

**Environmental Permit**

Environment Protection Act (CAP. 549)

Permit number:  
**Emergency 3/21**

Approved Documents:  
**Emergency 3/21/3B/4A**

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

**Nicholas Scerri obo Ambjent Malta** (hereinafter “the Permit Holder”,

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

**Head Office,  
 Triq l-Imdina,  
 Żebbuġ**

**To carry out felling of two (2) dead Aleppo pines at**

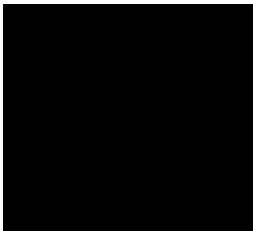
**Road leading to Miġra l-Ferħa,  
 Off Triq tal-Merħla,  
 Rabat**

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

The validity of this permit is **forty eight (48) hours** from the granted date below.

Signed

Date

 Aimee Brincat Deputy Director, Environment and Resources Directorate F/ Director Environment and Resources	Permit granted: 31 / 05 / 2021
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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 and 25 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 and works that shall be carried out within the Special Area of Conservation of 'Rdumijiet ta' Malta: Ir-Ramla taċ-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 EP Application, approved documents, and/or as otherwise previously agreed in writing by the Authority.

### Status Log

Detail	Date
<i>Request Emergency 3/21</i>	14/05/2021
<i>Permit Granted</i>	As per date on front page

### Permitted Activities

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

Works	Description of specified works	Limits of specified works
Interventions on protected trees	Emergency works on trees	(i) Felling of two (2) dead Aleppo pines – <i>Pinus halepensis</i> specimens

### Site

2. The works authorised under condition 2 shall be affected on the trees as marked on the approved site plans 3B and 4A.

### Conditions of Activity/Work

3. 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>.
4. 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.

5. Two (2) indigenous medium sized trees of local stock shall be planted as compensation in the same area of the dead trees as agreed to in advance by ERA. The compensation plan is to reach ERA within one month of permit expiry. The compensatory trees shall be planted between September and April and shall be maintained by the permit holder for a period of three (3) years from planting or for longer as determined by the Authority, including necessary aftercare such as watering, weeding and pruning as may be required. Evidence of compensatory planting shall be submitted within one month of planting on [ced.nature@era.org.mt](mailto:ced.nature@era.org.mt).

The compensatory trees are not to be used as a hedge.

Should any of the compensatory trees die within the period specified above, the permit holder shall be bound to replace the said tree/s within the first planting season with a tree/s of the same species and size and advise ERA of such a replacement.

6. Felling shall be carried out without damage to any other existing trees, plants or structures. The site of uprooting shall be restored to its original state following the uprooting procedure.
7. The trees shall be cut at or below ground level without any obtrusions above ground.
8. The permit holder shall ensure that disturbance of any specimen of any species 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 of the environment of the protected area in view of the protection status.

## General Conditions

9. 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).
10. 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 except as 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) cutting or damaging of reeds, tree branches etc., except as permitted;
  - d) planting of vegetation, shrubs and/or trees or the introduction of any flora or fauna into the site or its environs, except as permitted;
  - 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.

11. 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.
12. 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.
13. 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.
14. ERA may request updates and/or further information on the activity in question as deemed necessary.
15. 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.
16. 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.
17. 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.

18. 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](mailto:ced.nature@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/>

19. The Authority may suspend or revoke this environmental permit in line with the provisions of CAP 549.

20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. 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.
26. Whenever there is a conflict between the conditions of this Permit and approved documents, the conditions of the permit shall prevail.
27. 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.
28. 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.
29. The validity of this Permit is for **forty eight (48) hours** from the granted date of this Permit.
30. 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.