

Environmental Permit

Environment Protection Act (CAP. 549)

Permit number:

EP 1108/20

Approved Documents:

EP 1108/20/1E

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)

Mr Simone Cappellone obo TSAM Ltd. (hereinafter “the Permit Holder”),

Of / Whose Registered Office (or principal place of business) is at:

**Congreve Memorial Hall,
Island Headquarter,
Emmanuel S. Tonna Square,
Floriana**

To carry out uprooting and transplanting of olive trees at

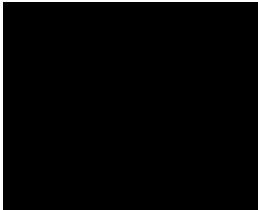
**Għajn Tuffieħa Campsite,
Mellieħa.**

to the extent authorised by and subject to the conditions of this Permit.

The validity of this permit is one (1) year from the granted date below.

Signed

Date

 <p>Anthony Aquilina Unit Manager (Permitting) F/ Director Environment and Resources</p>	<p>Permit granted: 18/ 02 / 2021</p>
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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 20 of the Trees and Woodlands Protection Regulations, 2018 (S.L.549.123), hereinafter referred to as the Regulations, for the purpose of the interventions that shall be carried out on the protected trees.

The Permit is also 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), for the purpose of the activities that shall be carried out within the Special Area of Conservation (SAC) and Special Protection Area of 'Rdumijiet ta' Malta: Ir-Ramla tac-Ċirkewwa sal-Ponta ta' Bengħisa' (MT0000024).

The works 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 EP 1108/20</i>	05/12/2020
<i>Permit Granted</i>	As per date on front page

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 works (especially outside office hours), the Authority should be contacted on 9921 0404.
2. The permit holder is to nominate for ERA approval, prior to commencement of works, a suitably qualified and experienced arboricultural expert for monitoring of compliance with permit conditions and to ensure that works are carried out with the least possible impacts on the trees.

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;
- iii. be present on site during the entire duration of the uprooting and transplanting works, unless directed otherwise by ERA officers monitoring the activity on site;
- iv. notify ERA immediately of any breach of conditions.

The arboricultural expert and the Permit Holder shall provide all the information and assistance to ensure that the works are carried out in a satisfactory manner. A monitoring report with photos shall be submitted by the expert as part of the report of activities to ERA that is to be submitted as per condition 18, not later than one month after to expiry of permit.

Permitted Activities

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

Table 1.

Works	Description of specified works	Limits of specified works
Interventions on protected trees	Uprooting and transplanting to be carried out between October and March	(i) Uprooting and transplanting of twenty-two (22) olive trees – <i>Olea europaea</i> specimens

Site

4. The works authorised under condition 3 shall be affected on the trees as marked on the approved plans 1E.

Conditions of Activity/Work

5. Works shall be carried out in line with approved project description 1E.
6. All interventions shall be carried out in line with the Guidelines on Works Involving Trees available on <https://era.org.mt/wp-content/uploads/2019/10/Guidelines-on-Works-involving-Trees.pdf> and uprooting and transplanting works shall be strictly carried out between October and March.
7. Works shall be limited to the trees for which a permit has been issued. Damage to or interventions on other existing protected trees on site is prohibited.
8. The specimens shall be transplanted to the site approved in document 1E between October and March. These shall be maintained by the permit holder for a period of three (3) years from planting or for a longer period as determined by the Authority, including necessary aftercare such as watering, weeding and pruning as may be required.

Evidence of transplanting shall be submitted within one month of planting on ced.nature@era.org.mt.

Should any of the transplanted trees die within the period specified above, the permit holder shall inform ERA accordingly and be bound to replace the said tree/s within the first planting season with a ratio of 1:10 with indigenous trees as approved in advance by ERA.

9. The transplanted trees shall be regularly inspected, following works to monitor progress. If necessary treatment of the trees to prevent further infestation shall be carried out, following approval by ERA.

General Conditions

10. Waste derived from the intervention on the tree shall be shredded on site and reused as mulch (with the exception of waste derived from Invasive Alien Species). In case this is not possible, the waste shall be immediately carted away in waste carriers registered in accordance with the requirements of the Waste Management (Activity Registration) Regulations 2007 (S.L. 549.45) for appropriate reuse of the material. Disposal in waste facilities shall be as a last resort and in

those facilities which are permitted in accordance with the Waste Regulations 2011 (S.L. 549.63).

11. 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;
 - 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) introduction, removal, significant movement and re-engineering, and/or collection of sand, shingle, stone, soil and/or sediment;
 - d) excavation works and any physical modification of the vegetation cover, the ground and landform of the site and its surroundings;
 - e) generation of excessive noise, including extremely loud music or the use of noisy generators, or light pollution through the use of floodlights;
 - f) disposal, discharge or spillage of oil, fuel, paint or other pollutants, or of solid waste, ash or combustibles;
 - g) lighting of fires.

12. 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.

13. 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.

14. 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.

15. ERA may request updates and/or further information on the activity in question as deemed necessary.

16. 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.

17. 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.

18. 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.

19. 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 ced.nature@era.org.mt / ced.coast@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 <https://era.org.mt/topic/nature-permit-reporting/>

20. The Authority may suspend or revoke this environmental permit in line with the provisions of CAP 549.
21. 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.
22. 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.
23. In accordance with Regulation 26 of S.L. 549.123, 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.
24. 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.
25. 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.
26. 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.
27. Whenever there is a conflict between the conditions of this Permit and approved documents, the conditions of the permit shall prevail.

28. 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.
29. 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.
30. The validity of this Permit is for **one (1) year** from the granted date of this Permit. 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.
31. You may appeal from this decision to the Environment and Planning Review Tribunal in accordance with Article 63 of the Environment Protection Act and with the provisions of the Environment and Planning Review Tribunal Act.