

Environmental Permit

Environment Protection Act (CAP. 549)

Permit number:

Temporary Permit 1/21

Approved Documents:

Temporary Permit 1/21/3A

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. Manuel Sapiano obo The Energy and Water Agency (hereinafter “the Permit Holder”,

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

**Pinto Business Centre,
Tirq il-Mitħna,
Hal Qormi, Malta**

To carry out assessment of road damage at Wied il-Qlejħa

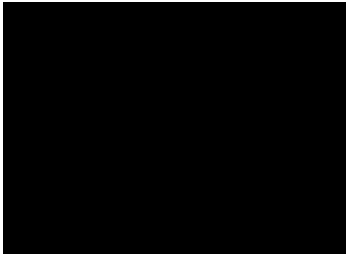
Wied il-Qlejħa

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

The validity of this permit is **for two (2) months** from the granted date below.

Signed

Date

 Aimee Brincat Deputy Director Environment and Resources F/ Director of Environment Protection	Permit granted: 08 / 11 / 2021
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Authorised to sign on behalf of the Competent Authority

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Conditions

Introductory Note

This temporary permit is granted in accordance with the provisions of the Environment Protection Act and Regulation 18(2) and Regulation 46(8) 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 at Special Area of Conservation of Wied il-Fiddien u Wied il-Qlejgħa.

This permit is also being granted in accordance with Regulation 43(a) 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 referred to in Regulation 25(1)(a)(b)(c) and for the specimens of the painted frog (*Discoglossus pictus*), in line with Regulation 44(c) of S.L.549.44 in the interest of protecting wild fauna and flora and conserving natural habitats.

The activity 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.

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 by 31st December 2021 and a final report shall be submitted within one month of expiry of the permit, and is to be submitted to 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/>

Status Log

Detail	Date
Request Temporary Permit 1/21	02/11/2021
Permit Granted	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 in protected site	Assessment of damage and handling of protected species	(i) Lowering of the water behind a dam by 2 meters; (ii) Capture, handling and release of species protected through S.L.549.44 such as <i>Discoglossus pictus</i> tadpoles.

2. This temporary permit is being issued for the sole reason of assessment of storm damage on the basin retaining wall as per site plan document Temporary Permit 1/21/3A. Once such damage is assessed and a way forward on works required is determined, the permit holder shall apply for an environmental permit through the Authority's web portal on the following link <https://eris.eraportal.org.mt>.
3. Should the permit holder note that further draining is required so as to assess damage, the Authority shall immediately be notified on nature.permitting@era.org.mt and no further draining shall be undertaken unless a clearance is issued by the Authority. Should such a clearance be issued this will be regarded as part of this permit and could be subject to the provisions of condition 21.

Pre-Commencement of activities/ work

4. The permit holder is to nominate for ERA approval, prior to commencement of works, a suitably qualified and experienced ecological 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. submit a monitoring plan for approval by ERA;
- iii. ensure that the works are carried out in line with the permit and without damage to the natural features on site;
- iv. 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 Introductory note, not later than one month after to expiry of permit.

No works shall be carried out unless the monitor and monitoring plan are approved by ERA.

5. The permit holder shall inform ERA in case further draining of the basin is required or any other additional temporary measures to assess the damage to the road are required, providing a detailed methodology and any additional information requested by ERA. No works other than approved shall be carried out prior to ERA's approval.

Site

6. The works authorised under condition 1 shall be affected on the site as marked on the approved site plan 3A.

Conditions of Activity/Work

7. Pumps used shall be of low flow type and shall pump water at a volume of no more than 1m³ per minute.

8. Pumps shall be placed in the area of open water, Pump outflow shall be placed in such a manner to prevent scour.
9. Prior to commencement of works, a fine net shall be installed at the inlet of the pump to prevent capture of protected species. In the case of accidental capture, these shall be immediately released further upstream or in a basin as appropriate.
10. Any invasive alien species collected by the net or mesh shall be immediately destroyed in line with methods which respect animal welfare.
11. All efforts are to be made not to kill or harm any specimen of protected species during the works and while handling the specimens. Should any injured specimen be encountered, it is to be captured and immediately released further upstream and in suitable areas. The permit holder shall take record and take pictures of this incident and report it to ERA's Enforcement and Compliance Directorate on ced.nature@era.org.mt.
12. Any encountered specimens of protected species are to be collected and placed individually in fresh water. These specimens are to be released immediately after capturing further upstream where works are not envisaged in suitable areas
13. Access to motor vehicles shall be restricted to asphalted roads. Off-roading is prohibited.

No form of mechanical means of transport or mechanized equipment and no form of driving, parking or manoeuvring of motor vehicles is permitted on vegetated areas within the protected site.

14. 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 SAC in view of the protection status of SAC.

General Conditions

15. 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.
16. The permit holder shall keep in his possession a copy of this temporary permit at any time during the duration of the permitted operations.
17. 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.
18. 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 unless permitted through this permit;
 - 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.
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. 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.
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:
- i. 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;
 - ii. Any relevant supporting information;
 - iii. Any relevant supporting assessments and drawings, and;
 - iv. The proposed implementation date.
- Any such change shall only be implemented following the issue of a variation of the permit by the Authority.
23. 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.
24. 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.
25. 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.

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:
 - i. Any change in the Permit Holder's trading name, registered name or registered office address;
 - ii. 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 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.
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. 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.
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 for **two (2) months** from the granted date of this Permit.