Public Consultation Submissions & Responses

Amendments to the Guidelines on Works involving Trees

June 2025

Environment & Resources Authority

CONSULTATION FEEDBACK

Ref No.	Name of Stakeholder / Date	Comments Received	Response / Remarks
1	Jonathan Henwood 27/04/2025	1, The Guidelines should be provided in both Maltese and English and in an abridged form. Most contractors would not go through a lengthy document and therefore the length is of essence and a simple form which is attractive to the users;	Agreed with the preparation of a Maltese version and with provision of a shorter version of the guidelines. These will be drafted.
		2. The Guidelines should include a simple flow diagram of how to determine if the tree is protected or not;	Agreed. This will be included.
		3. The Guidelines should include a simple flow diagram which helps determine whether the tree can and should be transplanted or otherwise, such as that presented by the Greening, Landscape and Tree Management Section Development Bureau of The Government of Hong Kong (attached);	Disagreed. Certain species albeit not responding well for transplanting, may still be proposed for transplanting, especially young specimens. In cases where such transplanting fails, compensation would be required.
		4. The removal of section 2.5 on the minimum course requirements for a course to register as a licensed tree specialist is counter intuitive. ERA will have no yardstick with which to consider whether a course is viable to be considered or otherwise and it would open all sorts of courses, even unrelated, to be considered. Tree surgery is a specialised process with very few qualified and even less skilled to do the procedure and removal of this section would open gates which ERA had successfully managed to control. Joined with the lack of enabling of Reg 19 by ERA over 6 years since the Regulations have been launched will further exacerbate the situation where everyone can claim a license. ERA should consider what other official bodies which certify arborists such as the Arboricultural Association and The	The minimum requirements for applying successfully to be registered as a Licensed Tree Specialist are found in Annex 1.

		International Society of Arboriculture, which include both qualifications, practice and CPD. A license in itself should only be renewed if the person shows an amount of work and CPD on arboriculture.	
		5. The Guidelines should include internationally accepted good practice such as the whole suite of ANSI 300A, which covers all topics on trees	The Guidelines already cater for Good Practice for Works involving Trees. These are included in section 3, for all major interventions such as hard pruning, transplanting etc.
		6. ERA should state clearly whether the document is legally binding or just a wish list with no legal backing to be applied at a whim. As the Guidelines are applied by ERA, they are not proving to be of any help in the works being carried out and there has been very little registered improvement in the industry.	The Permits issued by the Authority for interventions on trees contain conditions referring to the Guidelines, hence these are legally binding.
2	Emanuel Agius 28/04/2025	Jien gej minn familja li nahdmu f'dan is-settur tal-Agrikoltura. Sfortunatament bhal ma jigri ta spiss. F'Malta ahna jew nejja jew mahruqa. Mela Inhallu sigar invasivi jikbru bla kontroll minflok nincentivaw lil kunsilli u lil ghaqdiet volontarji biex idealment jeqirdu dawn l-ispeci qabel ikun tard wisq. (Nifhem li hafna drabi meta nindunaw bil problema ikun deja tard wisq ghax is-sigar invazivi jikbru facilment u bla kontroll u b'buffura rih timtlielek zona) Ahna gieli ghamila xi xogholijiet lil kunsilli lokali fejn jidhol landscaping u zbir ta sigar. Nametti li insib diffikulta kbira li ghal kull sigra jew ftit sigar wiehed kull darba irid joqghod japplika ghal permess minghand l- ERA.	Noted. Kindly refer to 3.3.8: Unless directed by the ERA, such as in the case of non-indigenous or invasive alien species, **replacement of indigenous trees is to make use of indigenous trees**. Non-indigenous species located outside development zones are to be replaced by indigenous species which are context specific. ERA does not allow the planting of invasive species. The Authority follows the permitting requirements as specified in the regulations on interventions on protected trees.
		Ezempju semplici huwa dan. Mela biex tinzabar sigra tal ficus (dawn li komunament insibbu fit-toroq arterjali trid tapplika ghal permess, tghamel site plan, tiehu ritratti sa fejn ha taqta, u hafna burokrazija zejda. imbghad wara li thallas u johroglok il-permess dan jiskadi wara sena (bhal li kieku qallu is-sigra ma tibqax tikber	To note that ERA permits for interventions on protected trees are currently being issued for 4 years, at the discretion of the Authority. In addition, certain interventions for pruning may be exempt from the requirement of a permit in line with regulation 15 of

		u wara 3 snin tkun trid zabra ohra - igifieri trid terga tapplika) iktar iddum tilghab bil karti u permessi milli biex tizbor is-sigra.)	S.L.549.123. Applicants may contact the Authority prior to applying to check if any permits are required.
		Ghandu ikun hemm prassi standard ta x'inhu accettabli Ezempju Sigar tal-Ficus, ghandhom jinzabru kull 3 Snin, minn persuna li tkun certifikata (igifieri kunsill ma jistax iqabbad persuni li ma jkunux hadu kors partikolari l-ghammieri) Sfortunatament il korsijiet tal MCAST expensive hafna u kwazi ma jifthu qatt. Tapplika u ma tisma minghandhom qatt ghax jghudulek sorry ma ghandiex biz-zejjed interess ghal dak il kors)	This should be directed to MCAST as currently they are the only service provider. The courses do open, albeit not frequently
		Ghandu ikun hemm Standards ta meta isir Zbir skond l-ispeci ta sigra minghajr permess. Ezempju il Ficus tat toroq ikun permess li jinzabru mill kunsilli lokali jew entita governattiva responsabbli, minn Novembru sa Marzu, f'gholi ta mhux inqas minn 6 metri, u fejn ikun hemm hafna sigar hdejn xulxin il-prassi ghandha tkun li sigra tinzabar u ta magenbha le (Igifieri wahda iwa u wahda le) dan ihalli lil ghasafar fejn jorqdu u iz-zona ma tigix kerha ghax ikunu inzabru is-sigar kollha f'daqqa. (meta iz-zbir isir sigra iva u sigra le, qas hadd ma jinduna li sar zbir ghax ma jkunx jghati ikrah fil ghajn. imgbhad fi zmien sena dawk li jkunu inzabru irabbu weraq canopy gdid u jkunu jistghu jinzabru dawk is-sigar li is-sena ta qabel ma jkunux inzabru. Ezempju dan jista isir bi prova fit triq tal-barrani biex wiehed jara x'inhu accettabli u x'muwhiex. Hemm bzonn li titnaqqas il burkorazija halli l-ambjent malti jiehu ir-ruh. Jien lest li noffri il hin tieghi biex inkun involut f'suggerimenti ohra relatati mas sigar.	ERA issues exemptions in line with regulation 15 of S.L.549.123 when a permit is not required. This includes pruning of trees for maintenance purposes, to eliminate any danger to public and to improve the overall health of the trees. Applicants may contact the Authority prior to applying to check if any permits are required. With regards to phasing of interventions, this depends on a case by case basis and the Authority has considered this in previous permits.
3	Alexander Borg Galea	Comment 1: In table 4, compensatory planting for “Non-protected trees including invasive alien tree species” was removed, but in point	Kindly refer to section 3.3.10 reproduced below which allows for the Authority to request compensation for the removal of non-indigenous species, depending on the case.

<table>
<tr>
<td></td>
<td>Ambjent Malta

09/05/2025</td>
<td>3.3.9 compensation for non-indigenous or invasive alien species is included.

We believe that compensation for non-protected and non-native trees should be carried out as these still deliver environmental services that needs replacement once removed.

<table>
<tr><td>Compensatory planting ratios</td><td colspan="3">Age of tree</td></tr>
<tr><td></td><td>< 10 years</td><td>10- 50 years</td><td>>50 years</td></tr>
<tr><td>Protected trees (First Schedule, Part A, Table 1)</td><td>1:10</td><td>1:20</td><td>1:40</td></tr>
<tr><td>Protected trees (First Schedule, Part A, Table 2 and Part B)</td><td>1:5</td><td>1:10</td><td>1:20</td></tr>
<tr><td>~~Non-protected trees including invasive alien tree species~~
Protected trees harbouring pests and diseases and
Protected trees (Second Schedule)</td><td>1:1</td><td colspan="2">1:2</td></tr>
<tr><td>Dead tree specimens</td><td colspan="3">1:1</td></tr>
</table>
Table 4: Indicative Compensatory planting ratios - may be changed subject to final verification on a case-by-case basis.

3.3.9 Unless directed by the ERA, such as in the case of non-indigenous or invasive alien species, replacement of indigenous trees is to make use of indigenous trees ~~of the same species as the tree removed~~. Non-indigenous species located outside development zones are to be replaced by indigenous species which are context specific.</td>
<td>In case of removal of invasive alien species, the authority may consider the removal of such species as adequate benefit to the environment, especially in cases where habitat restoration is being carried out. Nonetheless, if the removal is considered to require replacement, the replacement species shall be indigenous.</td>
</tr>
<tr>
<td></td>
<td></td>
<td>Comment 2:

These tree species are not protected even when over 50 years of age in view that they are invasive, alien and environmentally incompatible species which are causing damage or adverse effect to the environment. Only specimens of Eucalyptus sp. are protected in urban public open spaces.

It is agreed that tree species that are invasive, alien and environmentally incompatible species which are causing damage or adverse effect to the environment should not be highly protected, and that removal should be facilitated. However, we strongly believe that old specimens (over 50 years) should definitely have some level of protection and compensated for (within reason) but with a higher than 1:1 or 1:2 ratio. The same applies for trees harbouring pest and diseases which are compensated for at the ration of 1:1 and 1:2 rather that the regular suggested ratio for protected species. This may lead the</td>
<td>ERA is of the opinion that compensation ratios as proposed in the Guidelines should suffice.</td>
</tr>
</table>

<table>
<tr><td></td><td></td><td>way to indiscriminate felling of trees with little to no compensation necessary.</td><td></td></tr>
<tr><td></td><td></td><td>Comment 3:

Existing Mature Eucalyptus trees should be retained everywhere because they are an important source of nectar and pollen for honeybees in autumn, when little else is available. And even though Carobs provide nectar and pollen in autumn, the availability of the reward to the pollinators and representation of both sources of reward are different from those of Eucalyptus. They are thus an important species for the local honey industry.</td><td>This comment relates to protection of eucalyptus that is depicted in S.L.549.123 – such specimens are only protected in public open space. However this is constrained by legal provisions. Comment is noted for future consideration.</td></tr>
<tr><td></td><td></td><td>Comment 4:

Indiscriminate removal of Arundo donax from watercourses should also be controlled. This archaeophytic species provides a number of ecosystem services (corridors for birds, including warblers, shade environment, etc) and thus removal must be considered on a case by case basis.</td><td>Comment noted, however this does not fall within the scope of these guidelines that are focused on trees.</td></tr>
<tr><td></td><td></td><td>Comment 5:

Section 2.2.7, Table 1. Summary of where a permit may be required

This table is generally misleading. Statements of ‘No, subject to para. 2.2.2.’, are misplaced, particularly in the following instances:

<table><tr><th>Species of trees</th><th>Horticulturally grown trees ~~(Para 2.2.2)~~</th><th>Trees harbouring quarantine pests ~~(Para. 2.2.4)~~</th></tr><tr><td>Protected trees: First Schedule, Part B (v): Ficus microcarpa s.l.</td><td>No, subject to para. 2.2.2.</td><td>No</td></tr></table></td><td>Comment noted and agreed to. This will be amended accordingly.</td></tr>
</table>

		<table><tr><td>**Particular Second Schedule trees species (*Eucalyptus* spp.)**</td><td>No, subject to para. 2.2.2.</td><td>No</td></tr></table> These should be reworded to 'Yes, excluding interventions listed in para 2.2.2'. Paragraph 2.2.2 describes pruning activities permissible without a permit on horticulturally grown trees. Both of these species are horticulturally grown in all scenarios and are still offered protection under the regulation. The regulation makes no mention of permit exemptions for these species aside from the listed activities in 2.2.2, therefore the guidelines are misleading as written. To further clarify, we suggest rewording 2.2.1 as follows: a) to 'interventions on horticulturally grown trees (Restricted to activities listed in Section 2.2.2); and b) plant quarantine interventions and actions (Restricted to activities listed in Section 2.2.4)	
		Comment 6: Proposed amendment to the Regulation The guidelines would benefit from defining what is considered as a 'public open space'. Most Ficus trees are found on roadsides which may not fall within this definition. Due to their benefits for bird nesting, and contribution to reducing urban heat island effect, these should also be protected in all public urban spaces and not only in public open spaces.	The definition is as prescribed in S.L.549.123 reproduced: urban public open space" includes roads, roadsides, pavements, piazzas, public gardens, parks, cemeteries, roundabouts, central strips and other traffic islands, and ancillary landscaped areas;
4	Anthony Pisani Civil Protection Department	The Civil Protection Department emphasizes the importance of responsible tree planting and maintenance to enhance public safety and reduce risks related to road safety, fire hazards, and extreme weather events. The following guidelines are provided	The scope of the document is to provide guidance on how interventions on tree is to be carried out. While the importance of the feedback from this entity is acknowledged, the content is more

	13/05/2025	for consideration in urban planning, road design, and landscape management: 1. Road Safety Considerations • Visibility and Line of Sight: The last 10 meters leading to a stop sign or give way sign should remain free of trees and dense vegetation to ensure clear visibility for drivers and reduce the risk of accidents. • Tree Pruning and Maintenance: Trees adjacent to roads must be regularly pruned to prevent overhanging branches from obstructing signs, signals, or drivers' views. • Hazardous Tree Species: Some tree species shed seeds or fruits that, when crushed by vehicles, produce slippery residues that can pose serious risks, especially in wet conditions. These species should be avoided or managed with extra caution near roadways. • Crash Barriers: Where trees are planted near roads with significant vehicle speeds, protective crash barriers should be installed to shield both vehicles and trees, reducing potential injury or damage in the event of an accident.	targeting towards better planning aspects rather than interventions on tree themselves.
		2. Fire Safety Measures • Species Selection and Spacing: All trees carry some fire risk, but certain species are more flammable than others. It is essential to:	

		• Choose less flammable tree species. • Avoid planting trees too densely, especially near buildings or other structures. • Pruning of trees so that the flames from a grass fire will not reach the tree branches that leads into the flames spreading upwards reaching the crown of the tree, which is then caught by the wind that leads into more trees catching fire and spotting fires. • Ground Maintenance: The area beneath trees should be regularly cleared of: • Dry leaves • Dead branches • Undergrowth to minimize fire fuel and reduce the spread of wildfires.	
		3. Wind and Storm Resilience • Tree Selection for Wind Resistance: Not all trees respond equally to wind or storm conditions. Planting wind-resistant species in areas vulnerable to strong winds—such as near roads, public paths, or power lines—is advisable. • Risk Assessment: Regular inspections should be conducted, particularly in storm-prone areas, to identify and mitigate risks from weakened or unstable trees that could fall and cause injury or obstruction.	

		Conclusion Trees contribute significantly to the urban and natural environment, but their management must consider public safety as a priority. By selecting appropriate species, ensuring regular maintenance, and applying preventative safety measures, communities can enjoy the benefits of trees while minimizing risks to people, property, and infrastructure.	