**Nru. 73**

## ORDNI GĦALL-KONSERVAZZJONI

**Artikolu 46 ta' l-Att ta' 1992 dwar l-Ippjanar ta' l-Iżvilupp, Att I ta' l-1992**

L-Awtorità ta' l-Ippjanar tqis il-proprjetà li ġejja, jiġifieri:-

**Għajn Tuffieħa**
**L-Imġarr, Malta**

(Pjanta numru 1 f'paġna 327) bħala sit ta' Importanza Xjentifika u Ekoloġika tant li ġiet inkluża fil-lista ta' Proprjetà Skedata, skond it-termini ta' artikolu 46 ta' l-Att ta' l-1992 dwar l-Ippjanar ta' l-Iżvilupp.

L-Awtorità tqis li s-sit imsemmi għandu bżonn jiġi kkonservat. Għalhekk l-Awtorità ta' l-Ippjanar qiegħda toħroġ Ordni għall-Konservazzjoni fir-rigward tas-sit hawn fuq imsemmi, skond l-artikolu 46 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp, Att I ta' l-1992.

F'dan il-kuntest, konservazzjoni tirreferi għal:
· Iż-żamma ta' l-ekwilibriju ekoloġiku ta' l-arei;
· Ir-rijabilitazzjoni ta' l-inħawi degradati;
· It-tneħħija ta' strutturi abbandunati; u
· Ir-restawr tal-binjiet storiċi.

Il-konservazzjoni se tiġi attwata permezz ta' l-edukazzjoni u ta' l-immaniġġar effiċjenti ta' l-arei.

Waqt li Għajn Tuffieħa huwa post ta' valur ekoloġiku u xjentiku konsiderevoli, fil-parti l-kbira tiegħu huwa miftuħ għall-pubbliku, tant li l-impatt li qed iħallu l-viżitaturi għandu effett fuq il-konservazzjoni tiegħu:

(i) Għandu jkun hemm manutenzjoni u konservazzjoni tas-sit permezz ta' programm ta' manutenzjoni kontinwa, fil-qafas tal-parametri użati fl-iskedar ta' dan l-istess sit u skond il-livelli ta' protezzjoni differenti (skond il-pjanta numru 1, u skond id-deskrizzjoni hawn fuq imsemmija, artikoli 15.34 sa 15.40 ta' l-*Explanatory Memorandum* tal-Pjan ta' Struttura għall-Gżejjer Maltin, u skond konvenzjonijiet internazzjonali, trattati u direttivi li Malta ffirmat għalihom jew li hija obbligata li ssegwi);

(ii) Il-manutenzjoni ta' dan l-istess sit hija r-responsabiltà tal-Gvern, speċifikament tad-Dipartiment għall-Ħarsien ta' l-Ambjent fi ħdan il-Ministeru għall-Ambjent, li jista' jipprovdi għall-immaniġġjar u l-konservazzjoni tal-post billi jasal fi qbil kontrattwali ma' terzi (li aktar l-isfel huma msejħa *site managers*);

(iii) Id-Dipartiment għall-Ħarsien ta' l-Ambjent u s-*site*

**No. 73**

## CONSERVATION ORDER

**Section 46 of the Development Planning Act 1992, Act I of 1992**

The Planning Authority believes that the following property, namely:–

**Għajn Tuffieħa**
**Mġarr, Malta**

(as per plan 1 on page 327) is of Ecological and Scientific Importance such that the site has been listed as Scheduled Property in terms of section 46 of the Development Planning Act 1992, Act I of 1992

The Authority also believes that the property is in need of conservation and is hereby issuing a conservation order in respect of the above site as described thereto in accordance with Section 46 of the Development Planning Act, Act I of 1992.

Conservation in this context refers to:
· the sustaining of the ecological equilibrium of the area;
· the rehabilitation of degraded areas;
· the removal of derelict structures; and
· the restoration of historic buildings.

Conservation will be mainly achieved through education and efficient management of the area.

Whereas the Għajn Tuffieħa area is of considerable value from an Ecological and Scientific point of view, is largely open to the public and visitor impact affects its state of conservation:

(i) The area is to be maintained and conserved by means of a continuous maintenance program, within the parameters used for the scheduling of the same area and according to the various levels of protection (as per plan 1 as described above and clauses 15.34 to 15.40 of the Explanatory Memorandum of the Structure Plan for the Maltese Islands, and according to international conventions, treaties or directives that Malta may be party to or is required to uphold);

(ii) The maintenance of the said site is the responsibility of the Government, namely the Environment Protection Department of the Ministry for the Environment who may provide for the management and conservation of the site through contractual agreements with third parties (hereinafter referred to as "the site managers");

(iii) The Environment Protection Department and the site

*managers* għandhom jikkonsultaw ma' l-Awtorità ta' l-Ippjanar dwar liema parti tas-sit għandha tiġi kkonservata, wara li jsiru l-ispezzjonijiet neċessarji fuq il-post. L-ebda xogħol m'għandu jinbeda fuq il-post minħajr l-approvazzjoni ta' l-Awtorità ta' l-Ippjanar;

(iv) Għal kull żvilupp li jista' jkun aċċettabbli fis-sit trid issir applikazzjoni għall-iżvilupp, ħlief fejn jista' jkun indikat mod ieħor mill-Awtorità ta' l-Ippjanar. L-ebda xogħol ma jista' jinbeda minħajr il-permess ta' l-Awtorità ta' l-Ippjanar.

(v) Xogħol ta' konservazzjoni fuq bini storiku wkoll jirrikjedi permess għall-iżvilupp u jista' jsir biss wara konsultazzjonijiet ma' l-Awtorità ta' l-Ippjanar u d-Dipartiment tal-Mużewijiet u skond *method statement* imfassal skond prinċipji internazzjonali.

Fil-konservazzjoni tas-sit, dawn il-kundizzjonijiet u proviżjonijiet li ġejjin għandhom jiġu applikati:

A. **Restawr**

1. Fi żmien sentejn minn meta tinħareġ din l-ordni, id-Dipartiment għall-Ħarsien ta' l-Ambjent għandu jikkummissjona studju li jistabbilixxi r-rata ta' erożjoni fl-irdumijiet ta' fejn hemm it-torri ta' Għajn Tuffieħa u, skond dak li johroġ mill-istudju, jittieħdu miżuri biex jiġi restawrat u/jew rilokat mill-ġdid, it-torri (Skedat Grad 1, skond Avviż Legali Nru. 729/95). It-torri jista' jintuża biex jgħin fis-servizzi tal-gwardjani, wara li jkunu nġiebu l-permessi u l-liċenzi meħtieġa minghand l-entitajiet l-oħra tal-Gvern.

2. Is-*Sound Locator*, il-*Crew Quarters* u l-*Beach Post* (Pjanta numru 2 f'paġna 328), għandhom jiġu restawrati mid-Dipartiment għall-Ħarsien ta' l-Ambjent fi żmien tliet snin mill-ħruġ ta' din l-Ordni, wara li jkunu saru l-konsultazzjonijiet mad-Dipartiment tal-Mużewijiet u nħarġu l-permessi meħtieġa. Dawn il-binjiet għandhom jintużaw biss għal skopijiet ta' edukazzjoni.

3. Il-ħitan tas-sejjieħ għandhom jiġu restawrati b'użu ta' materjal u b'metodi tradizzjonali. Is-*site managers* u d-Dipartiment għall-Ħarsien ta' l-Ambjent għandhom, fi żmien sena mill-ħruġ ta' din l-ordni, jissottomettu pjan li juri x-xogħlijiet li hemm bżonn u ż-żmien li fih se jsir dan ix-xogħol. Għandhom jinbnew ħitan tas-sejjieħ kull fejn hemm bżonn b'eċċezzjoni tal-għoljiet tat-tafal jew żoni skedati Livell 1. Biex jinbnew dawn il-ħitan trid issir applikazzjoni għall-iżvilupp u jridu jsiru rapporti xjentifiċi li jevalwaw l-impatt li jista' jkollu dan l-iżvilupp.

4. Il-ġibjuni ta' l-impjant antik għat-trattament tad-drenaġġ (Pjanta numru 3 f'paġna 329), għandhom jiġu restawrati mid-Dipartiment għall-Ħarsien ta' l-Ambjent u wżati għall-ħażna ta' l-ilma, dejjem wara li jkunu nġiebu l-permessi meħtieġa u wara li d-dipartiment jew is-*site manager* ikun ġab il-permessi u l-liċenzi neċessarji minn entitajiet oħra tal-gvern.

managers shall consult with the Planning Authority regarding the part of the site or area that is to be conserved, following site inspections as necessary and no work of any kind shall be undertaken on site prior to the approval of the Planning Authority;

(iv) Any development that may be acceptable in the site shall be subject to a development application, unless otherwise directed by the Planning Authority, and no work shall be taken in hand prior to approval by the Planning Authority.

(v) The conservation of historic structures shall be subject to a development permit and only undertaken following consultations with the Planning Authority and the Museums Department and according to an approved method statement following recognised international principles.

The following conditions and provisions are to be applied, whilst conserving the area.

A. **Restoration**

1. Within the first two years of the issue of this order, a study shall be commissioned by the Environment Protection Department in order to establish the time scales involved in the erosion of the cliff edge at the Għajn Tuffieħa tower's location and action taken on the results to restore and/or relocate the specified tower (Scheduled Grade 1, as per Government Notice No. 729/95). The tower may be used to support wardens' activities, subject to the necessary clearance permits or licenses required from any other Government entity.

2. The Sound Locator, Crew Quarters and Beach Post (as per plan 2 on page 328), shall be restored by the Environment Protection Department within three years of the issue of this order, following consultations with the Museums Department and subject to the necessary permits. These structures shall only be used for educational purposes.

3. Existing rubble walls shall be restored using traditional materials and methods. The site managers and the Environment Protection Department shall submit a plan identifying the interventions required and the time frame for execution of these works within one year from the issue of this order. New rubble walls may be constructed where necessary, except on the clay slopes and in Level 1 areas. Such new rubble walls shall be the subject of a development application and supported by scientific reports evaluating any possible impact of their construction.

4. The reservoirs at the old sewage treatment plant (as per plan 3 on page 329) shall be restored by the Environment Protection Department and used for water storage, subject to the necessary permits being issued and any other permit, license or clearance that may be necessary for the Department or the site manager to obtain from other Government entities.

B. **Regolamenti dwar attivitajiet**

Dawn ir-regolamenti li ġejjin japplikaw għall-arei indikati Livell 1 u Livell 2 (Pjanta numru 1):

· Ma jistax isir *offroading*, sewqan ta' muturi jew roti u rkib ta' żwiemel fejn hemm l-għoljiet tat-tafal u fejn huwa skedat Livell 1. Għal dan il-għan għandhom jinbnew ħitan baxxi tas-sejjieħ biex jiġi ristrett l-aċċess. Fejn ikun meħtieġ aċċess minħabba attivitajiet oħra, jistgħu jintużaw *bollards*.

· Ma jistax isir ikkampjar f'arei ta' Livell 1 u Livell 2. F'arei ta' Livell 3 *policy REC9* fil-Pjan ta' Struttura, għandha tiġi applikata.

· Huwa strettament projbit it-tneħħija jew żieda ta' ramel, ċagħaq, ġebel jew tafal;

· Ma tista' titneħħa jew tiġi distrutta l-ebda speċi ta' flora jew fawna indiġena;

· Ma jista' jsir l-ebda żvilupp ħlief għall-faċilitajiet sanitarji jew xi żvilupp ieħor żgħir li huwa direttament assoċjat ma' l-immaniġġjar tal-post. Anki dan l-iżvilupp jirrikjedi permess ta' l-iżvilupp;

· Ma jista' jsir l-ebda żvilupp kummerċjali fl-arei indikati Livell 1, Livell 2 u Livell 3;

· Kull attività sportiva, ta' divertiment jew li tinvolvi gruppi ta' nies, teħtieġ il-permess tas-*site managers*, b'konsultazzjoni mad-Dipartiment għall-Ħarsien ta' l-Ambjent u l-Awtorità ta' l-Ippjanar;

· Ma jistgħux isiru *barbeques* jew *picnics* ħlief fuq ir-ramla ewlenija (Pjanta numru 4 f'paġna 330), u skond ir-regoli stabbiliti mis-*site managers*; u

· Għandu jkun hemm tindif regolari u skond metodoloġija approvata. Biex isir dan is-*site managers* iridu jfasslu *method statement* u programm ta' tindif li jrid jiġi approvat mid-Dipartiment għall-Ħarsien ta' l-Ambjent u l-Awtorità ta' l-Ippjanar, fi żmien tliet xhur mill-pubblikazzjoni ta' din l-ordni.

B'mod ġenerali, attivitajiet tradizzjonali u essenzjali bħal ma huma l-biedja, l-għawm, il-passiġġati, is-servizzi ta' l-ambulanza u tat-tifi tan-nar, l-aċċess għall-vettura tas-*site managers* għal skopijiet ta' manutenzjoni, it-tneħħija ta' skart u t-tindif tal-bajja (li għandu jsir mill-inqas possibbli), huma aċċettabbli fl-arei tal-konservazzjoni, imma regolati skond din l-ordni u skond ir-regoli applikati fl-immaniġġjar tal-post.

Attivitajiet li jiddegradaw il-post mhumiex aċċettabbli. Dawn jinkludu l-*off-roading*, l-*abseiling*, is-sewqan ma' l-għoljiet tat-tafal u kull attività li tiġġenera numru sinifikanti ta' nies jew li tiġġenera livell sinifikanti ta' ħsejjes.

Ċ. **Infurzar**

Is-*site managers* għandhom jiżguraw li jkun hemm servizz ta' gwardjani s-sena kollha, partikolarment fix-xhur tas-sajf

B. **Regulation of Activities**

In Level 1 and Level 2 areas (as described in plan 1 herewith attached), the following regulations shall apply;

· No offroading, motor-cycling, cycling or horse riding shall be allowed on the clay slopes or on Level 1 Areas. Access to these areas for such activities shall be restricted by low rubble walls. Where access to these sites is necessary for other activities, bollards may be used;

· No camping shall be allowed in the Level 1 and Level 2 areas. For the Level 3 area, Structure Plan Policy REC 9 shall apply;

· Removal or introduction of sand, pebbles, stones and clay shall be strictly prohibited;

· No removal or destruction of any native species of flora and fauna shall be allowed;

· No new development, except for the provision of sanitary facilities and minor developments directly associated with the management of the site shall be allowed. Any such development that may be allowed shall be the subject of a development application;

· No commercial development of any type shall be allowed in Level 1, Level 2 and Level 3 areas;

· Any sporting, leisure or group activity to be carried out in the area, shall be first approved by the site managers, in consultation with the Environment Protection Department and the Planning Authority;

· No barbecues or picnics, except on the main beach (as per plan 4 on page 330), and as per rules established by the site managers, shall be allowed; and

· Removal of litter shall be carried out regularly, through an approved methodology. To this effect, the site managers shall submit a method statement and cleaning programme for approval by the Environment Protection Department and the Planning Authority, within three months of the issue of this order.

In general, traditional and essential activities such as farming, bathing and trekking, ambulance and fire brigade entry, site managers's vehicle entry for maintenance purposes, removal of litter and beach cleaning support (kept to the barest minimum), are accepted in the conservation area, but shall be regulated by the above and by the site management rules.

Activities that contribute to the degradation of the area, are not acceptable. These include off-roading, abseiling, any function, which attracts or may attract a significant number of people, bathers driving down the clay slopes and any other activity that may generate a significant level of noise.

C. **Enforcement**

The site managers shall ensure that wardening activities are provided all year round particularly during the summer

meta l-gwardjani jridu jagħmlu ronda l-ġurnata kollha fi tmiem il-ġimgħa u wara nofsinhar u filgħaxija fil-ġranet l-oħra talgimgħa. Ir-rwol prinċipali tal-gwardjani se jkun li jaraw li l-pubbliku juża l-passaġġi li hemm, 'l hinn mill-postijiet sensittivi, li jkunu mezz ta' edukazzjoni, li jikkontrollaw l-aċċess għal ċertu postijiet, li jsostnu l-miżuri li jittieħdu għallkonservazzjoni u li jimxu skond il-pjan għall-immaniġġjar tal-post u skond din l-Ordni għall-Konservazzjoni.

D. **Miżuri oħra ta' mmaniġġjar**

1. Numru ta' passaġġi eżistenti għandhom jiġu razzjonalizzati bl-użu adattat ta' tabelli. Aktar 'il quddiem dawn il-passaġġi jistgħu jservu biex issir *nature trail* waqt li l-oħrajn jistgħu jingħalqu u l-art rijabilitata. Postijiet li huma ta' periklu għal min ikun qed jużu dawn il-passaġġi għandhom jiġu rijabilitati billi jintuża materjal xieraq. Fi żmien sitt xhur mill-ħruġ ta' din l-ordni, is-*site managers* għandhom ifasslu pjan għall-*nature trail* u jissomettuh lill-Awtorità ta' l-Ippjanar u lid-Dipartiment għall-Ħarsien ta' l-Ambjent għallapprovazzjoni tagħhom.

2. Siġar, pjanti u arbuxelli aljeni għandhom jitneħħew u eventwalment jinbidlu f'oħrajn indiġeni. Kemm jista' jkun għandu jiġi mħawwel il-Bruk u l-Esparto grass, speċjalment fejn hemm l-għoljiet tat-tafal, biex titnaqqas l-erożjoni. Ittħawwil irid isir skond pjan ta' restawr u skema ta' *landscaping*, li jrid jitlesta fi żmien sitt xhur mill-ħruġ ta' din l-ordni u approvat mill-Awtorità ta' l-Ippjanar u d-Dipartiment għall-Ħarsien ta' l-Ambjent.

3. L-iskema ta' *landscaping* trid taħseb għat-tneħħija ta' siġar, pjanti u arbuxelli li m'humiex indiġeni fuq perjodu ta' żmien u għat-tħawwil ta' oħrajn flokhom, kif ukoll għattneħħija ta' speċi oħra li, minn aspett ekoloġiku mhumiex adattati għall-post.

4. Għandha titħalla takkumula l-alka fuq ir-ramla li tinstab taħt il-promontorju li jgħaqqad il-Qarraba mal-bqija ta' l-art, fuq in-naħa tal-Ġnejna (Pjanta numru 5 f'paġna 331), biex dawk il-komunitajiet ekoloġiċi li jinstabu f'dan l-ambjent ikunu jistgħu jiġu studjati.

5. Is-*site managers* għandhom, fi żmien tliet xhur millħruġ ta' din l-ordni, jippubblikaw numru ta' regoli li għandhom jiġu osservati mill-viżitaturi, liema regoli jkunu saru skond din l-ordni u li jkunu disponibbli għall-pubbliku.

Jekk din il-Proprjetà' skedata b'xi mod issirilha ħsara jew isirilha xi tibdil li mhux skond din l-Ordni, l-Awtorità teżerċità s-setgħat tagħha ta' twettiq, kif imfissra fl-artikoli 46, 52, 53 u 55 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp 1992.

season where wardens shall patrol the area all day on weekends and on afternoons and evenings during the weekdays. The warden's role shall mainly consist of guiding the flow of human activity along footpaths, away from sensitive areas, act as a medium of education, control access to various parts of the conservation area, support actual conservation measures, and generally acting in accordance with the provisions of the management plan and this Conservation Order.

D. **Further Management**

1. A number of existing footpaths need to be rationalised using appropriate signage, eventually creating a Nature Trail, whilst others should be closed and re-vegetated. Areas within footpaths that constitute a danger to passers-by should be rehabilitated using appropriate material. Within the first six months after the issue of this order, a plan for the establishment of a nature trail shall be devised by the site managers and submitted for approval by the Planning Authority and the Environment Protection Department.

2. Alien trees, shrubs and plants present on site shall be removed and eventually replaced with native ones. Esparto grass and Tamarix africana should be widely planted, especially on the clay slopes, in order to reduce erosion. All plantations shall be subject to a landscaping and habitat restoration plan, devised within six months of the issue of this order and approved by the Planning Authority and the Environment Protection Department.

3. The landscaping scheme shall include a phasing out and replacement programme for all alien trees, shrubs and plants, as well as non-alien species that may be inappropriately sited from an ecological point of view.

4. Posidonia banquettes shall be allowed to develop on the beach below the steep promontory joining Il-Qarraba to the mainland, on the Gnejna side (as per plan 5 on page 331), so that the communities that they maintain can be studied.

5. In addition to the above, the site managers shall, within three months of the issue of this order, publish a set of rules which any visitor to the area should observe, based on the above and which shall be made available to the public.

If the said scheduled property is in any way damaged or altered in contravention of this Order, the Authority shall exercise its powers of enforcement, as set out in Section 46, 52, 53 and 55 of the Development Planning Act, Act I of 1992.




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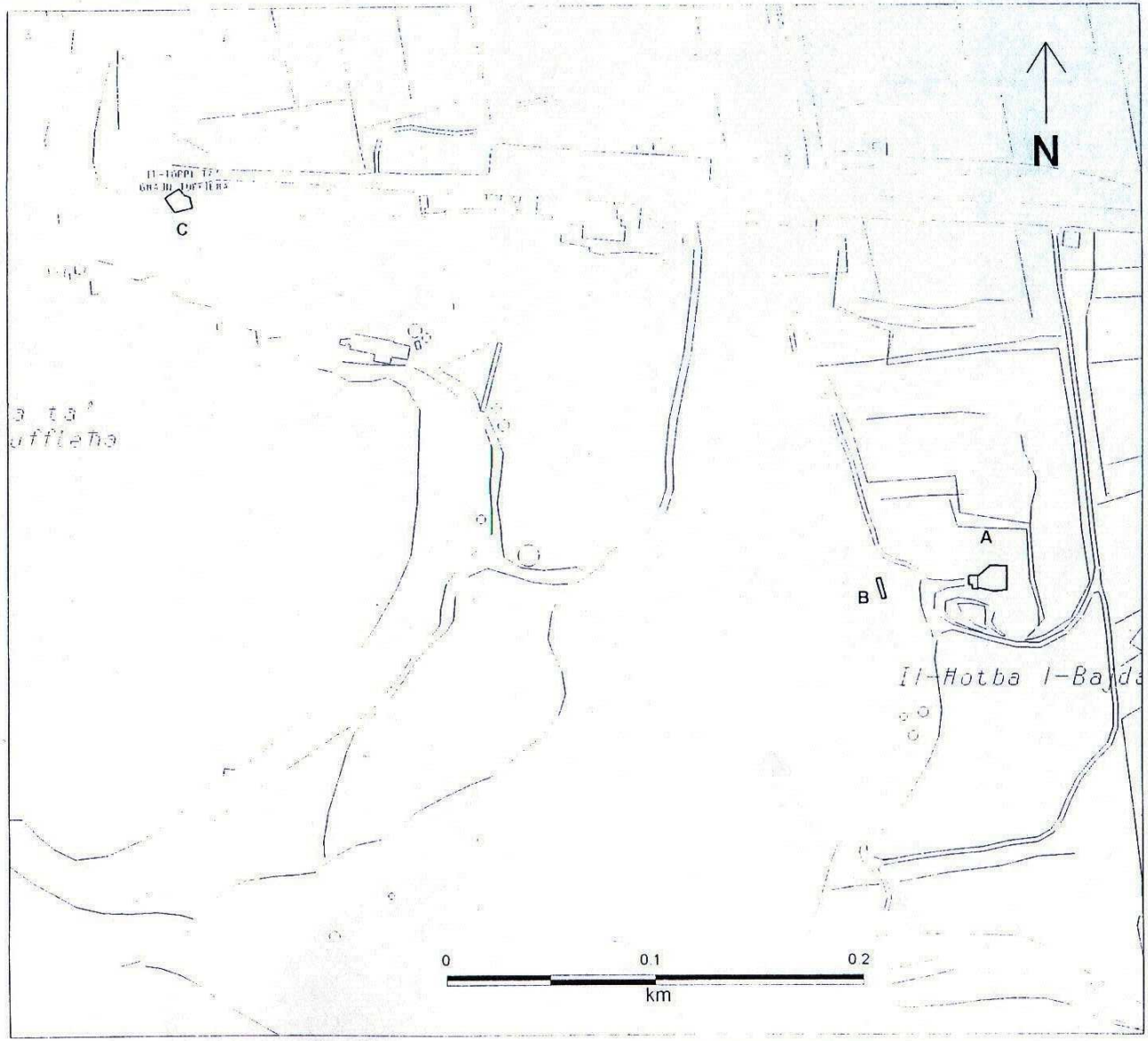
## Ghajn Tuffieha, Mgarr, Malta. Conservation Order

Legend :- Plan 1 of 5

**Levels of Protection**

- Level 1
- Level 2
- Level 3

Form No. :- MU004




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**Conservation Order**

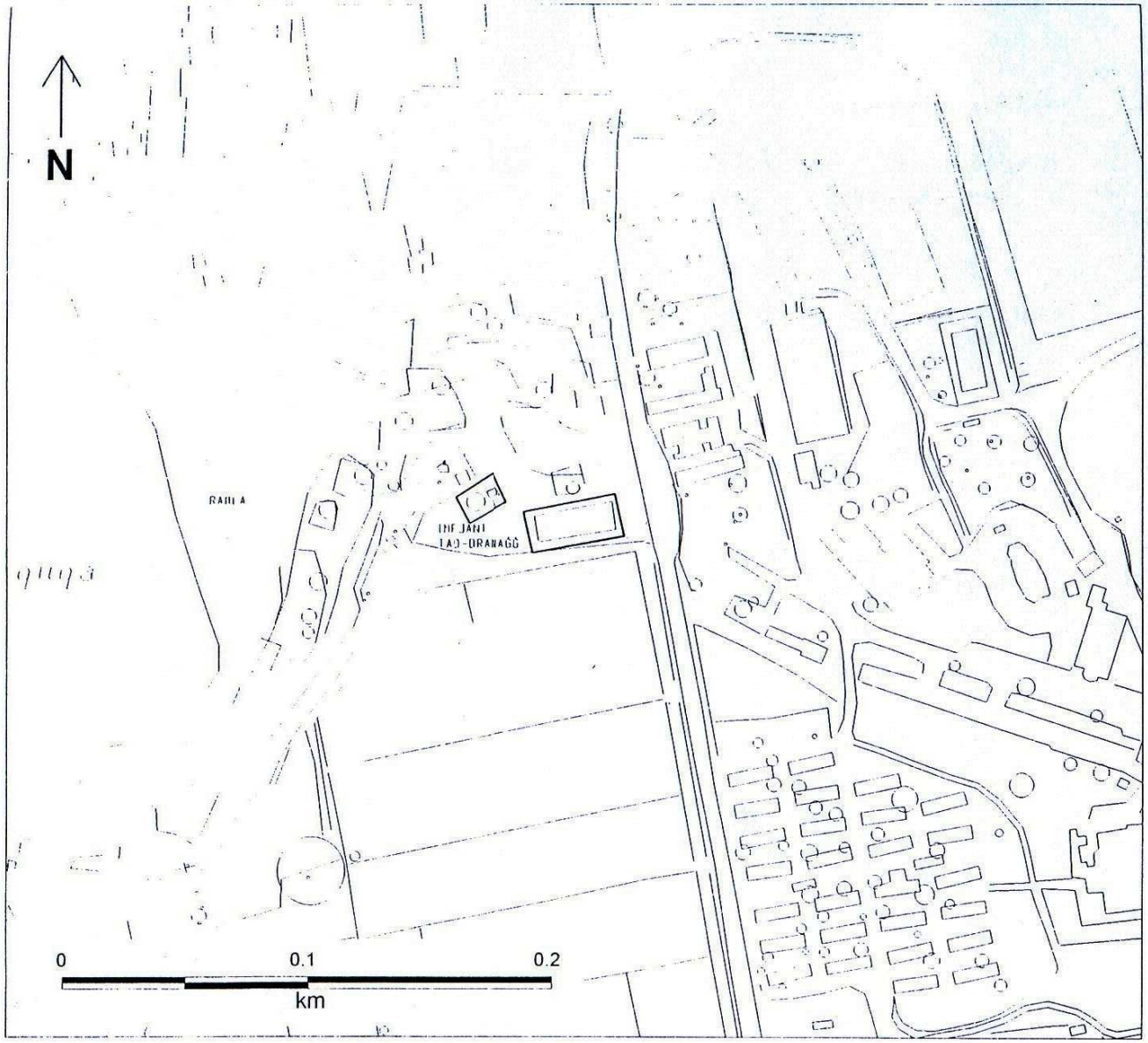
Legend :- Plan 2 of 5

A: Sound Locater

B: Crew Quarters

C: Beach Post

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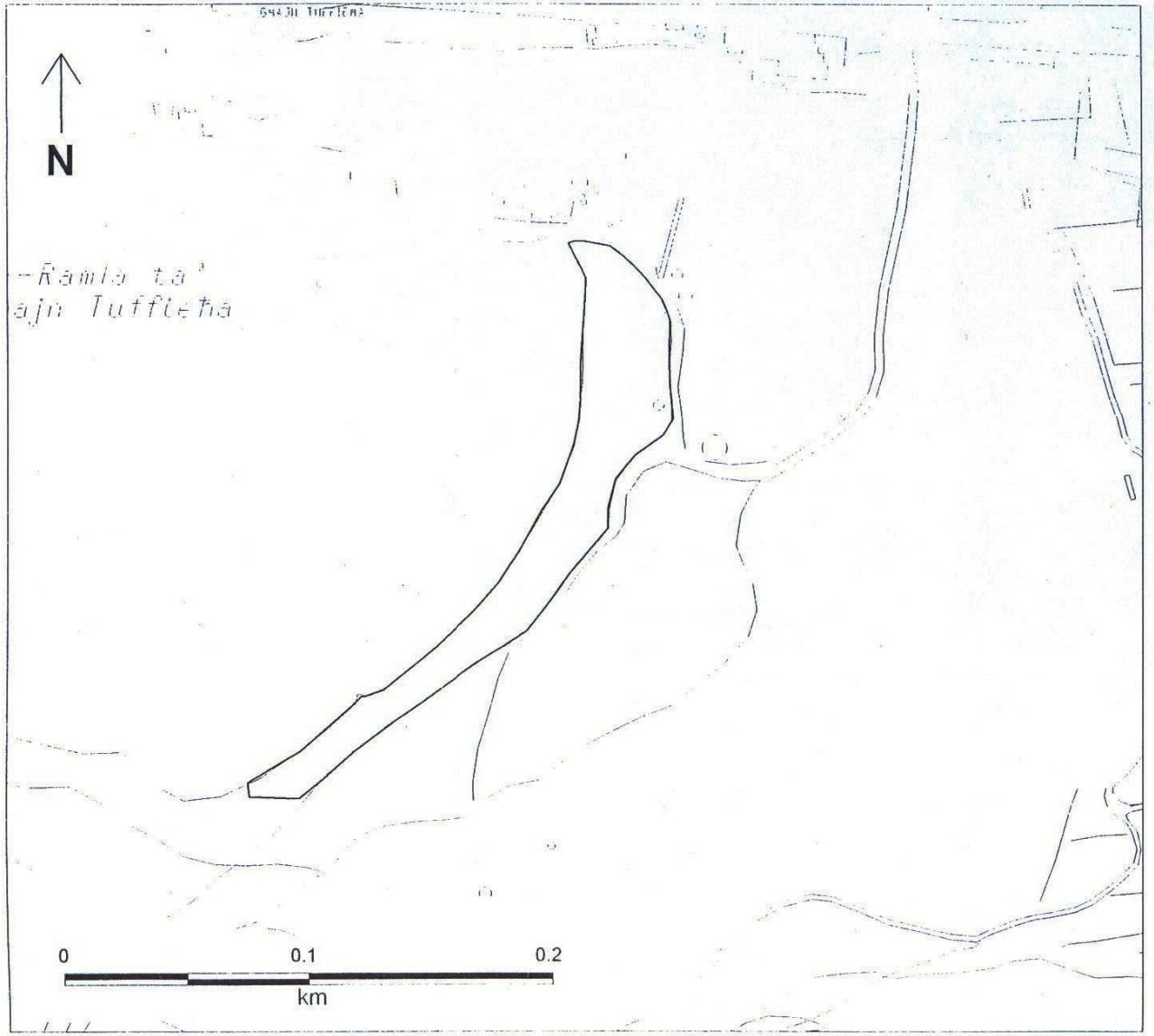
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**Conservation Order**

Legend :- Plan 3 of 5

Reservoirs

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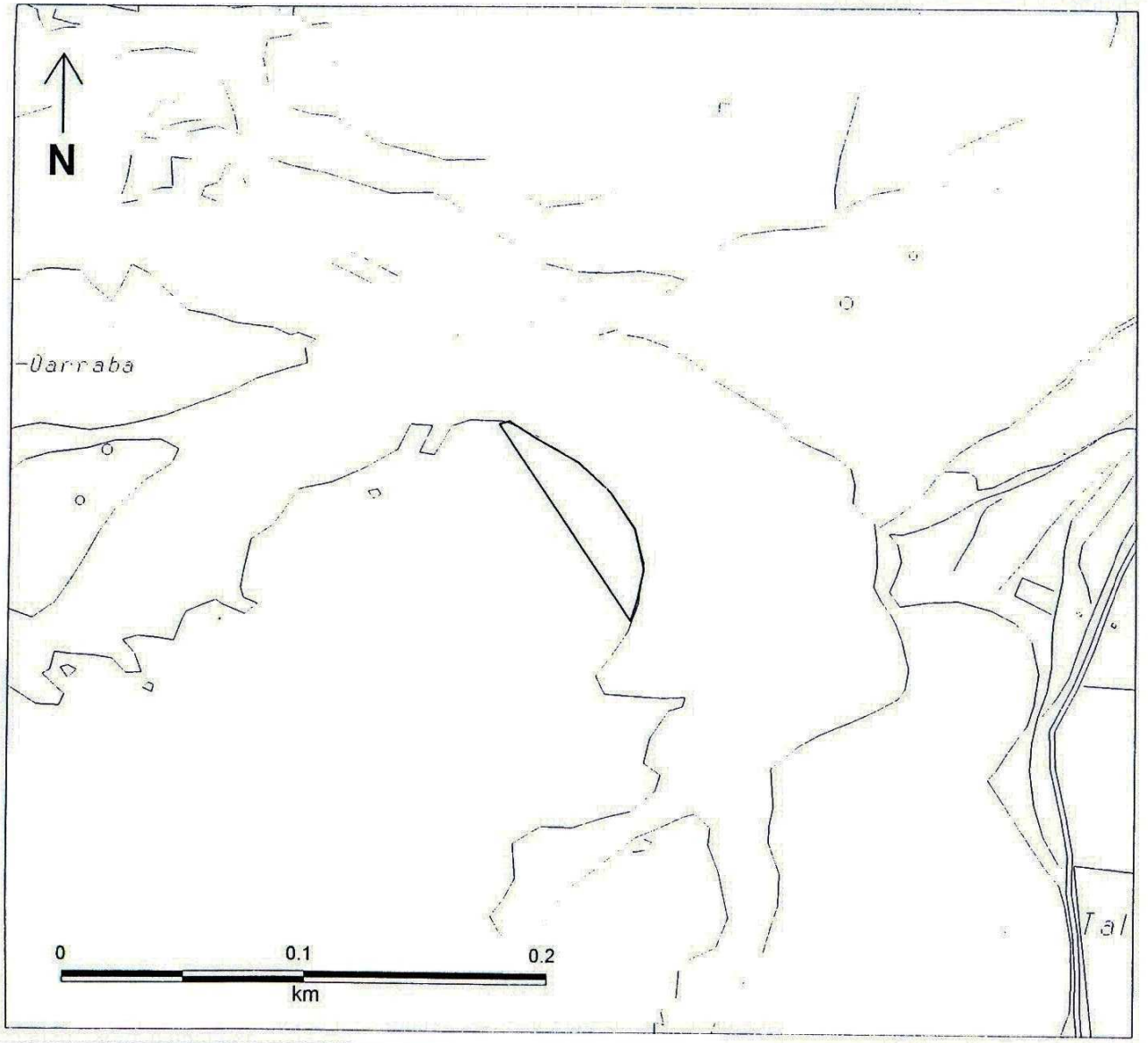
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Legend :- Plan 4 of 5

Main Beach

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**Ghajn Tuffieha, Mgarr, Malta.**
**Conservation Order**

Legend :- Plan 5 of 5

Beach below the steep promontory, on the Gnejna side

Form No. :- MU004