-sigar ta' l-ghalqa tieghi b' attenzjoni kbira inhoss li ghandi jkolli permessli nkun nista naghmel xi intervent fuq dawn is-sigar ghax nahseb li ahjar naghmlu jien fuq sigar fil- qrib ghax inkellha min jaf xi jsir minnhom.</p>	<p>Il-kumment gie innutat. Id-dokument gwida ghandu l-ghan li jindirizza interventi bhall dawn.</p>
	Borg Joseph	<p>2. Protected Trees, permits and exceptions, Structure of Guide lines.</p> <p>2.1 Protected Trees</p> <p>2.1.3 I suggest adding also established Govt. afforested areas, not only the Pieta pinetum, eg- escarpments of Fort Madliena, Fort Saint Leonard, On Cottonera Lines, Dwejra Lines, Fort Tas-Silg, Bahar ic-Caghaq, Mtarfa, Tal-Fjuri St. Paul's Bay, L-Ahrax tal-Mellieha, Il-Mizieb, Fort Chambray escarpment [Gozo]. Govt. Olive plantations at Zabbar, Ghar Dalam, Has-Saptan, Ta' Mrejnu & Ballut in Mgarr, Ulysses Grove [Xewkija] Ggantija Xaghra, etc. Ref. Sigar u Arbuxxelli-my 2002 publication DDC. 582.16094585</p> <p>2.1.4. To include Monumental trees, e.g. Ficus sp. In railway stations, or of Aesthetic value eg. Araucaria sp, even if exotic</p> <p>2.2 Which interventions....</p> <p>2.2.3 include –cleaning and treating bark wounds caused by motor accidents, and applying wound preservative, especially for public roadside plantations. Central Govt. and Local Cpuncils' contractors to be ordered to carry out this work.</p>	<p>The section identifies trees which are protected. Government afforestation areas are not necessarily protected areas. Some of the areas mentioned are protected by virtue of their location being ODZ.</p> <p>Monumental trees are covered only if protected through the relevant law. <i>Ficus microcarpa</i> are now being protected in urban public open spaces.</p> <p>In principle these are agreed with and document has been amended accordingly. These are enforceable if the tree is protected.</p>

		<p>2.2.7 Summary- Why just mention Casuarinas and Ficus only when there are other exotic sp, eg Jacaranda, Phoenix canariensis, Latania sp, Washingtonia sp. Etc.</p> <p>2.3 How to apply for a permit</p> <p>2.3.9 One must be specific, since a gang of workers attached to a licensed person is allowed only if licensee is present for the whole duration of the job- not just presenting a signature.</p> <p>2.5 Registration of specialist</p> <p>This is essential, as there were occasions where a football club was awarded a soft area maintenance contract by a Local Council. Also being a farm hand is not a suitable qualification for this job.</p> <p>2.5.5 Include. good ‘ tree surgery’ practices Course content- include, staking, anchoring, guying, bracing and cabling, cavity treatments. Include awareness of legal obligations related to distances of trees from 3 party property for proposed planting projects. Apart from chainsaws, include mechanized trimmers or hedgecutters, when topiary work is already in use. See 3.1.3</p> <p>2.5.6 How to apply. 2.5.6.e Does renewal of licence attract this payment too?</p> <p>3 Good practice</p> <p>3.1.2 But what about existing mature trees causing damages to 3rd parties or to the owner himself because of planting the wrong specie in the wrong place?</p>	<p>Casuarinas are mentioned as an example only, and since they may be protected if more than 50 years. There are other species which may be covered, unless they are listed in Invasive Alien Species.</p> <p>Works in public areas should only be carried out by a licensed specialist not by unlicensed persons. The person has to be present all the time.</p> <p>Noted. This is in line with the legislation and approved guidelines.</p> <p>Noted. These good surgery practice are required as part of the course. A note has been included.</p> <p>Yes, renewal entails a payment.</p> <p>Such interventions may be considered in the permit process and will be considered on a case-by-case basis.</p>
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		<p>3.1.3 Allowance must be made for existing trees which have regularly undergone topiary work- as in Valletta’s public library square, and trimming heads for traffic lines [buses’ flow as in St. Anne Str Floriana,] or for electricity line clearance.</p> <p>3.1.5.d I BEG TO DIFFER. From experience, Pines do need wound dressings too, even though they exude resin, which after all does not contain fungicides properties.</p> <p>3.1.9 My advice , In the local context, is that conifers are best pruned when temperatures are on the low side, therefore, locally from November to February.</p> <p>3.1.10 What about palm fronds of the Ph. canariensis which are harvested for fishermen?. A separate detailed way of harvesting fronds is to be in place to avoid over harvesting which , thus exposes the new growth in the core , to wind damage- apart from the skinny, Red Indian Look of such treated palms.</p> <p>3.2 Principles of transplanting</p> <p>3.2.a I prefer re-wording the part of the removal of 25% of the tree cover and no major boughs...., to-Ensuring a balanced branch framework is kept and the crown is treated with an anti-transpirant. Cypress sp. are not pruned, unless for deadwood.</p> <p>3.2.b I beg to disagree with watering a would be transplant a couple of days only before uplifting it. This close watering encourages the root ball to disintegrate during the lifting operation unless a tractor mounted tree shovel is used, but I only came once, across one such equipment locally in my long career. Locally, mechanical shovels, or rear-mounted diggers, used by the construction sector, are usually used. Due to our shallow soils on the bedrock, or trees planted on a shallow layer of soil deposited on debris and boulders, tree-shovels cannot be used effectively,</p> <p>3.2.d As a guide, the radius of the trench for root pruning a deciduous tree marked</p>	<p>Noted. Such interventions may require a permit and will be considered on a case-by-case basis.</p> <p>Comment noted and document changed accordingly. Exudes occur particularly if the intervention occurs in the wrong season. In such case, dressing may be applicable.</p> <p>Comment has been noted.</p> <p>Comment has been noted. The document aims to give an overview of pruning. These works are covered by Guileine for Pruning and Spraying of Palm Trees, 2016, issued by the Plant Health Directorate.</p> <p>Comment has been noted. Changes included in document.</p> <p>Comment has been noted. Changes included in document.</p> <p>Metric measurements are used in the table.</p>
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	<p>for transplanting, is related to the tree trunk’s thickness at DBH. So for a trunk of 10cm thickness at DBH,, the radial distance for the trench for root pruning, should be at least 5 times, i.e 25cm. Why not use metric measurements?</p> <p>3.2.e This is very vague. For ‘hard to transplant’ species, the trench operation for root pruning takes not less than three years, in our climatic conditions, prior to the final lifting operation. The system set here is fine for Ficus sp. which, although not the best option, they survive even if planted bare-rooted.</p> <p>3.2.j The staking system shown in this draft is not suitable for mature, stately transplants. Root ball anchorage systems should be used. Also subsurface irrigation pipe embedded with the root ball for irrigation purposes is a must, even if watering is done by hand. Using hessian as opposed to plastic for the root ball is advantageous as it allows new root growth to poke through it and through several punched holes in the hessian, while the rootball remains intact.</p> <p>3.2.6 Ficus sp. Are safely transplanted even in summer. Conifers, which are a difficult species to transplant should only be tackled between November and February.</p> <p>3.2.10 Include weeding, and weekly all year round watering, depending on site, soil depth, rain fall pattern, exposure to wind and orientation.</p> <p>3.3 Compensatory Planting</p> <p>3.3.13 I prefer substituting invasive sp. With both tree and shrub sp and not shrub sp only depending on the site.</p> <p>3.3.16 except for Ficus and Nerium oleander sp.</p>	<p>Comment noted.</p> <p>Comment has been noted.</p> <p>Comment has been noted and changes included.</p> <p>Comment has been noted. In priciple, even though Ficus is safe to transplant in summer, the Guidelines are recommending keeping transplanting works to those months most ideal for transplating.</p> <p>This is considered as part of the document and has been clarified further in text.</p> <p>Comment has been noted. In priciple even though Ficus and Oleander are safe to transplant in summer, the Guidelines are recommending keeping transplanting works to those months most ideal for transplating.</p> <p>Comment has been noted. However, this</p>
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		<p>3.3.18 This must be clear. The replacement tree should not only be of the same sp. But also of approx. the same age. If this is left as it is, it serves as a loophole to substitute dead trees [following culpable management] with much cheaper saplings.</p> <p>3.4 Avoiding Impacts I suggest this chapter is referred to the Developers' assoc. to digest contents and hopefully take the recommendations on board for future developments.</p> <p>3.4.7 Trenching is the current mayor enemy of roadside plantations. Trenchers are used nowadays which slice through rock, roots debris-the lot. Normally such trenching is carried out by contractors for service providers. I suggest putting the onus of the choice of the trench's route, and adherence to these guide lines, on the service provider-be it WSC, or Enemalta etc. and not left to the discretion of the contractor.</p> <p>3.4.8 In my experience, I found that the best method for preventing root penetration of existing mature trees, into foundations of buildings, is by digging a trench along all the side of the building's foundations, down to rock level, and then laying a reinforced concrete barrier, not less than 15cm thick. This barrier is worked on site to avoid any joints.</p>	<p>depends on size of tree which died and the availability of local stock.</p> <p>Comment has been noted.</p> <p>Comment has been noted.</p> <p>Comment has been noted.</p> <p>Comment has been noted.</p>
	Gatt Johann	<ol style="list-style-type: none"> 1. In any development ALL efforts should be made to integrate the existing trees in the plan. 2. With reference to trees listed in Schedule II, ANY mature tree (not necessarily 50 yr old trees only) might have established a relationship with nearby organisms within delicate ecosystems so even though it might be considered invasive, unless 	<p>Comment has been noted.</p> <p>Comment has been noted.</p>

it is actually outcompeting native species or causing structural damage or otherwise diseased, it should not be outrightly felled. Many beekeepers depend on the Eucalyptus trees during shoulder months. I've also had the opportunity to taste Acacia honey from Sicily. We must not forget that we have so many trees that have now become naturalised and they have become an integral part of our ecosystem. Although 50 + trees from Schedule II are spared by this clause

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.*

30-40 year old trees are not spared. **For this reason the compensatory planting ratio for the removal of these trees needs to be more reasonable and respectable.** The ecosystems services provided by a 30-40 year old Eucalyptus tree with all the allelopathic concerns and all is definitely much more than that provided by two 1.5m indigenous trees. The ratio being proposed in this revised table below if it is to really compensate needs to be at least 1:5 !

3.3.6 The following replacement ratios apply as a **minimum requirement**. The Authority may apply more stringent measures in specific cases where this would be considered appropriate.

Compensatory planting ratios	Age of tree		
	< 10 years	10- 50 years	>50 years
Protected trees (Schedule I, Part A, Table 1)	1:5	1:10	1:20
Protected trees (Schedule I, Part A Table 2 and Part B)	1:2	1:5	1:10
Other trees (Non-protected)	1:1	1:2	
Non-indigenous, invasive alien tree species	1:1		
Dead tree specimens	1:1		

Table 4: Compensatory planting ratios

NEW RATIO SCHEME

3. When comparing the previous compensatory scheme to the one being proposed it appears that the number of trees that are to be compensated for has actually decreased significantly instead of increasing and this is very surprising and worrying indeed!!!!

For every indigenous tree (less than 10 years) removed, it used to be compensated by 20 but now it is being proposed to be compensated by 5 only! There is also no distinction between 50 and 100 year old trees and they are equally compensated. I highly recommend that the present scheme is re-adjusted by at least 3-4 times the ratio proposed or to use the previous scheme whichever ensures more trees will be planted and NOT LESS!!

The decrease in number is coupled with an increase in size of compensatory trees and bank guarantees to ensure that this is actually carried out. ERA is shifting the focus from having a large number of compensatory trees to ensuring that the planted specimens actually survives

Table 1: Replacement of indigenous trees

Location of tree(s) removed	Protected area (ODZ or within scheme)			Other sites ODZ			Sites within Scheme (except protected areas)		
	> 100	10-100	< 10	> 100	10-100	< 10	> 100	10-100	<10
Approximate age of trees removed (years)	> 100	10-100	< 10	> 100	10-100	< 10	> 100	10-100	<10
Number of trees to be planted per individual tree removed	50	40	20	50	30	10	40	20	5

Table 2: Replacement of non-indigenous trees

Approximate age of trees removed (years)	> 100	10 - 100	< 10
Number of trees to be planted per individual tree removed	20	10	2

OLD RATIO SCHEME

4. Another important suggestion for compensatory planting:
 3.3.11 Indigenous trees for planting purposes shall be *insofar as reasonably*

	<p><i>possible from local stock.</i></p> <p>If there is no stock available locally at that point, instead of importing and polluting the genetic pool we can start to invest seriously in sowing seeds. So in special cases where no indigenous stock is available the equivalent number of trees in fees could be worked out and a seed sowing fund created. NGOs / Schools/ Scouts groups etc. can then benefit from these funds by investing in greenhouses.</p> <p>5. Another suggestion for compensatory planting:</p> <p><i>3.3.3 Compensatory planting may also apply in cases in which severe pruning is carried out and severely mutilates or damages the tree.</i></p> <p>Not only severe pruning but also impacts of construction works on trees should also be adequately compensated. If ANY (including roots) part of the tree is damaged during the works a number of trees should be planted to compensate for it. Some trees have had their root system/trunks heavily affected during road works and they have never recovered.</p> <p>6. Inviting NGOs prior to any interventions in order to relocate any existing species to avoid trampling of vulnerable and/or protected species of flora and fauna.</p> <p>7. Transplanting of mature trees/ shrubs under the guidance of a registered arborist and done ONLY during a period which causes least stress to trees.</p> <p>8. Any revenue generated from the wood resulting from pruning (to facilitate translocation) is to go into the seed sowing fund. It is to be made sure that all</p>	<p>This is not always feasible in practical terms, although for particular species, having local stock, is important. This shall be considered on a species level.</p> <p>In addition, certain local species' gene pool are already heavily polluted or are all of foreign stock.</p> <p>Damage to roots is not conducive to compensation unless the tree dies.</p> <p>Comment has been noted.</p> <p>This is already included in the guidelines.</p> <p>Comment has been noted.</p>
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		<p>wood pruned is recuperated and not lost or stolen.</p> <p>9. NGOs or any competent authority are granted permission to conduct air layering techniques whereby new trees are grown from the existing stock before they are actually transplanted to another place to retain the existing stock as much as possible.</p> <p>10. During the removal of trees: Next to any development that involves felling/uprooting and or transplantation of trees an infographic is to be put up by ERA to inform passers-by/commuters: TREE REMOVAL NOTICE</p> <ol style="list-style-type: none"> 1. Number of trees felled, uprooted and or transplanted AND their respective tree species (common name) 2. Number of trees and species(common name) that will be planted as per compensatory planting scheme 3. Indication of new tree planting site for compensatory planting 4. Tentative dates when trees will be planted 5. A reference number <p>.....where one can log in and check for the following details: Full technical report of why trees had to be felled uprooted and or otherwise translocated, and clear evidence of HOW the compensation scheme ratio was worked out.</p>	<p>The Regulations do not differentiate between persons.</p> <p>Comment has been noted.</p>
	<p>Sammut Sephora obo The Cliffs Interpretation</p>	<p>With regards to point 3.3.11 in the “Guidelines for Works on Trees” which states that <i>“Indigenous trees for planting shall be insofar as reasonable possible from local stock”</i>, it is now time for more emphasis to be put on local trees, considering the threat of entry of diseases and pests from certain trees. In the past, The Maltese Islands had</p>	<p>Comment has been noted. This is not always feasible in practical terms, although for particular species, having local stock, is important. This shall be considered on a species</p>

	Centre	<p>been natural quarantine zone, isolated from pests and diseases but with transport, such isolation is no more possible, resulting in the threat of entry of diseases, potentially resulting in irreparable damage to the environment. Recently, the outbreak of <i>Xylella fastidiosa</i> in Italy, raised fears of contaminating the entire Mediterranean basin. 1 2 If external negative threats persist, it could be difficult to meet the demands of local stock. Hence, ahead of the spread of the diseases, it would be ideal to build Malta's stock of species, which would eventually encourage further tree planting, which is much needed in the Maltese Islands. Studying the genetic diversity of local trees could also be key in enhancing Malta's local tree stock.</p> <p>References 1 http://www.telegraph.co.uk/news/worldnews/europe/italy/11440639/Italy-warns-deadly-olive-tree-bacteria-could-spread-across-Europe.html, 27th February 2015, Accessed 29/12/2016 2 http://www.dailymail.co.uk/news/article-3449847/A-million-olive-trees-ravaged-incurable-disease-forced-Italian-farmers-fell-thousands-plants-pushed-prices-20.html, 16th February 2016, Accessed 29/12/2016</p>	<p>level. In addition, certain local species' gene pool are already heavily polluted or are all of foreign stock.</p> <p>Relevant checks of imported specimens are carried out by Plant Health Directorate.</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 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>Comments has been noted.</p>

	<p>In this part we will provide corrections with regards to the draft on Guidelines on Works Involving Trees by the Environmental Permitting Unit.</p> <p>Part 2 ACT Proposed Amendments for the Guidelines on Works Involving Trees</p> <p>1. In 2. Protected Trees, Permits and Exceptions</p> <p>DELETE:</p> <p>Finally Schedule II of the Regulations also lists trees which are potentially damaging to the environment and which are not protected. Only specimens of <i>Casaurina</i> sp., <i>Eucalyptus</i> sp. and <i>Pittosporum tobira</i> may be protected if more than 50 years of age and if located in protected areas, in ODZ, in green areas and natural or rural/green enclaves, within Urban Conservation Areas or in urban public open spaces.</p> <p>COMMENT:</p> <p>No invasive alien species should be promoted irrelevant of age. With mature specimens over 50 years of age the ecological consequences to the Maltese biodiversity and soil are much greater, such as;</p> <ol style="list-style-type: none"> 1. viable seed producing specimens 2. large water requirements of the trees (such as the Eucalyptus varieties) 3. shade and mulch which deprives local species to flourish through competition for light and water, whilst also changing the soil pH to further suppress any local flora from interacting within that system these invasive species are creating. 4. <i>Pittosporum tobira</i> (Japanese Mock Orange/<i>Pittosporum</i>) and the <i>Casuarina equisetifolia</i> (She-Oak/<i>Kaswarina</i>) have a high germination rate and can easily progress further as they already have. This would then entail a greater intrusion on the natural environment to remove these invasive 	<p>Comment has been noted.</p> <p>Trees provide services and merit a degree of protection, especially if beyond a certain age.</p>
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		<p>species, both physical and also mechanically, whilst also thus being more time consuming and financially costly to mitigate a problem rather than prevent the outcomes.</p> <p>5. If species are invasive and illegal, they should be removed immediately and the area mediated irrelevant of age and location of specimens. It is our national and international obligation, as stated in the Bern Convention 1979 and the EU Environment Biodiversity Strategy, to remove these harmful biological organisms from within our ecological habitats and restore the areas accordingly. Furthermore as stated in the EU Environment Biodiversity Strategy Target 5:</p> <p>“ ...Target 5 requires that by 2020, invasive alien species are identified, priority species controlled or eradicated, and pathways managed to prevent new invasive species from disrupting European biodiversity. (Read the Strategy). It is accompanied by two specific actions to tackle the threat of invasive alien species.</p> <ul style="list-style-type: none"> • Action 15: Make sure that the EU Plant and Animal Health legislation includes a greater concern for biodiversity. • Action 16: Provide a legal framework to fight invasive alien species....” <p>2. In 2.2 Which interventions require a permit and exceptions</p> <p>Species of trees</p> <p>Summary 2.2.7 Table 1 provides a summary where a permit is not required for interventions, even though the tree is protected.</p> <p>DELETE from the table:</p> <ul style="list-style-type: none"> • Ficus nitida more than 50 years along road verge • Eucalyptus in agricultural land, less than 50 years • Eucalyptus of more than 50 years along road pavement within development zone. 	<p>Comment has been noted.</p>
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	<p>3.4.6 Pavements</p> <p>Sidewalks and driveways located too close to a tree endanger its health, may threaten their stability and the pavement structure. These problems can be avoided if the spatial needs of a tree and its root system are taken into consideration when designing the layout of new sidewalks and driveways. The space required depends on a tree's sensitivity to root cutting and its future size (Figure 3). Sidewalks and driveways should be located outside the anticipated root zone. The following steps, wherever possible, shall be followed:</p> <p>At a. minimum, walkways should be at least one metre from the trunk of a tree; b. No tree should be boxed into an area of less than 1.5m square by 1m depth, with larger trees receiving at least (DELETE AND REPLACE 4 with 2) 4 2 cubic metres of root/soil volume;</p> <p>COMMENT:</p> <p>For indigenous trees of the native genotype it is recommended that 4 meters around the tree are dug up to safeguard it.</p> <p>3.4.8 Root barriers and root guidance</p>	<p>Comment has been noted.</p>
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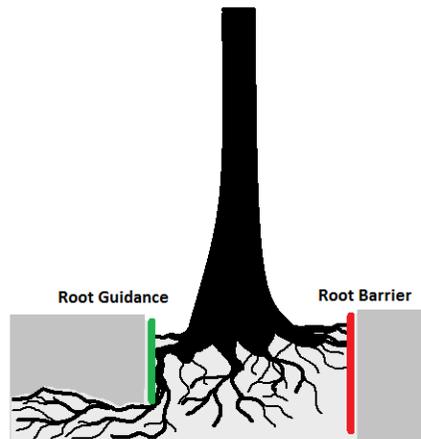


Figure 5: Root barrier vs. root guidance.

Tree root growth can cause serious damage to roads, pavements and underground infrastructure.

To prevent damage, root barrier systems may be used to reduce unwanted root growth. There are two methods to stop damage: root guidance systems and root barriers. The difference is that a barrier stops the root in its path and causes it to keep on circling along the panel. However when a root barrier is installed too close to a tree the tree has no possibility to stabilize. On the other hand, root guidance panels direct root growth downwards. Subsequently, when the root arrives at the bottom of the panel it can proceed to grow along its horizontal path.

TO INCLUDE:

It would be advised to use and promote local trees of the native genotype in urban areas as well, as apart from promoting our biodiversity the tap root structures developed by the trees pose less of a threat to the infrastructure. The planter's cubic volume must depend on the tree's variety, woodland species requires larger

Comment has been noted.

		<p>planters (4m cubed), maquis species will be fine with smaller (2m cubed).</p> <p><u>Late Comments</u></p>	
	<p>Calleja Ghislaine</p>	<p>We propose and suggest adding a requirement for minimum trunk-to-trunk spacing for any transplanting or compensatory planting of trees to the Guidelines on Works Involving Trees.</p> <p>Suggested addition: Minimum trunk-to-trunk spacing shall be between 5 and 10 metres, depending on the species of the tree. (this should be added to both the section on transplanting and that on compensatory planting)</p> <p>Justification for distance: between 5 and 10 metres is used in all best practice guidelines on spacing between trees and also recalls the definition of "near any tree" set out in S.L.549.64 Trees and Woodlands Protection Regulation:</p> <p>Quote: "near any tree" means five metres away from the circumference of the tree canopy or ten metres away from the tree trunk, whichever is the larger.</p>	<p>Comment has been noted. Recommendation is being included in the document in section 3.2.9 and 3.3.16.</p>