

**PA03607/16 [EA 00003/16]: DEMOLITION OF EXISTING STRUCTURES AND
CONSTRUCTION OF FUEL FILLING DEPOT INCLUDING ANCILLARY
OFFICES, FACILITIES AND WIDENING OF ACCESS ROAD**

**SITE AT HAS-SAPTAN, OFF VJAL L-AVJAZZONI, HAS-SAPTAN, GHAXAQ,
MALTA.**

1. Conditions

Decommissioning of 31st March 1979 Depot

1. This development permit shall be conditional on a firm commitment toward the decommissioning of the 31st March 1979 depot at B'Bugia. In this regard, plans for the 31st March 1979 site are to be submitted within 6 months of the date of issuing this permit for ERA's approval, allowing adequate public open space.

Construction works

1. All works shall be subject to a comprehensive Construction Management Plan (CMP) and a Works Monitoring Programme that address all relevant environmental considerations to ERA's satisfaction. In this regard, no works shall commence on site prior to the approval a comprehensive Construction Management Plan (CMP), in accordance with the Terms of Reference being included herewith approved document. The CMP shall include a comprehensive method statement for all works.
2. All material, structures, vehicles and machinery used for, or generated by, the works are to be entirely confined to the site approved for development and/or the land area occupied by the existing road carriageways. No overspills or vehicular trampling/manoeuvring beyond such land area are to be allowed. This applies to both the construction/site preparation phase and the operational use of the site.
3. Applicant is to make provisions to ensure that dust and mud not to contaminate, or spill onto the surrounding environment.

Waste

1. Any soil on the site shall not be built over but shall be collected for reuse. A permit from the Director of Agriculture may be required to remove the soil from the site and to transport it to a different location. This condition does not exonerate the applicant, contractor or any other relevant party from complying with all permitting requirements as may be applicable for deposition of the removed soil onto other land. Soil and material removed from the site shall not be deposited on any open or undeveloped land outside officially approved development zones, nor used for land reclamation, unless with prior approval in writing by ERA.

2. All operations concerning the management of waste are subject to all relevant regulations, including the Waste Regulations (S.L.549.63) and the Waste Management (Activity Registration) Regulations (S.L.549.45).
3. Inert waste material resulting from construction and excavation may be reused as fill material within the site as long as such reuse is in line with the approved plans and other conditions of this permit, or shall be deposited at facilities duly permitted by ERA and in accordance with the Waste Regulations (S.L.549.63) and the Waste Management (Activity Registration) Regulations (S.L.549.45).
4. Contaminated soils are to be managed and disposed of in accordance with the Waste Management Regulations (S.L.549.63) and Waste Management (Landfill) Regulations (S.L.549.29).
5. All wastes shall be separated according to the different waste streams as per EWC codes as defined in Commission Decision 2000/532/EC, and deposited in sites permitted by ERA to accept such wastes.
6. Any tarmac and asphalt resulting from excavation or demolition works shall be separated from all other wastes and deposited in sites permitted by ERA to accept such waste in accordance with the Waste Management Regulations (S.L.549.63) and the Waste Management (Activity Registration) Regulations (S.L.549.45).
7. Waste oils generated during the construction phase of the project must be stored in a secure leak proof container and may only be disposed of through a company authorised for the collection of waste oils or at an authorised site as per the legal provisions of the Waste Regulations (S.L.549.63).
8. All storage of machinery and/or waste oils required for or generated from the project shall take place only in locations where thorough clean-up and site reinstatement can be readily undertaken.

Operational Conditions

1. The executable version of this development permission together with the approved plans and commencement notice shall not be issued until such time that the applicant submits a written acknowledgement from the Environment and Resources Authority (ERA) confirming that a satisfactory application for an environmental permit and full method statement for land and groundwater investigations at the applicant's whole site has been submitted and validated by ERA. Such time shall not be later than 2 calendar months from the issuing of the non-executable development permit.
2. Road tanker filling operations at this proposed installation may not commence until such time that ERA has approved a Method Statement for land and groundwater investigations and a decommissioning plan for the 31st March 1979 installation at Birzebbugia.
3. All emissions from the installation require appropriate management and abatement in such a way as to avoid local nuisance.
4. The exhaust from general building ventilation (e.g. extractors or fans in walls or roofs) shall be vented in such a way as to avoid local nuisance.

Uprooting and Transplanting of Trees

1. Uprooted trees shall be transplanted to an appropriate location in the reasonable vicinity of the site to ERA's satisfaction. Evidence of successful transplanting shall be submitted to the Environment Resources Authority (liaison through mcu.compliance.biodiversity@era.org.mt), within one (1) month of such transplanting. Should any of the transplanting fail, (to be confirmed within a year of uprooting) compensatory planting by the planting of forty (40) indigenous tree species within the same approved site for transplanting and/or revised site approved by ERA (liaison through mcu.compliance.biodiversity@era.org.mt) shall be carried out to ERA's satisfaction.
2. Furthermore, the applicant shall contribute €50,000 to the environmental fund for the purpose of environmental management of natural habitats in the reasonable vicinity of the site, to ERA's satisfaction. Such payment shall be effected within one (1) month from issuing of this permit.

Runoff and effluent management

1. All measures shall be adopted to avoid pollution of the surrounding terrestrial environment, including through the action of runoff from potentially contaminated areas.
2. No discharges to surface waters or groundwater shall take place.
3. Rainwater or wastewater other than sewage shall not be discharged into the domestic sewer. Foul sewer drains must be strictly segregated from stormwater drains. The operator shall endeavor to collect rainwater in a suitable reservoir or cistern.
5. Rainwater shall be segregated from all process areas that are potentially contaminated with raw materials, intermediates and/or products. If this is not possible, rainwater from areas where contamination by oil or fuel is likely (such as loading/unloading and banded areas) shall pass through an adequately sized interceptor.
6. All discharges to the foul sewer shall comply with the requirements of the Water Services Corporation Sewer Discharge Permit. Where requested by the WSC, effluent should pass through an adequately sized and well maintained interceptor.

External lighting

1. External lighting of the development shall be kept to a minimum and shall be appropriately shaded, and (except where indispensable for safety purposes) shall consist exclusively of low-key full cut-off down-lighters of low lumens in order to reduce light pollution. Globes and up-lighters are not allowed. Intruder-triggered switching shall be used wherever possible. Lighting of surrounding areas (including rural roads) beyond the operational precincts is strictly prohibited.

2. Construction-Phase Management Plan

The Construction Management Plan is to be submitted for the Environment & Resources Authority's approval prior to the commencement of works, for the purpose of addressing environmentally-relevant construction-phase considerations. Any other non-environmental considerations included in the CMP may need to be reviewed by other authorities as relevant.

General Construction Management Plan requirements: Plan content

The Construction Management Plan shall include the following details, where relevant to the development proposal in question:

- (i) A construction programme including details of the timing and phasing of the development;
- (ii) All relevant details as to how demolition, excavation, construction and other development is to be carried out;
- (iii) All construction-phase access points;
- (iv) All storage areas for materials and plant, including any relevant containment measures;
- (v) The location of disposal sites for material from demolition, excavation and construction, and the means and routing of transport to disposal sites;
- (vi) The routes to be followed by heavy plant and other vehicular, and a comprehensive traffic management scheme for the areas affected by the development and by construction-phase traffic;
- (vii) Details of all temporary construction-phase structures such as temporary access roads, and similar facilities (including: justification, precise siting, extent, expected duration, construction and decommissioning methodology, and the proposed methods for protection from adverse weather conditions);
- (viii) Measures (including any relevant revisions to the design of the construction sites) to maximise the scope for carrying out noise-generating activities 'behind closed doors';
- (ix) The lighting arrangements to be adopted, including the measures that will be applied to minimise nocturnal light pollution and mitigate nuisance to people and disturbances to the environment wherever relevant;
- (x) Protection measures for retained structures, features, and landscapes;
- (xi) The detailed methodology and safeguards for the satisfactory reinstatement of the lands affected by construction-phase impacts; and
- (xii) The detailed safeguards that will be adopted to avoid or minimise: adverse construction-phase impacts.

Construction Management Plan requirements: Construction-phase parameters

The applicant shall be responsible for ensuring that:

- (i) All aspects of the works, including noise and vibration management, are compliant with the relevant provisions of the Environmental Management Construction Site Regulations (S.L. 552.09) to the satisfaction of all relevant authorities;
- (ii) All material, structures, vehicles and machinery required for, or generated by, the works are entirely confined to the areas identified for the purpose in the Construction Management Plan (CMP), and no deposition, storage, overflows or construction-vehicle access beyond such land area are allowed to occur. The extent of such land areas temporarily committed for construction-phase disturbance shall be duly contained and kept to the reasonable minimum required for the works, and shall, wherever possible, coincide with the development footprint, avoiding other lands which should be left pristine or which would be difficult to restore to satisfactory standards;

- (iii) Without prejudice to the overriding requirements of other conditions, any pipelines, ducts or sewers damaged accidentally in the course of works are immediately repaired to the required specifications;
- (iv) All relevant measures are taken to ensure the effective containment, abatement and prevention of all spillages and dust emissions, to satisfactory standards. These shall include, as relevant: adequate but not excessive water provision to allow dust suppression, wheel-washing facilities, water sprayers, sprinklers, cannons etc. as appropriate; secure storage and confinement of loads during both transportation and on-site storage/stockpiling/use; stringent implementation of dust/sediment suppression arrangements; collection and interception of runoff from construction sites into strategically-located sediment traps of adequate design and capacity; provision of carefully-designed bunds to contain possible contaminants; avoidance of stockpiling of material on site; immediate reporting of all spillages and immediate corrective/damage-limitation action; limiting construction-vehicle speeds to an appropriate level; minimising the handling of friable material; reducing the drop heights when handling material; adoption of suitable screening methods; monitoring of weather conditions (wind and rain) and adopting a daily programme of works accordingly; subjection of plant and machinery appropriate maintenance; etc.;
- (v) Temporary structures (including hoarding, fences, temporary boundary walls) are installed in such a manner as to avoid damage to existing physical features;
- (vi) Proper coordination with other relevant stakeholders is secured, for proper synergy in the management of traffic within the area of influence of the project during the construction phase, in such a manner as to pre-empt undue difficulties in the continued use of existing access routes and consequent indirect pressures for new or altered access routes;
- (vii) Effectiveness of bunds, hoarding and containment structures is duly guaranteed throughout the works. The applicant and contractors shall also be responsible for ensuring that containment measures through best available techniques are applied to ensure that any proposed works result in the least possible damage and disturbance to land;
- (viii) All stockpiles of construction and waste material are limited to a reasonable minimum and positioned in such a way as to avoid spillages onto (or contamination of) land, air or water through wind, runoff, collapse, or accidental spillages respectively. Dust suppression equipment shall be installed and used in stockpiling areas;
- (ix) Runoff from stockpiling areas is effectively collected and/or intercepted so as to avoid spillages and contamination of any surrounding area;
- (x) Dust or mud does not contaminate areas adjacent to the site; and
- (xi) A contingency plan is in place to cater for the effective containment, abatement and prevention of all potential spillages, including silt-laden waters. This plan is to be made available to the contractors to ensure they are continuously prepared for immediate addressing of such eventuality.

Construction-phase Monitoring

- (i) A monitoring programme addressing the relevant aspects identified through the EIA process, shall be submitted within one (1) month prior to the commencement of works on site, for ERA approval. The monitoring programme shall be in place

throughout the construction phase, and shall take into account (but not be limited to) the concerns and recommendations established in the Environmental Planning Statement and ERA's final EIA report.

- (ii) The monitoring programme shall identify: the methodologies and frequencies of monitoring; a map-based definition of the extent of the areas which will be monitored; the frequency and mode of reporting; and any baseline studies that may be required. The programme shall also identify the threshold limits beyond which works should be halted due to unacceptable environmental impacts, and any other relevant triggers and parameters for pre-emptive, remedial or damage-limitation intervention. Specialist consultants for each specific monitoring requirement shall also be identified and submitted for ERA approval.
- (iii) The monitoring programme shall be formulated by a monitoring coordinator (hereinafter referred to as "the monitor") approved in advance by ERA after nomination by the applicant. The monitor shall have the necessary expertise and track record to ensure that the monitoring programme is satisfactorily devised and implemented and that the specialist consultants are duly present on site as required for effective monitoring. The monitor will be responsible for the immediate alerting of the relevant authorities when the thresholds are exceeded or in the case of cultural/archaeological/geological or other related discoveries.
- (iv) The monitor and specialist consultants shall be engaged at the expense of the applicant. The applicant shall enter into a legal agreement (covering the full duration of the construction phase) with both ERA and the monitor, before works commence on site.
- (v) The monitor shall ensure that the applicant carries out all works to ERA's satisfaction, also taking into account the permit conditions, approved drawings and other approved specifications including the Construction Management Plan. The monitor shall notify ERA immediately of any environmentally-relevant issue or breach and shall liaise with ERA, the applicant, and any other relevant entities as appropriate.
- (vi) The monitor shall also be responsible for submitting regular monitoring reports in line with the approved arrangements, to ERA. Both ERA and the monitor shall reserve the right to request further submissions or additional samples, and to impose any further conditions as deemed necessary during the progression of works.