SUBSIDIARY LEGISLATION 552.09

ENVIRONMENTAL MANAGEMENT CONSTRUCTION SITE REGULATIONS*

1st November, 2007†

LEGAL NOTICE 295 of 2007, as amended by Legal Notices 358, 371 and 426 of 2007; Act XV of 2009; and Legal Notice 426 of 2012.

PART I

Preliminary

Citation.

1. The title of these regulations is the Environmental Management Construction Site Regulations.

Scope.

2. These regulations have the scope of limiting environmental degradation through appropriate construction management practices that cause the least nuisance to neighbours, minimising the risk of injury to the public, protecting the property belonging to the Government and Local Councils, and as much as possible reducing the harm to the environment. The provisions of these Regulations shall in no way be construed as having any bearing on the responsibilities related to construction sites emanating from other legislative instruments.

Interpretation.

3. In these regulations, unless the context otherwise requires:

"the Act" means the Development Planning Act or the Environment Protection Act as applicable; Cap. 552. Cap. 549.

"areas of high development intensity" means those localities which are listed in Schedule VII;

"the Authority" means the Malta Environment and Planning Authority or any other authority that may, from time to time, be designated as having responsibility for these regulations;

"the Commissioner" means a Commissioner for Justice in terms of the Commissioners for Justice Act; Cap. 291.

"construction" includes works, activities, events and practices for, or in connection with, the building, alteration, renovation, finishing, demolition, excavation or removal within any site or building within any type of construction works as defined in Schedule Vl;

"construction site" means a site where construction is being carried out whether it is public or private land;

"contractor" means an individual, partnership, company, or any other legal entity who is engaged to perform any type of construction works or related services by an owner on a

* These Regulations have been repealed by Legal Notice 341 of 2022.
†By virtue of Legal Notice 296 of 2007, all the provisions of these regulations, other than Schedule III section 1(*b*) and Schedule IV section 1(*a*) and (*b*), are in force in relation to Type A and Type B developments listed in Schedule VI.

construction site;

"Court" includes a Local Tribunal established under the Cap. 291. Commissioners for Justice Act;

"emergency" means an unexpected situation, or a sudden, unforeseen happening which requires immediate action to correct in order to protect lives and, or property and, or economic livelihood;

"footprint" means the space contained within the external walls of a building at ground floor level, including internal yards, shafts, terraces or courtyards totally enclosed or surrounded by the building, but excluding terraces, backyards, yards and pool decks not totally enclosed or surrounded by the building;

"Government" means both the Government of Malta and Local Cap. 363. Councils established under the Local Government Act;

"hazardous material" is any item or agent (biological, chemical, physical) which has the potential to cause harm to humans, animals or the environment either by itself or through interaction with other factors as defined in local legislation;

"hoarding" means a temporary structure enclosing a construction site during construction works, to restrict access and provide protection to the public;

"immediate vicinity" means the area within thirty metres from any site, and includes the footprint of the site in question, referred to in regulation 12 and where by way of irregular construction site management demeans the social, historic or environmental importance of the site or area referred to in that regulation;

Cap. 363. "Joint Committee" has the same meaning as that in the Local Government Act;

Cap. 363. "Local Council" has the same meaning given in the Local Government Act;

Cap. 363. "locality" has the same meaning given in the Local Government Act, and includes, for the purpose of these regulations, arterial and distributor roads and all other areas excluded from the competence of local councils under the same Act;

"the Minister" means the Minister responsible for the Environment or that Minister who may, from time to time, be designated as having responsibility for these regulations;

"the Ministry" means the Ministry responsible for the Environment;

"nuisance" means any act, omission or thing which is visually offensive or causes smells or noise, or occasioning or likely to occasion injury, annoyance, offence, harm, danger, or damage of whatever nature, or which is or is likely to be injurious or dangerous to health or the environment or buildings;

"offender" means that person or legal entity to whom a citation has been issued;

"officer" means any person authorised by the Minister to issue charges related to these regulations and shall include:

(*a*) a Police officer; and

(*b*) an Enforcement Officer, Community Officer or any other person appointed by the Minister, or his delegated authority, to carry out the enforcement of these regulations as established under the Development Planning Act; Cap. 552.

"owner" shall have the same meaning as that construed in the Development Planning Act; Cap. 552.

"private property" includes any land, whether developed or otherwise, or any other permanent structure whose ownership is vested in a private person or entity;

"public property" includes any place to which the public has access;

“site manager” means a person carrying out the duty or duties derived from the provisions of these regulations. Such person shall be nominated by, and responsible on behalf of, the owner for ensuring the correct implementation of these regulations.

The appointed site manager may be either of the following:

(*a*) the owner himself;

(*b*) the project supervisor as construed in the work place (Minimum Health and Safety Requirements for Work and Construction Sites) Regulations; S.L. 424.29

(*c*) a Perit as defined under the Periti Act; or Cap. 390.

(*d*) any other competent person;

"stop notice" shall have the same meaning as that construed in the Development Planning Act; Cap. 552.

"street" includes any road, alley, square, footpath, pavement, bridge, shore front, quay, or other place of public passage or access;

"tourism zone" shall refer to those areas defined by the competent authority responsible for tourism as tourism zones.

4. These regulations apply to any construction, water mining, or any other disturbances to the soil, including land clearing, scraping, ground excavation, land levelling, grading, cut and fill operations, and ancillary activities that include travel to the construction site, travel on access roads to and from the construction site and demolition activities. Applicability.

PART II

General Conditions

5. For the purpose of enabling adherence to these regulations, the temporary provision of water meters may be provided, by a licensed operator of a public water distribution network, only to sites where the owner has written confirmation from the Authority that the construction site is subject to a valid building permit. Provision of temporary water and electricity meters.

PART III

Other Conditions

Applicability.

6. (1) The provisions of these regulations shall be applicable to all construction works which are not exempt in Schedule VI and as may be brought into force by the Minister in part or in whole.

(2) Where there is conflict between, these regulations and a construction management plan duly approved by MEPA and, or conditions set by MEPA in the development permit, the Construction Management Plan shall prevail.

Least nuisance to neighbours. Cap. 552.

7. Without prejudice to specific requirements set out in the Development Planning Act, any owner carrying out or commissioning construction works shall ensure that the work is carried out in a manner that causes the least nuisance by ensuring that the provisions included under Schedule I, II, III and IV are adhered to.

Restoration.

8. All streets or other public property, within a distance of 10 metres from the site, that are damaged by operations relating to construction works shall be repaired or replaced by the owner to a condition that is at least as good as that found prior to construction and must be restored to their original condition with similar materials and in accordance with any other regulations. Such limit does not preclude any other obligation on the part of the owner to make good for any other damages that extent beyond the 10 meter distance and which are proven to be a direct consequence of that construction activity. Any obstructions shall be removed when the need for such obstruction is no longer required which shall include any temporary signage put up during construction work.

Obligation on owner and site manager. *Amended by: L.N. 426 of 2012.*

9. (1) The owner shall have the obligation to appoint a site manager who shall be responsible, on behalf of the owner, to ensure that the construction site and its construction activities are in conformity with all the provisions of these regulations.

(2) The owner shall submit to the Authority together with the commencement notice in the first instance and subsequently in writing for any change of site manager:

(*a*) the name of the site manager

(*b*) the site manager's a legally valid identification document number; and,

(*c*) a declaration of acceptance duly signed by the site manager that he has undertaken to accept this role and that he has read and understood the provisions of these regulations.

(3) For the purposes of these regulations, the site manager shall not be entitled to assume any of the responsibilities associated with the profession of a perit as defined in the Periti Act, unless the appointed site manager is a perit.

Cap. 390.

(4) The Minister may, from time to time, make specific regulations to create a Register of Site Managers, to stipulate their

qualifications, Code of Conduct and programme of continuous development.

(5) In the absence of a nomination for the appointment of a site manager, the owner will *ipso facto* be deemed to be the site manager for the purpose of these regulations.

(6) If the owner has changed because the construction site is sold, or for any other reason, when construction works are still to be carried out or are being carried out the original owner has the duty to inform the Authority by completing Notice Form - Change of Owner/Site Manager, in Schedule VIII, which form can be obtained from the Ministry or its designated entity or downloaded from the Ministry's website or that of its designated entity, and sending it by registered mail to the Authority or handing it in person to the Authority within one month of the transfer of ownership of the property. The same form should be duly signed by the new owner as a declaration of acceptance of his responsibilities as the new owner in terms of these regulations. Until such notice form is received by the Authority the original owner would be held responsible for any contravention to these regulations.

(7) If during the period of construction, the site manager changes for whatsoever reason, he shall be obliged to inform the Authority in writing. Until such notice is received by the Authority, he would still be assumed to be the nominated site manager for the construction site.

(8) The site manager shall be responsible, on behalf of the owner, for ensuring that any permits, certifications, authorisations or any such approvals required for any portion of the construction works as required by the provisions of these Regulations are in place and that any temporary structures used to implement the provisions of these regulations to be duly certified for their soundness.

PART IV

Enforcement

Penalties.
Amended by:
L.N. 426 of 2007.

10. (1) Any person who contravenes any of the provisions contained in Schedules I and, or III and, or IV shall be guilty of an offence, and shall be liable, on conviction to a fine (*multa*) of not less than two hundred and thirty-two euro and ninety-four cents (€232.94) and not exceeding one thousand and one hundred and sixty-four euro and sixty-nine cents (€1,164.69).

(2) Any person who contravenes any of the provisions contained in Schedule II shall be guilty of an offence, and shall be liable, on conviction, to a fine (*multa*) of not less than two thousand and three hundred and twenty-nine euro and thirty-seven cents (€2,329.37) but not exceeding eleven thousand and six hundred and forty-six euro and eighty-seven cents (€11,646.87) for the offence committed together with any fine under subregulation (1).

(3) The issue of a citation in terms of subregulations (1) and (2) automatically are to be considered as an immediate instruction to cease such behaviour and to conform to the provisions of these Regulations. Should the offender fail to comply with these

Regulations upon being issued with a citation, he shall be considered to be guilty of an aggravating circumstance and he shall be liable to a fine (*multa*) of not less than fifty-eight euro and twenty-three cents (€58.23) and not more than one hundred and sixteen euro and forty-seven cents (€116.47), as the Commissioner may fix, for every day the default continues from the date of issue of the citation.

Hindering or obstructing authorised officer. *Amended by: L.N. 426 of 2007.*

11. Without prejudice to the Act, or to any other law, any person who by any means whatsoever, hinders or obstructs any officer from the exercise of his powers and functions under these regulations or fails to comply with any reasonable requirement demanded of him by any such person as aforesaid or otherwise to assist him in the carrying out of his duties or furnishes such person with false information or neglects of refuses to give any information required for the purpose aforesaid, shall be liable, on conviction, to a fine (*multa*) of one hundred and sixteen euro and forty-seven cents (€116.47).

Aggravating circumstances. *Amended by: L.N. 426 of 2007.*

12. (1) Where an offence is committed in one or more of the sites listed in the next subregulation, the offender shall, on conviction, be liable to an additional penalty of two hundred and thirty-two euro and ninety-four cents (€232.94) to the established fine (*multa*) due to the historical and environment importance of the site.

(2) The aggravating circumstances referred to in the preceding subregulation relate to an offence in:

(*a*) the immediate vicinity of a scheduled building as declared so by the Authority, public monument, museum, place of worship, hospital or school;

(*b*) the immediate vicinity of a World Heritage Site declared by UNESCO or an urban conservation area declared by the Authority;

(*c*) the immediate vicinity of a Natural Reserve, Heritage Park, National Park, public garden, or playing field;

(*d*) the immediate vicinity of a public beach or promenade; or

(*e*) in the vicinity of any other site, area, place or open space which the Minister may establish from time to time.

Issuance of charges to offender and proceedings in terms of article 5 of the Commissioners for Justice Act.

Cap. 291.

13. In accordance with the provisions of any other law, and in accordance with the powers conferred by the Minister in accordance with the Act, any officer authorised to act under these provisions and in whose opinion an offence has been committed under these regulations, may proceed against the offender in terms of article 5 of the Commissioners for Justice Act which provisions shall apply *mutatis mutandis* to any proceedings in respect of offences charged under these regulations.

Restoration works and bank guarantee. *Amended by: L.N. 426 of 2007.*

14. For the purpose of ensuring that the street is properly restored, the owner shall deposit, prior to the issue of the development permit, at the Authority, a bank guarantee in favour of the Authority, the amount of which shall be determined according to the provisions of Schedule V. The amount of the bank guarantee shall be either -

(*a*) for two hundred and thirty-two euro and ninety-four cents (€232.94), or

(*b*) calculated on the basis of the method outlined in Schedule V,

whichever is the higher:

Provided that if the owner fails to carry out or complete the restoration works within such period as the Authority may deem suitable in consideration of the level of finishing being opted for by the owner, such works may be completed by the Authority or Government, or an appointed agent that has been duly authorised by the Authority. Upon order by the Authority the cost of such works, as certified by the aggrieved entity's architect (perit), shall be met in part or whole from the bank guarantee.

Provided further, in the case where a temporary water meter has been provided on site, the release of the bank guarantee shall be affected only following the written confirmation of the removal of the temporary meter.

Contribution of MEPA to the Environment Fund and apportionment of fines. Cap. 435. Cap. 291.

15. In accordance with article 19(4)(*d*) of the Environment Protection Act, and article 10(3) and (5) of the Commissioners for Justice Act, the Authority shall place into the Environment Fund thirty percent of all the monies received from contraventions to these regulations, and such monies shall be so placed within one month from receipt of payment of the fines and penalties derived from such contraventions. Moreover, the Authority shall forward twenty per cent of all the monies received from contraventions to the Joint Committee under whose jurisdiction the offence has occurred.

Certificate of development.

16. No certificate of development on any development or part thereof may be issued by the Authority unless all fines as may be due by reason of offence against these regulations have been paid. Moreover the transfer of owner or site manager as defined in regulation 9(6) and (7) may not be endorsed by the Authority pending the payment of outstanding fines.

Amended by:
L.N. 358 of 2007;
XV. 2009.49.

SCHEDULE I

Regulation 7

Reducing Nuisance to Neighbours

Notification.

1. Three weeks before any construction work commences which will take longer than four weeks to complete, the owner shall ensure that there shall be erected on the street boundary of the site a permanent A2 sized notice board, as specified below, on which shall be affixed, and suitably protected from the weather, the development permit number, the particulars of the "Owner", "Site Manager" and "Perit" in charge and the contractor or contractors including their telephone numbers. A template of such notice can be obtained from the Ministry or its designated entity or downloaded from the Ministry's web site or that of its designated entity. The details on the notice board must be legible from the road level with a minimum font size of 100 point. Such notice board shall be maintained in good condition at all times until all works on site are completed or until such time as deemed appropriate by the Authority. Such notice shall also include:

a. the start date; and

b. a contact number.

If the site is larger than 1,000 square metres, or has a frontage bordering any road or roads in excess of 25 metres, such information shall be displayed on a billboard which must be at least 1.5 metres by 2.5 metres, and shall also include dates of completion of the principal stages of the project. This billboard shall be placed in such a way that it does not obstruct or hinder the safety and easy flow of traffic pedestrians and general public. Moreover a copy of the development permit and its renewal or renewals, if any, together with copies of all plans and elevations as approved, shall be kept on site and the same shall at all reasonable times be available for inspection and use by the Enforcement Officers.

Environmental Management Construction Site Regulations Template for Notice Board / Billboard as stipulated by Schedule I, paragraph 1			
DEVELOPMENT TITLE			
PERMIT NUMBER		CONSTRUCTION COMMENCEMENT DATE	
NAME OF SITE MANAGER		24 HOUR CONTACT NUMBER	
LEAD CONTRACTOR			
OTHER CONTRACTORS:	*Insert name of contractor 2*	*Insert name of contractor 3*	*Insert name of contractor 4*

PERIT/FIRM OF PERITI *Address & Contact Details*	OWNER *Address & Contact Details*	OHSA Health & Safety Officer *Contact Details*
In case of difficulty kindly contact the Local Council on telephone number:		

Cutting of stone.

2. Cutting of stones and bricks may be allowed on site.

Provided that:

a. all machinery and tools not listed in Schedule IX shall be equipped with dust extraction and recovery systems, to ensure that dust is not dispersed onto public areas and third party property; in combination with either of the provisions of subparagraphs (*b*) or (*c*) below;

b. upon roofing of the lowest floor of the structure, all mechanical cutting of stone and brick cutting shall take place within the building and all external apertures are to be boarded up with an impermeable material;

c. stone and brick cutting is carried out in a temporary enclosed impermeable structure erected on the construction site.

Transportation and deposit of loose building material.

3. Screed sand and other loose building materials shall be transported, deposited and stored on site in rigid containers with suitable covers or flexible sturdy containers that can be appropriately sealed, which material can support the weight being contained, to permit the total enclosure of such materials at all times and which shall be kept sealed when not in use.

Obstructing pavement.

4. Without prejudice to any other law, no building material, waste, machinery or plant shall be allowed to obstruct the pavement or the smooth flow of traffic in the vicinity of the site on which works are in progress or complete. Depositing of building materials for loading or unloading purposes and placing of equipment in the street along the frontage of the site has to be authorised by the Local Council at the time responsible for such authorisation.

Hazards to vehicular traffic.

5. Without prejudice to any other law and in addition to the requirements emanating from the work place (Minimum Health and Safety Requirements for work at Construction Sites) Regulations, where a hazard to vehicular traffic on a public way is created by work on, or associated with, the site building works, one or more of the following shall be provided to direct the traffic as is considered appropriate and is approved by the respective Local Council, and where appropriate the Authority for Transport in Malta:

a. one or more law enforcement officers;

b. warning signs;

c. barriers;

d. lane control devices; and/or

e. flashing lights or flares located at a suitable distance from the hazard.

When there is no agreement between the respective Local Council and the Authority for Transport in Malta the decision of the competent authority as defined by local legislation shall prevail.

Moreover only signs as indicated in the Traffic Signs and Carriage Way Markings Regulations are allowed.

Measures to clean the site.

6. Adequate facilities and measures shall be undertaken to ensure that the site and its immediate vicinity are kept clean.

a. any trash or debris shall be contained on site and disposed of in closed waste receptacles to avoid wind, rain or any other movement related to the construction process from carrying it off site into any public area;

b. the construction activity shall not create any discharge of cleaning agents, paints, oil, other pollutants or hazardous waste to public areas or into the sewerage system, or into the sea;

c. the immediate mopping up of spills;

d. street sweeping or washing or vacuuming;

e. concrete or mortar mixers wash out pits and chemical holding areas are to be located away from areas that drain to systems and waterways or third party property; and

f. prior to any vehicular movement from within the site to any public area, all wheeled plant shall be obliged to have their tyres washed of any material, dirt, grime or any other material that may be carried out into the public area and deposited thereon.

Rodent control.

7. All necessary requirements need to be undertaken for initial deratting and subsequent rodent control at construction sites to the satisfaction of the competent authority.

The following minimum measures are to be undertaken:

a. preventing any discharge of sewage and, or, the closing off of any access to the main sewer;

b. organic waste shall be disposed off immediately so as not to allow rodents to infest the site; and

c. installation of rodent monitoring (bait/trap) stations at the site perimeter and storage locations. Subsurface (manhole) baiting may be necessary if utility systems are impacted.

SCHEDULE II

(Regulation 6)

Hoardings for buildings less than 7 m in height.

1. For any building not exceeding 2 floors and a semi basement in height from road level, it shall be mandatory to erect hoarding, made of suitable rigid material that is free-standing and independent of the building itself up to a height of 3 metres. Such hoarding shall be designed in a manner that conceals the site and protects adjacent areas from the egress of dust and from falling materials from within the site.

Hoardings for buildings more than 7 m in height

2. For any building that is to be constructed over 3 floors in height from road level, it shall be mandatory to erect hoarding, made of suitable rigid material up to the full height of the building, Such hoarding shall, in the absence of a nationally approved code of practice by the competent authority, be designed in a manner that entirely conceals the site and protects adjacent areas from the egress of dust and from falling materials from within the site, provided that for tall buildings higher than 8 floors, as an alternative to hoarding to full height, the hoarding is to be provided up to the 8th floor and from the 9th floor upwards all windows and balcony door openings are to be boarded up to prevent the egress of dust. For sites that are recessed from the road, semi-detached or detached, such hoarding is to enclose the whole of the site.

The hoarding shall, as a minimum, be erected in a manner that ensures that it extends to at least one metre above the highest floor level within the construction site as measured in the vertical plane.

In the instances where demolition activity is carried out the hoarding has to be erected upfront to the full height of the building or as appropriate to the competent authority to ensure public safety and the least inconvenience to the neighbours. Hoarded structures should also be provided with an adequate amount of interlocking waste chutes to deliver waste material from any level within the construction site to the closest possible level of destination of the waste receptacles without causing any inconvenience or hazard to any person or third party property.

Moreover, a chute shall be:

a. closed if it is inclined more than 45 degrees with the horizontal; and

b. be kept closed or covered at its entrance when not in use.

Hoardings.

3. Hoarded structures shall be constructed in timber or metal frame and shall be covered with suitable mesh or material that precludes any visual impact of the internal on-goings within the site.

Moreover:

a. all hoarding screens must form a barrier against the egress of dust and debris from the construction site to the surrounding environment;

b. hoardings are to be designed to withstand up to gale wind loads (Force 8 and above) with any anchorage as necessary to prevent overturning and ensure stability. In addition hoardings adjoining excavations are to be designed to withstand any external impacts;

c. hoardings and barricades must be in good condition to fulfil their purpose;

d. all construction work must be contained within the hoarding; and

e. advertisements on the hoardings are allowed subject to advertising laws and regulations.

Operations that extend beyond, or affect, the perimeter surrounding the construction site.

4. Where construction work-related operations extend beyond, or affect, the perimeter surrounding the construction site, work shall not commence on the construction, alteration or demolition of a building until a covered way has been provided in accordance with the provisions of regulation 5 below to protect the public, except where:

a. the work and ancillary machinery is carried out within a solid enclosure; and

b. the construction works and their ancillary machinery are at a distance of two metres or more from a public way used by pedestrians.

Covered ways.

5. A covered way shall:

a. have a clear height of not less than 2.2 metres;

b. have a clear width of not less than 1.2 metres or the width of the public way whichever is the lesser, but sufficient to ensure accessibility for pushchairs and the disabled. Ramps, suitable for wheelchair access shall also be in place, where applicable, to bridge any difference in levels with a slope not steeper than 8.5%;

c. include appropriate signage acceptable to the Authority or its designated authority and lighting in a manner that provides an equivalent illumination as the prevalent street lighting, both for the attention of pedestrians and motorists. Such signage and lighting shall alert and direct motorists around any obstruction whilst indicating alternative entry and exist routes to pedestrians whilst providing sufficient lighting to enable them to navigate through the walkway;

d. have non-slip floors and an even surface in line with national standards;

e. be designed and constructed to support safely all loads that may reasonably be expected to be applied to it, but in no case less than 2.4 kN per metre squared on its roof;

f. have a weather-tight roof sloped towards the site, or if flat, be equipped with a splash board not less than 200 millimetres high on the road side;

g. be totally enclosed on the site side with an enclosure having a smooth surface facing the public way;

h. have a finished metal or timber hand rail 1 metre high on the road side where the covered way is supported by posts on the road side to support pedestrians navigating through;

i. be adequately lit between sunset and sunrise in a manner that provides an equivalent illumination as the prevalent street lighting; and

j. be left free from any material or any other objects which will obstacle or hinder the free movement of pedestrians at all times.

Barricades.

6. The owner shall erect a timber or metal barricades to block the way and prevent access to unauthorised persons as stipulated in the following sub-regulations:

6.1 Barricades shall be strongly constructed and not less than 2 metres high and erected between the site and the public way or to isolate completely the open sides of a construction site so as to safeguard the public or third party moveable or immovable property.

6.2 Barricades shall have smooth surfaces facing the public way and shall be without openings except those required for authorised access.

6.3 Access openings through barricades shall be blocked with gates which shall be kept closed and locked when the entry to the site is unattended and shall be maintained in place until completion of the construction activity to the satisfaction of the Authority. Such gates must be designed in such a manner that prohibits public access, especially children.

6.4 Access gates into the site used by construction machinery should have warning lights lit up during entry and egress of such machinery or provision of banksmen to warn motorists or the general public during passage of construction equipment.

Safe passage past site.

7. The owner shall ensure a safe passage past the site.

7.1 Where the construction necessitates the obstruction of the pedestrian pavement, and this is approved by the Local Council, a temporary pedestrian pavement shall be provided and it shall be kept clear of obstruction at all times.

SCHEDULE III

(Regulation 5)

Reducing Pollution

Nuisance abatement.

1. The permissible hours of work for construction works where noise generated from that activity can be heard from outside the site boundary will be as follows:

(*a*) Construction shall not commence before 7.00 am and shall cease at 8.00 p.m.

(*b*) Site activities generating more than 65dB measured immediately outside the site shall cease between 2pm and 4pm.

(*c*) During the period between 15th June and 30th September, demolition works or excavation shall not be allowed in tourism zones as may from time to time be defined by the competent authority for tourism.

(*d*) No construction work shall be carried out on Sundays and Public Holidays.

(*e*) In the case of emergencies construction works may take place at any other time whilst it shall be mandatory to inform the Authority during its first hour of subsequent business.

(*f*) Any deviations from the provisions of paragraphs (*a*), (*b*), (*c*), (*d*) and (*e*) shall require the approval by the Authority and may require the setting of specific conditions for such works. Deviations for works in tourism zones shall also require the clearance of the competent authority responsible for tourism.

(*g*) Where the clear distance from the nearest habitable space exceeds 1 kilometre, construction shall not be subject to any of the aforementioned constraints.

Dust emissions.

2. No person shall undertake any construction without utilizing the following dust control measures:

a. application of water or pre-soaking and/or, chemical dust stabilizers or any other appropriate dust control technique, during construction in such a manner as to limit any generation of dust to within the site boundary;

b. prior to leaving the site the owner must on a daily basis remove any spillages resulting from the construction activity along or across a public way;

c. prior to leaving the site, the owner must ensure that on a daily basis public sidewalks and public areas within 10 metres from either side of the extremities of the construction site including sidewalks and roads are swept or vacuumed; and

d. paint chips, sanding residue, grit and dust must be prevented from coming into contact with storm-water runoff and surface water bodies.

Sanding.

3. Without prejudice to any other law, any person undertaking any sanding activity whether manual or mechanical shall ensure that dust emissions are controlled by equipping all mechanical equipment with dust extraction and recovery systems; in combination with

(*a*) for outdoor areas - all areas be totally covered around the whole working area with material that must form a barrier against the emission of dust or particulate matter into the environment;

(*b*) for indoor areas - all external apertures must be boarded with an impermeable material that must form a barrier against the escape of fugitive dust emissions outdoors prior to commencing any sanding operations.

Mechanical fair facing of stone.

4. Mechanical fair facing of building stones is not permitted on site.

Measure to clean the site.

5. Adequate facilities and measures shall be undertaken to ensure that the site and its immediate vicinity are kept clean at all times during construction.

SCHEDULE IV

(Regulation 7(*g*))

Technical Guidelines and Site Preparation

Minimisation of noise and vibration levels.

1. The level of noise emitted from any construction site shall:

(*a*) respect the levels as established by the Work Place (Minimum Health and Safety Requirements for the Protection of Workers from Risks resulting from Exposure to noise) Regulations, at any point measured immediately outside the site retaining the methodologies established by the said regulations in respect of weekly noise exposure level and daily noise exposure level. Any measurement shall follow prescribed standards as approved by the competent authority responsible for issuing such standards. Should a locally approved standard not be available, an equivalent standard to the satisfaction of the appropriate competent authority shall apply.

(*b*) Moreover to minimise noise and vibration levels all equipment must have functional exhaust or muffler systems.

(*c*) Unnecessary noise, such as leaving noisy idle machinery operating, shouting, loud radios or excessive revving of engines shall be avoided.

Health and Hygiene.

2. The owner must ensure that the following health and hygiene provisions are adhered to:

2.1 Removal of waste material

The clearing away of waste material shall be carried out in a routine manner, quickly and effectively, and shall be:

a. carried out in a manner that does not cause any damage or spillage to public areas or third party property;

b. carried out using receptacles that are fully enclosed or using open skips which are securely covered with canvas or any other material which would not allow the dispersal of dust particles or the waste being handled and that does not permit any spillage thereof; and

c. guided into an enclosed shaft or chute conforming with regulation 2 outlined in Schedule II.

All waste material shall be removed from the immediate vicinity of the site by the owner and suitably disposed of daily unless the Site Manager can provide sufficient reasons to the Authority to justify an extension of this period.

2.2 Hazardous material

Notwithstanding any provisions governing any other law regulating hazardous material, where a hazardous material is utilised on site:

a. measures are taken to properly store and isolate any hazardous material to prevent contamination of the site and surrounding sites, storm water and the potable water courses particularly with regards to hazardous wastes which are water soluble or may become airborne;

b. where hazardous material is stored on site there shall be erected on the street boundary of the site, adjacent to the notice board or billboard defined in Schedule I paragraph 1, an A4 sized caution sign indicating the presence of hazardous waste on site.

2.3 Point Source Pollution from Storm Water

In order to ensure that the site under construction does not become a point source of pollution due to the surface run off it generates during construction, the following minimum prevention measures shall be undertaken accordingly in order to mitigate against circumstances such as the:

a. contamination of road surfaces with particulate matter that is washed out from within the site;

b. clogging of any public or private storm water drains with suspended solids washed out from within the site;

c. wash out of hazardous waste and non-hazardous material to the marine environment;

d. wash out of hazardous waste onto permeable land; and

e. any other form of pollution caused from the storm water run off generated from the construction site.

Owners are therefore obliged to ensure that the site is equipped with the necessary collection sumps and pumps that enable any water discharged within the site to be collected and pumped there, avoiding the spillage of such waste water onto public or private areas.

SCHEDULE V

Amended by:
L.N. 426 of 2007.

(Regulation 14)

For the purposes of Regulation 14, the bank guarantee shall be computed as follows:

For construction works consisting of the addition of one or more floors covering more than 50% of the building footprint on existing developments	Length of frontage (meters) multiplied by]46.59
For construction works involving demolition and/or excavation works and additional floors	(length of frontage in metres plus twenty meters) multiplied by]46.59

At the start of each calendar year, the value of]46.59 in this Schedule shall be revised by multiplying by a factor equivalent to RPI (for December of the preceding year)/RPI(December 2007).

SCHEDULE VI

Amended by:
L.N. 358 of 2007;
L.N. 371 of 2007.

(Regulation 1)

01 Type A shall refer to All construction works for buildings that equal or exceed any one of the following criteria:

a. a built-up footprint which is or will be upon construction more than 1,000 sq. m.; or

		b. a height of 4 storeys, excluding the penthouse and the basement, or more measured from the lowest point of the street level bordering the construction works; or *c*. construction sites having excavations more than 2 storeys below street level.
02	Type B shall refer to	All other construction works in areas of high development intensity.
03	Type C shall refer to	All other construction works not included in Types A and B.
04	Exemptions	All construction works: *a*. carried that involve the trenching of ducts not exceeding 3 metres in depth and which are to be used for the purpose of installation of infrastructure related to the provision of potable water, sewerage services, storm water discharges, electrical energy and telecommunications: Provided that the above mentioned trenching works could only be carried out in designated tourism zones as defined by the Ministry responsible for tourism during the period 15th June to the 30th September upon approval by the Ministry responsible for Tourism following consultation with representatives of tourism establishments in the affected area. *b*. carried out in tourism zones which are granted an exemption from all or part of these Regulations by the Ministry responsible for Tourism; and *c*. falling under any other categories that may be from time to time established by the Minister under this Schedule are exempted from these regulations.

SCHEDULE VII

(Regulation 3)

In terms of the definition of areas of high development intensity, as per regulation 3, the following localities are being designated as areas of high development intensity, the boundaries of which are those that may prevail, from time to time, in the Local Government Act.

1. Marsalforn within the locality of Zebbug Gozo
2. Marsascala
3. Mellieha
4. Sliema
5. St. Julians
6. St. Paul’s Bay
7. Swieqi
8. Gzira
9. Valletta

SCHEDULE VIII

Regulation 9(6)

Malta Environment & Planning Auth
P.O. Box 200, Valletta, CMR01, Ma
Telephone: (+356) 22 900000 /
Fax: (+356) 21 224846
e:mail: enquiries@mepa.org.mt / w

Change of owner/Site Manager in accordance with the Environment Construction Site Management Regulations

Development Application number (where applicable)	PA
Description of works	
Address of site	

Original Owner

I ..... declare that as from today onwards, am not the owner of the site indicated above and exonerate my self from any responsibility regarding the management of this construction site, and according to the Environmental Management Construction Site Regulations.

Signature ..... Date .....

ID No. .....

Site Manager

For the purpose of regulation 9(1) I am appointing ..... as Site Manager

Signature of original Owner ..... Date .....

Signature of Site Manager ..... Date .....

New Owner

I the undersigned, declare that as from today onwards am the new owner of the construction site and am assuming responsibility as requested by the Environmental Management Construction Site Regulations.

Signature of new Owner: ..... Date .....

ID No. .....

PLEASE READ THE FOLLOWING CLAUSE BEFORE SIGNING

Data Protection clause

In terms of the Data Protection Act, Cap. 586, we will process any personal and/ or sensitive data supplied on/ in this application, request or notification form or subsequently supplied by yourself, whether orally or in writing, for all or any of the following:

1. The proper processing of your application, request and/or notice as submitted;
2. Preventing, detecting and/or prosecuting fraud and any other criminal activity which the Authority is bound to report and/or act upon whilst meeting any other specific legal or regulatory obligations;
3. Establishing, exercising or defending any legal action;
4. Internal management, research and statistics, systems administration, the development and improvement of our services;
5. The protection and promotion of our legitimate interests and the proper conduct of our obligations arising under any law or statutory instrument; and
6. To make public the necessary information as specified in the relevant law and/or instrument.

Relevant data will be disclosed or shared as appropriate with all our employees and with other third parties if pertinent to any of the purposes listed above.

Every field on the form is mandatory. Should you fail to fill in any mandatory field, we reserve the right to refuse the application. Should any field be inapplicable to your particular circumstances please mark that field with the letters "N/A".

You have the right to require that we provide you with access to your personal data as well as the right to rectify, or, in appropriate circumstances, erase any inaccurate, incomplete or immaterial personal data which is being processed. However, you are required to inform us immediately of any alterations relating to your personal data which we are processing.

By signing this form, you confirm that you are giving your explicit consent, in terms of the Data Protection Act, on behalf of yourself and all the other persons specified in this form for the Authority to process your respective personal information as outlined above and you confirm that you have brought this Data Protection notice to the attention of these other persons and obtained their respective consents.

We undertake to implement appropriate measures and safeguards for the purpose of protecting the confidentiality, integrity and availability of all data processed.

SCHEDULE IX

(Schedule I, regulation 2)

Band Saw
