



Terms of Reference for the Preparation of an Environmental Monitoring Plan (Specimen)

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Environment & Resources Authority

Version 1



Introduction

The environmental monitoring plan (EMP) should describe how progress of all works would be monitored, recorded and reported, in a timely manner in order to enable immediate action as required. This should include any requirement for monitoring of the effects of the proposed interventions/works on the physical environment and natural features, such as vegetation, geology, etc., as relevant to the site and its context. Monitoring of works shall be recorded, e.g. by photographic means - before, during and after. A copy of the photographs and other records shall be submitted on a regular pre-agreed basis. The EMP shall be prepared on the following Terms of Reference (TORs).

Disclaimers

These generic Terms of Reference (TORs) are intended as an indicative specimen and are not necessarily tailor-made to particular projects, since details of such projects may not yet be available. **The Environment and Resources Authority (ERA) could adapt these TORs on a case-by-case basis, as relevant, depending on the nature of the project, associated environmental impacts and site context.** The TORs and their ensuing requirements are also subject to any future changes that may arise, even at short notice and/or whilst the assessment process is ongoing, for various reasons including force majeure (such as changes to legislation or similar regulatory parameters), changes to the baseline situation on site, amendments to the project, new information about the project or site, etc. Thus, any use of these TORs is on the explicit understanding that the actual TORs for the eventual projects are likely to vary significantly from the specimen version hereby provided.

This document has been mainly prepared in connection with ERA's environmental assessment of development applications and related follow-ups. However, subject to the necessary adaptations, the following requirements and provisions could be equally relevant to other ERA functions (e.g. permitting, compliance and enforcement).

Terms of Reference

The following must be addressed:

- (i) The EMP addressing the relevant works identified in the [XXXX e.g. works method statement] and their risks to the environment shall be submitted within a reasonable period of time in advance (e.g. 1 month), prior to the commencement of works on site, for ERA's approval. The EMP shall be in place throughout the [XXXX e.g. construction phase], or for any period specified by ERA, on a case-by-case basis, and shall take into account (but not be limited to) the concerns and recommendations established in the [XXXX e.g. EIA Report; ERA responses];
- (ii) The EMP shall identify:
 - a) the methodologies and frequencies of monitoring;
 - b) a map-based extent of the areas which will be monitored;
 - c) the frequency and mode of reporting; and
 - d) any baseline studies that may be required.

Where possible the EMP shall also identify the threshold limits beyond which works should be halted or adjusted due to unacceptable environmental impacts, and any other relevant triggers and parameters for pre-emptive, remedial or damage-limitation intervention. Specialist consultants for each specific monitoring requirement shall also be identified as relevant and their details submitted for ERA's approval;

- (iii) The EMP shall be formulated by an environmental monitoring consultant (hereinafter referred to as "the monitor"), who shall have the necessary expertise and track record, to ensure that the EMP is satisfactorily devised and implemented, and that the specialist consultants are duly present on site, as required, for effective monitoring.

The monitor is to be approved in advance by ERA, after nomination by the applicant/developer. The monitor will be responsible for the immediate alerting of the relevant authorities when the thresholds are exceeded or in the case of cultural/archaeological/geological or other related discoveries;

- (iv) The monitor and specialist consultants shall be engaged at the expense of the applicant/developer;
- (v) The monitor shall ensure that all works are carried out in accordance with the ERA-imposed permit conditions, relevant approved drawings and other ERA-approved specifications, including the Method Statement (as relevant); and
- (vi) The monitor shall also be responsible for submitting regular monitoring reports in line with the approved arrangements. Both ERA and the monitor shall reserve the right to request further submissions or additional samples, and to impose any further conditions as deemed necessary during the progress of works.

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