



Operating Procedures for Works and Site Interventions: Mandatory Specifications and Requirements (Specimen)

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Environment & Resources Authority

Version 1



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1. Introduction

- 1.1 The document sets out mandatory specifications and requirements (MSRs), intended to avoid and mitigate adverse environmental impacts from and during the execution of development and similar site interventions. MSRs, together with any other case-specific conditions imposed by ERA, must be complied with and adhered to by the applicant/developer and the architect, and by any other responsible persons engaged or subcontracted for the carrying out, overseeing or monitoring, of any aspects of the execution of the works and any other related site interventions. MSRs shall also be complied with during the design of development proposals and the preparation of Method Statements (MS) (or similar).
- 1.2 The report is presented in five sections, as follows:
- Containment of works;
 - Prohibitions and requirements;
 - Removal of Invasive alien species;
 - Waste management; and
 - Pollution prevention during construction.

Disclaimers

- 1.3 These generic MSRs are intended as an indicative specimen and are not necessarily tailor-made to particular projects, since details of such projects may not yet be available. **ERA could adapt these MSRs on a case-by-case basis, as relevant, depending on the nature of the project, associated environmental impacts and site context.** The MSRs are also subject to any future changes that may arise, even at short notice and/or whilst the assessment process is ongoing, for various reasons including force majeure (such as changes to legislation or similar regulatory parameters), changes to the baseline situation on site, amendments to the project, new information about the project or site, etc. Thus, any use of these MSRs is on the explicit understanding that the actual MSRs for the eventual projects are likely to vary significantly from the specimen version hereby provided.
- 1.4 The MSRs have been mainly prepared in connection with ERA's environmental assessment of development applications and related follow-ups. However, subject to the necessary adaptations, the following requirements and provisions could be equally relevant to other ERA functions (e.g. permitting, compliance and enforcement).

2. Containment of works

- 2.1 With respect to the proposed operations and works:
- (i) All interventions and works shall be confined to the boundaries of the permitted site, provided further that any on-site natural habitats and features (e.g. garrigue and trees) meriting protection or retention are not adversely impacted;
 - (ii) All areas outside the boundaries of the development site, which may be affected by the proposed works, shall be left intact and shall not be disturbed or environmentally degraded in any way;
 - (iii) There shall be:
 - a) no access or entry to/from the site from/to other sites or land;
 - b) no storage/parking of vehicles, machinery or equipment;
 - c) no vehicular trampling or manoeuvring; and
 - d) no storage or deposition of material, outside the areas authorised by ERA in accordance with the MS;

- (iv) No site engineering operations and works shall entail the creation of new unauthorised access points, paths, routes and/or roads, or the widening thereof, within or outside the site; and
- (v) No infrastructure, whether new or extended, shall be introduced into the site or surroundings, other than those required temporarily during the execution of the works *per se* in line with the ERA-approved MS.

3. Prohibitions and requirements

- 3.1 With respect to prohibition of operations and works, and other related requirements:
- (i) Advance planning of works and liaison with all relevant entities is required. The applicant/developer/architect must suspend all works (same for circumstances which may cause safety concerns) and in any case immediately notify ERA and other relevant authorities or Government departments in the eventuality that any uncharted infrastructure, unforeseen impacts or any related hazard (or risk of infrastructural damage) is encountered during the works;
 - (ii) **Works should be carried out during times of the day and months of the year, when it is proven to cause minimal disturbance to the natural environment** (e.g. works during the night should be avoided). When not possible, a detailed justification for the proposed timeframes(s) for carrying out the works, should be provided for ERA's approval prior to the commencement of such works;
 - (iii) No operations and works shall result, whether intentionally or otherwise, in any:
 - a) damage or disturbance to the natural environment, topographic features and hydrological characteristics;
 - b) unauthorised deposition of any material on any land, including land reclamation¹ or degradation on the site and surroundings;
 - c) additional development commitments or pressures for development (or similar interventions), including pressures for sanctioning of works, beyond that permitted by the development permit; and
 - d) the introduction, establishment or proliferation of species that are invasive and/or alien, to the site or its surrounding area of influence;
 - (iv) No materials or equipment shall be placed, deposited, disposed of or stored on existing habitats, bedrock and other locations which may be prone to degradation;
 - (v) No materials or equipment shall be placed, deposited, disposed of or stored within the spread of branches of trees such that these could be in any way harmed or damaged;
 - (vi) No works and operations shall hinder the proper planning and implementation of any requested mitigation measures, site re-instatement or restoration;
 - (vii) No rock cutting/boring and excavation of rock/bedrock shall take place, under normal circumstances;
 - (viii) Any infilled fissures (dagħbien), caverns, hollows, Quaternary deposits or other features of potential geological, geomorphological or palaeontological interest which are known or discovered shall be reported immediately to the Environment and Resources Authority (ERA) and any other relevant authorities (e.g. the Superintendence of Cultural Heritage), and no further works, operations or activities shall take place which would disturb or risk causing disturbance to these features, until these entities conclude their investigations;
 - (ix) Ground levels shall not be raised or lowered in relation to the existing ground level, unless otherwise specifically permitted by ERA as part of the proposed works;

¹ Including the reclamation of natural habitats and sites into other uses, such as agricultural land.

- (x) No excavation/dredging works shall take place within a distance of less than one meter (1m) width from all random stone walls (*ħitan tas-sejjeġħ*) and other walls, in and around the site;
- (xi) There shall be no unauthorised dismantling or demolition of existing random rubble walls;
- (xii) Works shall only commence once the site is completely devoid of water and the substrate is dry, unless otherwise specifically permitted by ERA as part of this MS;
- (xiii) No polluted water, runoff or sewage shall be disposed of within valleys/watercourses, on adjacent lands and/or any other natural area;
- (xiv) No pruning or uprooting of trees shall take place without ERA's prior clearance or permission;
- (xv) No pesticides shall be used;
- (xvi) No fires shall be lit, except where specifically approved or where explicitly required by ERA;
- (xvii) Subject to the ecological survey and its assessment, whenever this has been requested by ERA, should it be necessary to remove the topmost 50cm of material (e.g. soil), prior to commencement of excavation works, this material shall be removed and stockpiled on site temporarily, avoiding areas where it poses any significant risk of impacts on the natural environment or being carried away (e.g. valley beds, watercourses, steeply sloping terrain, or areas of geological instability). Thereafter, no material shall be stored/deposited on site apart from reinstatement of the temporarily removed 50 cm of material as deemed necessary on the basis of the ecological survey and any other relevant assessments carried out by ERA; and
- (xviii) It shall be the applicant's/developer's/architect's responsibility to ensure that no damage to existing infrastructure (including, but not limited to, cables, pipes, dams, pumping station outworks and galleries, and water culverts) results directly or indirectly from the authorised works.

4. Removal of invasive and/or alien species

4.1 With respect to invasive/alien species:

- (i) The introduction, establishment or proliferation of any species which are invasive or otherwise alien to the site or in its surrounding area of influence are prohibited; and
- (ii) The removal of any trees and/or invasive or otherwise alien species on site shall be carried out in accordance with the methodology of ERA's Guidelines on Managing non-native Plant Invaders and Restoring Native Plant Communities in Terrestrial settings in the Maltese Islands², or any updates, revisions or substitutes thereof, and shall include all the measures to be taken in order to avoid any further invasion within the site and its surroundings.

5. Waste management

5.1 With respect to waste management all operations and works involving the generation and management of waste, including the use of inert waste, must comply with:

- (i) The legal requirements of the Waste Management Regulations, 2011 (S.L. 549.63) and Waste Management (Activity Registration) Regulations, 2007 (S.L. 549.45);
- (ii) Government's Waste Management Plan for the Maltese Islands 2014-2020, particularly Urban Design for Waste Management in section 3.8.5;

² <http://era.org.mt/en/Documents/PlantInvaders-RestorationGuidelines-2013.pdf>

- (iii) Inert waste material resulting from construction and demolition may be reused as fill material within the site as long as such reuse is in line with the approved plans/proposal and other conditions of the permit, or shall be deposited in accordance with the requirements of the Waste Management Regulations, 2011 (S.L. 549.63) and Waste Management (Activity Registration) Regulations, 2007 (S.L. 549.45), at facilities duly permitted by ERA;
- (iv) 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 identified sites permitted by ERA to accept such wastes;
- (v) Potentially-contaminated material needs to be reported to ERA. Contaminated soils are to be managed and disposed of in accordance with the Waste Management Regulations, 2011 (S.L. 549.63) and Waste Management (Landfill) Regulations, 2002 (S.L. 549.29); and
- (vi) Transportation of waste from/to the site shall be carried out by a waste carrier licensed by ERA in line with Waste Management (Activity Registration) Regulations, 2007 (S.L. 549.45).

6. Pollution prevention during construction

- 6.1 Unless the on-site storage of waste is specifically prohibited by ERA, the following specifications/requirements apply:
- (i) All wastes shall be stored within designated and controlled storage area(s) prior to ultimate disposal; wastes to be recycled should be stored in a designated container or storage area and not mixed with other wastes;
 - (ii) Liquid and hazardous wastes shall be stored in a labelled, closed container(s) within a designated and controlled storage area(s) prior to ultimate disposal. Wastes of different natures should be segregated accordingly and not mixed within the same container;
 - (iii) If applicable, waste oils must be stored in a secure leak proof and bunded container and may only be disposed of in sites permitted by ERA to accept such waste;
 - (iv) There shall be no refuelling or servicing of equipment, vehicles and/or machinery on site;
 - (v) There shall be no wash-down water from concrete delivery trucks, concrete pumping equipment, and other tools and equipment onto the site;
 - (vi) Wastes with a high potential for odour generation shall be stored in confined areas (e.g. sealed containers) so as to minimise odours;
 - (vii) Where their use is permitted by ERA, chemicals should be stored in areas equipped with an adequately designed bund system with impermeable base and walls. The capacity of the bund shall be a minimum of 110% of the largest tank within the bund; and
 - (viii) Suitably designed and sized drip-trays should be kept on site at all times. These are to be used temporarily, in case of accidental spillages and leakages of chemicals on site, including those resulting from machinery, equipment and/or vehicles. Any faulty or damaged equipment, including containers of such chemicals, are to be removed from site immediately.