

Environmental Permit

Environment Protection Act (CAP. 549)

Permit number:
NP 0116/20

Approved documents
NP 0116/20/5A/5B

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:

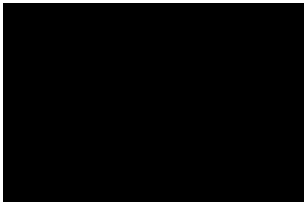
Mr. Jonathan Henwood (I.D. [REDACTED]) (hereinafter "the Permit Holder"),
Of / Whose Registered Office (or principal place of business) is at



to carry out sampling of *Elatine gussonei* and *Zannichellia melitensis* at

Various locations

The validity of this permit is **until 31st December 2020** from the granted date below. 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>Anthony Aquilina Unit Manager (Permitting) F/ Director Environment and Resources</p>	<p>Permit Granted: __09__/_06_/2020</p>

Authorised to sign on behalf of the Competent Authority

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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 Area of Conservation (SAC) of 'Is-Salini' (MT0000007), 'L-Inħawi tax-Xlendi u tal-Wied tal-Kantra' (MT0000020), 'Rdumijiet ta' Malta: Ir-Ramla taċ-Ċirkewwa sal-Ponta ta' Bengħisa' (MT0000024), 'L-Inħawi ta' Ħas-Saptan' (MT0000035), 'L-Inħawi tal-Wej' (MT0000036) and 'L-inħawi tan-Nigret (limiti tan-Naxxar)' G.N. 473 of 2011 Tree Protection Area (TPA).

The Environment and Resources Authority (ERA) is also granting you permission in accordance with the provisions of the Environment Protection Act and Regulation 43(a) and (d) of the Flora, Fauna and Natural Habitats Protection Regulations, 2006 (S.L. 549,44), for the purpose of exempting the Permit Holder from the prohibitions on operations or activities referred to in Regulation 24(1) of the same Regulations to pick, handle and disturb specimens of *Elatine gussonei* and *Zannichellia melitensis*, in line with Regulation 44(a) and (d) of the said Regulations.

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
Application NP 0116/20	28 th February 2020
Permit Issued	9 th June 2020

Pre-Commencement of activities/ work

1. The Permit Holder shall advise of the dates of works at least seven (7) 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.

Permitted Activities

2. 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
Sampling of specimens of algae	As described in NP 0116/20/5A	(i) Deliberate disturbance and picking of <i>Elatine gussonei</i> and <i>Zannichellia melitensis</i> ; (ii) Collection of physical, biological and chemical data.

Site

3. The activities authorised under condition 2 shall be carried out in the locations as marked on the approved site plan NP 0116/20/5B.

Conditions of Activity/Work

4. Activities are to be held according to the approved Project Description Statement NP 0116/20/5A.
5. The Permit Holder shall ensure that disturbance of any specimen of any protected species shall be 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 SACs in view of the protection status of the areas, and to other important natural areas.
6. No more than 10 grams shall be collected for each plant species from each rock pool as indicated in approved Project Description Statement NP 0116/20/5A. A representative sample of algal mats may also be collected from one rock pool from each site.
7. No more than 500 mL of water for floating algae shall be collected. This shall be replaced by 500 mL of sterile water as per approved Project Description Statement NP 0116/20/5A.
8. One representative sample of rocks, soil, macrophytes or macroalgae and anthropogenic material may be collected to view crust algae growing on them from each site.
9. Access to the SACs shall be exclusively on foot, and without disturbance to the flora and fauna on site.
10. This Permit is only valid and restricted to the handling, sampling and transporting of *E. gussonei* and *Z. melitensis* only.
11. Picking of specimens shall occur without any harm to any other specimens of protected species.
12. Surveys shall be carried out between sunrise and sunset.
13. Light sources are strictly prohibited.
14. Trampling should be avoided by using existing paths (if present).
15. All activities shall take place within existing paths and clearings void of vegetation, whether dead or alive when possible.
16. Access and parking by motor vehicles shall be restricted to existing surfaces roads and tracks unless permitted specifically by ERA. Access by, and parking of, motor vehicles on any type of vegetation and/ or rocky ground, and arable (agricultural) land is not allowed. No off-road driving is permitted.

General Conditions

17. 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.
18. 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.
19. 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 unless permitted by the permit;
 - 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. cutting or damaging of reeds, tree branches etc;
 - d. planting of vegetation, shrubs and/or trees or the introduction of any flora or fauna into the site or its environs;
 - e. introduction, removal, significant movement and re-engineering, and/or collection of sand, shingle, stone, soil and/or sediment;
 - f. excavation works and any physical modification of the vegetation cover, the ground and landform of the site and its surroundings;
 - g. generation of excessive noise, including extremely loud music or the use of noisy generators, or light pollution through the use of floodlights;
 - h. disposal, discharge or spillage of oil, fuel, paint or other pollutants, or of solid waste, ash or combustibles;
 - i. lighting of fires.
20. ERA may request updates and/or further information on the activity in question as deemed necessary.
21. 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.
22. ERA may impose other additional rules or conditions, or may amend one or more of the listed rules or conditions, as it deems necessary for the proper conservation of a protected site or area, biodiversity and the environment in general, and to ensure public safety.
23. 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.

24. 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>

A copy of any resulting publications, scientific papers, dissertations, theses, articles and/or videos resulting from any study carried out in relation to the specimens and activities for which this Permit is being issued shall reach ERA within three months from the date of publication/finalisation as the case may be. Such studies shall clearly indicate that they were possible following Permit/s issued by the ERA.

25. This permit is granted saving third party rights. 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 including from site owners.
26. Without prejudice to the Trade in Species of Fauna and Flora Regulations, 2004 (S.L. 549.38), the Permit holder cannot sell or exchange by any method, import or export, any specimen of the species found within the SAC, unless in possession of a prior official Permit from ERA.

The Permit Holder is to ensure that any samples held are in line with the requirement of S.L. 549.38 and Council Regulation EC 338/97.

27. Any accidental handling, capture or collection 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 Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44) shall be reported on nature.permitting@era.org.mt within seven (7) days of sampling of the specimen provided that the permit holder may only keep such specimen or part thereof for scientific research purposes. The Authority may request additional information from the permit holder, including but not limited to, an application for authorisation for the keeping of such specimens or samples.
28. The Authority may suspend or revoke this Environmental Permit in line with the provisions of CAP 549.
29. 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.
30. Upon the joint application of a Permit Holder and a proposed transferee, the Permit Holder may request to transfer an environment permit. The permit shall not be

transferred from the Permit Holder without prior approval from the Authority. Upon the Authority's decision to transfer the permit to the transferee, all rights, obligations, liabilities shall subsist onto the transferee.

31. 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.
32. The Authority may carry out regular pre-set or unannounced compliance or monitoring checks that vary in frequency according to the site's compliance with the permit conditions and safeguarding of natural assets. Any checks or audits carried out by the Authority may be made at the Permit Holder's financial expense at rate and arrangement communicated by ERA's Compliance and Enforcement Directorate. 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.
33. 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.
34. 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.
35. Whenever there is a conflict between the conditions of this Permit and approved documents, the conditions of the Permit shall prevail.
36. 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.
37. 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.
38. The validity of this permit is **until 31st December 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.
39. Any aggrieved person may appeal from this decision before the Environment and Planning Review Tribunal within 30 days in terms of Article 63 of the Environment Protection Act.

