



Environmental Permit

Environment Protection Act (CAP. 549)

Permit number:
NP0089/20

Approved documents
NP0089/20/2B/11A

The Environment and Resources Authority (hereinafter the Authority; the Competent Authority or ERA) in exercise of its powers under the Environment Protection Act (CAP. 549), hereby authorises:

Mr John Farrugia obo Sirens Sports Facilities Ltd. (hereinafter "the Permit Holder"), Of / Whose Registered Office (or principal place of business) is at

**Xatt il-Lanċa,
St. Paul's Bay**

to carry out discharge of water at

**Sirens Water Polo Club
Xatt il-Lanċa,
St. Paul's Bay**

The validity of this permit is **until the 30th April**. An application for renewal of this permit is to be submitted at least **one (1) month** prior to expiry of this permit.

Signed	Date
<p style="text-align: center;">Anthony Aquilina Unit Manager (Permitting) F/ Director Environment and Resources</p>	<p style="text-align: center;">Permit Granted: 08/03/ 2020</p>

Authorised to sign on behalf of the Competent Authority

This page has been deliberately left blank

Conditions

Introductory Note

The permit is granted in accordance with the provisions of the Environment Protection Act and Regulation 18(2) of the Flora, Fauna and Natural Habitats Protection Regulations, 2006 (S.L. 549.44), hereinafter referred to as the Regulations, for the purpose of the activities that shall be carried out within the Special Protection Area (SPA) of Żona fil-Baħar madwar Għawdex (MT0000112) and Site of Community Importance (SCI) of Żona fil-Baħar bejn il-Ponta ta' San Dimitri (Għawdex) u Il-Qaliet (MT0000105).

The activity shall, subject to the conditions of this Permit, be managed, controlled and carried out as described in the NP Application, approved documents, and/or as otherwise previously agreed in writing by the Authority.

Status Log

Detail	Date
<i>Application NP 0089/20</i>	21/02/2020
<i>Permit Issued</i>	8 th March 2020

Pre-Commencement of activities/ work

1. The permit holder shall advise of the dates of works at least two (2) days prior to the commencement on ced.nature@era.org.mt. In the case of change of date, the permit holder is to inform ERA of such a change at least two (2) days in advance. In the case of short-term cancellation of the activity (especially outside office hours), the Authority should be contacted on 9921 0404.
2. The permit holder is to nominate for ERA approval, at least two (2) days prior to commencement of works, a suitably qualified and experienced environmental monitor for monitoring of compliance with permit conditions and to ensure that works are carried out with the least possible impact on habitats, species and water quality.

The monitor shall:

- i. be engaged at the expense of the applicant;
- ii. ensure that the works are carried out in line with the permit and without damage to the natural features on site by being present during works covered by this Permit, unless directed otherwise by ERA officers monitoring the activity on site; and
- iii. notify ERA immediately of any breach of conditions.

The project manager and the Permit Holder shall provide all the information and assistance to ensure that monitoring of works is carried out in a satisfactory manner. A monitoring report with photos shall be submitted by the monitor as part of the report of activities to ERA that is to be submitted as per condition 23, not later than one month after to expiry of permit.

No works shall be carried out unless the monitor is approved by ERA.

Permitted Activities

3. The Permit Holder is authorised to carry out the activities and the associated activities specified in Table 1

Table 1.		
Activity	Description of specified activity	Limits of specified activity
Discharge of water	Discharge of water	(i) Discharge of infiltrated sea water from construction site into sea according to the approved method statement NP 0089/20/11A

Site

4. The activities authorised under condition 3 shall be affected in the locations as marked on the approved site plan NP 0089/20/2B.

Conditions of Activity/Work

5. Activities are to be held according to the approved Method Statement NP 0089/20/11A. Any discharge shall occur within an area enclosed with a silt curtain or equivalent and not on rocks or any natural/man made basins.
6. The Permit Holder is to implement mitigation measures in order to prevent sea water contamination from dust, spalls, silt, any other particles or mud.

Mitigation measures shall be in place at all times throughout the activity to ensure that the works do not pose any adverse effect on the marine environment and the coastal area.

7. Underwater dust suppression equipment including a silt curtain or equivalent, shall be installed in line with good practice, prior to commencement of any discharge of water construction activities and utilised throughout the project.

The silt curtain or equivalent shall be installed around the edge of the area of discharge to limit any spillages into the sea. No damage to the seabed shall take place as part of the deployment and/or removal.

The silt curtain shall not be removed immediately after works have been completed, ensuring that minimal silt is released .

8. Discharge of water shall be immediately stopped in case the weather conditions do not allow for the silt curtain or equivalent to function efficiently.
9. In case that approved mitigation measures (silt curtain or equivalent) prove ineffective, works shall immediately cease until such time that the permit holder proposes and ERA approves additional mitigation measures that prove effective.
10. In case the applicant fails to fulfil any obligation/s under this permit, the ERA may fulfil such obligation/s at the expense of the Permit Holder.
11. The permit holder shall ensure that disturbance of any specimen of protected species or to protected habitats is kept to a minimum. It is the responsibility of the permit holder to ensure that no harm is caused to the environment either intentionally or accidentally.

Attention must also be afforded to the whole environment of the SAC in view of the protection status of the area.

12. Any construction-related material removed shall be immediately carted away in waste carriers registered and disposed of accordingly in accordance with the Waste Management (Activity Registration) Regulations 2007 (S.L. 549.45) and the Waste Regulations, 2011, (S.L. 549.63), including where necessary through the Consignment Permit procedure.

General Conditions

13. The 'Permit Holder', is responsible to ensure that all reasonable precautions are taken so that the activity conforms to the conditions in this Permit and the procedures outlined within the Permit application.
14. The activities covered by this permit are restricted to the permit holder, employees and/or volunteers and contracted parties commissioned for such activities/works under his supervision and direction, who shall all be made aware of this permit and the contents within.
15. The Permit holder is not exempt from any other legislation or regulations, codes of practice, conditions or requirements imposed by any other competent authorities, including the obtaining of permits, licenses, or clearances to undertake works authorised by this permit, including from site owners.
16. The following activities are strictly prohibited:
 - a. the deliberate picking, collection, taking, cutting, uprooting, harming, destroying or damaging deliberately destroying, keeping, transporting, selling, buying exchanging, offering for sale or for exchange, importing or exporting in any way of any specimen of wild flora;
 - b. the deliberate hunting, killing, capturing, taking, harming, disturbance particularly during periods of breeding, rearing, hibernation and migration, destruction and deterioration of breeding sites or resting places, pursuing, taking or attempting to take, deliberately killing or attempting to kill, deliberately destroying, keeping, transporting, selling, buying exchanging, offering for sale or for exchange, importing or exporting any specimen of any specimen of wild fauna;
 - c. disposal, discharge or spillage of oil, fuel, paint or other pollutants, or of solid waste, ash or combustibles;
19. ERA may request updates and/or further information on the activity in question as deemed necessary
20. The conditions imposed shall be adhered to throughout all the activities. Failure to do so may result in enforcement action and cessation of any related works or activities.
21. The Authority may add, amend, suspend or revoke this permit or part of this permit in cases of fraud, where public safety or significant environmental damage or risk is concerned, where there is an error on the face of the record or where there is a breach of one or more permit conditions after a written warning is given by the Authority or in any eventuality that gives the Authority enough reason to suspend or revoke this permit.

22. The Permit Holder may apply for a variation of the permit and shall seek the Authority's written agreement prior to any operational changes, by sending to the Authority:
 - a. Written notice of the details of the proposed change, including an assessment of its possible effects or risks to the environment from the approved activity;
 - b. Any relevant supporting information;
 - c. Any relevant supporting assessments and drawings, and;
 - d. The proposed implementation date.

Any such change shall only be implemented following the issue of a variation of the permit by the Authority.

23. In accordance with Regulation 46(4) of S.L. 549.44, a brief report with photos of the activities held, including any publications as a result of the activity, is to be provided to ERA by the Permit Holder within one month of the expiry of the permit, and is to be submitted to nature.permitting@era.org.mt. Information that should be treated as confidential as outlined in Regulation 48(4) of S.L. 549.44 shall be specified.

A template for the report is available at <http://era.org.mt/en/Documents/Activity%20Report%20template.doc>.

24. Any accidental handling, capture or collective of specimens or part thereof, whether dead or alive, of species listed within Schedule V and VI, and endemic species not listed in Schedule X of the Regulations shall be reported on nature.permitting@era.org.mt within seven (7) days of sampling/ identification of the specimen. Additional information on authorisations, keeping of such specimens or samples may be requested from the permit holder.
25. The Authority may add, amend, delete or substitute any of the conditions of this permit after notifying the Permit Holder of its intention and after describing the changes to the Permit Holder. This is without prejudice to any prevailing circumstances that would preclude the Authority from following such a procedure.
26. The Authority may suspend or revoke this environmental permit in line with the provisions of CAP 549.
27. The Permit Holder shall notify the following matters to the Authority in writing at least 10 working days prior to their occurrence:
 - a. Any change in the Permit Holder's trading name, registered name or registered office address;
 - b. Any change to particulars of the Permit Holder's corporate identity.
28. Upon the joint application of a Permit Holder and a proposed transferee, the Authority may transfer the nature permit to the proposed transferee. The transfer of the permit will not relieve any of the Permit Holders from their environmental obligations and liabilities.
29. In accordance with Regulation 47 of S.L. 549.44, details of the Permit Holder together with the details of conditions imposed in this Permit shall be maintained by the Authority in a register available for public inspection or maintained in electronic form.
30. ERA may inspect and monitor the activity at the expense of the Permit holder at rate and arrangement communicated by ERA's Compliance and Enforcement Directorate to ensure the safeguarding of the natural assets. ERA may also appoint other on-site monitors at the expense of the Permit Holder to act as an on-site liaison between the Permit Holder and ERA if the case arises.

31. The Authority's representatives may inspect and photograph any part of the site/ activity and ask for any closed or locked areas to be opened and may demand to be provided with any proof, documentation, plans, receipts or any other records.
32. This Permit including any Variation Notices or amendments to it shall be made available for any inspection by ERA officials at all times, or any legally recognised compliance and enforcement officials, when requested.
33. Whenever there is a conflict between the conditions of this permit and approved documents, the conditions of the permit shall prevail.
34. ERA shall not be held liable for any accidents or injuries which may occur during the activities being permitted through this Permit. It is the responsibility of the Permit Holder to ensure that all safety measures are taken.
35. This permit is without prejudice to any liability of the permit holder under the Act and to any punitive measures the Authority may wish to take with respect to works already carried out without permit.
36. The validity of this permit is **until the 30th of April 2020**. The Permit Holder may apply for a renewal to this permit expressing his/her intention at least four (4) weeks prior to the expiry of this permit. Request for renewals shall only be considered upon confirmation of compliance with permit conditions and fulfilment of documentation as requested by this permit.
37. Any aggrieved person may appeal from this decision before the Environment and Review Tribunal within 30 days in terms of Article 63 of the Environment Protection Act.

Project Description

1.1 Aim of project

The aim of the project is the discharge of sea water to enable Sirens to construct the pool slab.

1.2 Justification of the project

The project comprises the redevelopment of the Sirens pool into an all-year round facility that will be the primary swimming pool for the Northern region. The project is being supported by the Government and is primarily funded through the PA Local Fund.

1.3 Brief project outline

The Sirens pool was originally constructed in 2000, when the existing sea basin was converted into a filtered pool for Summer use. The main problem with the pool was that it was constructed below sea level. The pool bottom was located at -1.5m below sea level. This meant that every year in order to service the pool we had to discharge seawater ingress coming through the seawall as otherwise the pool bottom would be lifted due to hydrostatic pressure. The pool was also very susceptible to storm damage, as could be witnessed with the impact of last year's major storm.

The project aims to solve this problem through the construction of a wave wall (already completed) and raising the pool bottom that will have a finished level at mean sea level. The pool slab will be of 30cm thickness and the supporting beams will have a depth of 60cm.

This means that we need to lower the water level inside the old pool basin by 60cms for us to be able to construct the slab and beams. The project therefore entails the discharge of the seawater coming in through the seawall back into the sea until this construction phase is completed.

1.4 Duration of project

This phase of the project is expected to last 3-4 weeks.

1.5 Area of activity

The area of activity is covered by a full development permit and Sirens is the sole owner of the land in question under title of emphyteusis.

1.6 No. of persons per visit

No persons will actually access the sea. The number of workers involved in this phase of construction will be an average of 6 persons.

1.7 Access to site

The site is easily accessible both by foot and vehicle.

1.8 Project method statement

A sump has been excavated between the sea wall and location of where the slab is to be constructed. The location is important as this means that the sea water seeping from below the sea wall will be immediately discharged and limiting the possibility of contamination from the construction site.

The pumped water will be discharged to two possible locations depending on circumstances:

1. An appropriate area inside the sea closed off with a silt curtain. The silt curtain will be composed of adequate three-ply material and will be tied to floats at the top and anchored with weights at the bottom; or
2. A natural basin formed in the adjacent rocks, which will be sealed off with appropriate material.

Under both instances, the scope is that for some inadvertent reason contaminated water is pumped out, this will be limited to the sealed off area.

A number of pumps will be utilised to pump water out of the site. The number of pumps used will depend on the quantity of seawater coming in through the sea wall until we reach the required level on site. We currently have 6 pumps on site and we were close to reaching the desired level.

Once the desired level is reached, the pool basin will be dry to the extent that construction will be possible. The required number of pumps to maintain this level will remain on for the duration of this construction phase. At this point, the ingress equals the discharge, and the seawater coming in is not in contact with the site of construction.

1.8.2 Risk assessment

The main risk related to this process is that earth particles from the construction site get mixed up with the flow of water into the sump with the contaminated mixture being discharged to sea.

To mitigate this risk we will be enacting the following measures:

1. The discharged water will be pumped to an enclosed area.
2. The pumps will be constantly supervised by personnel.
3. The sump is located close to ingress to ensure pumping out of clear sea water prior to risk of contamination.
4. No work will be conducted on site until the location is dry as the biggest risk is the movement of earth while the pumps are switched on which would agitate the water being pumped out.

With the adoption of these measures the risk of serious contamination is negligible. The argument has been put forward that particles not visible to the naked eye could still be present in the discharged sea water. If this were to be the case, one could hardly argue that this would cause any environmental damage to the surrounding seas. The existence of earth particles in the sea is part of nature. Sometimes when storms occurred we would end up with 3-4 feet of silt in the pool, which would all have come from the sea itself. In volume terms the amount of earth material that could actually be discharged to sea is negligible from an environmental point of view.

1.9 Safety

The project has a Health Safety Officer appointed as per construction regulations and a health and safety plan has been approved by the appropriate regulator.

1.10 Other information

This project is a not-for-profit development that will be of great benefit to the local community. The latter reason is why the project is being funded by the PA Development Funds which supports projects that are to the benefit of the local community.

The overall project cannot be completed without this phase. Once this phase is completed the whole project is above sea level and there is no further requirement for the discharge of sea water.

This project has to be completed by Summer. There is a European Championship scheduled to be held by the ASA at the pool in the second week of July and this is as deadline that cannot be missed. We have already been delayed three weeks to try and find a solution as to how to pump out the water and now that the solution is in place we cannot afford to delay the project further.

We have experience in this process for the past twenty years and we have never had any incidents and it is in our interest that this process is handled in the correct manner because we are very well aware of the consequences this could have on the completion of the overall project.