

Malta Environment and Planning Authority

Guidance Notes for Application Forms for an Organised Outdoor Activity - **FILMING**

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Malta's EU and international obligations to the environment require increased regulation of environmental issues. Consequently, MEPA needs to regulate organised outdoor activities that are of potential environment risk.

Schedule I -

1. Sites where no filming activities shall be permitted:

1. the nature reserves of Filfla, Selmunett (Il-Gzejjer ta' San Pawl) and Il-Ġebbla tal-Ġeneral, or any other natural islet that is physically separated from the mainland of Malta, Gozo and Comino by any stretch of sea
2. within nature reserves, except where the contrary is specifically indicated in the relevant environmental management plan. In such cases, the activity shall be in line with requirements set out in the plan.
3. sites where the intervention or activity would infringe the provisions of management plans, Conservation Orders or other protective instruments approved under the Environment Protection Act and/or the Development Planning Act. Effective compliance with the relevant provisions will be evaluated by MEPA based on the site selected for the activity, as shown on the map supplied by the applicant.

Schedule II –

General Binding Rules and conditions applying to organised outdoor activities requiring a permit.

The following general binding rules and conditions form the basis of permit conditions when a permit is granted:

1. It is the responsibility of the person organizing the activity to ensure, taking all reasonable precautions, that no harm is caused to the environment, including any protected site or area and natural or cultural heritage feature, and that the activity conforms to the rules and conditions in this Schedule.
2. Access by motor vehicles shall be restricted to surfaced roads. Access by, and parking of, motor vehicles on any type of beach, natural areas (including areas covered by any type of vegetation and/or rocky ground), and arable (agricultural) land are not allowed. No off-road driving is permitted and the creation of permanent or temporary routes for access, irrespective whether intentional or unintentional, is prohibited.
3. All equipment used in the activity is to be free-standing, with the exception of the reversible planting/fixing of stakes into sand, but not in sand dune areas (i.e. where vegetation is established on the sandy area). Any material, lighting fixtures, machinery and/or structure placed or stored for the event shall be of a temporary nature and is/are to be removed immediately after the event.
4. The following activities are strictly prohibited:
 - a. the deliberate or accidental picking, collection, taking, cutting, uprooting, harming, destroying or damaging in any way any specimen of wild flora and fauna;
 - b. hunting, killing or capturing of wildlife;
 - c. siting an activity on archaeological remains or other cultural artefacts;
 - d. the cutting or damaging of reeds, tree branches, etc., or removal of features from any building or on-site structures, in any manner for use as stakes or barriers, or any other use;
 - e. planting of vegetation, shrubs and/or trees or introduction of any flora or fauna into the site or its environs;
 - f. introduction, removal, significant movement and re-engineering, and/or collection of sand, shingle, stones, soil and/or sediment;
 - g. excavation works and any physical modification of the vegetation cover, natural rocky surface, the ground and landform of the site and its surroundings;
 - h. dismantling of, and/or damage to, rubble walls or traditional rural structures; and
 - i. the generation of excessive noise, including loud music or the use of noisy generators, or unreasonable light pollution through the use of floodlights; and
 - j. disposal, discharge or spillage (whether deliberate or accidental) of oil, fuel, paint or other pollutants, or of solid waste, ash or combustibles.
5. (a) No fires are to be lit directly on sand, soil or rock (i.e. any fire must be safely contained within a physical structure). Appropriate equipment must be used to ensure that the heat source, fuel, ash and other foreseeable source of pollution or environmental hazard, are not in direct contact with the ground. Any required fuel is to be carefully stored and managed to avoid pollution, explosion and fire hazards.

- (b) The applicant is to ensure that all pyrotechnics and contained explosions are supervised by qualified personnel, and that no excavations are made for their planting and that no damage, inclusive of fire, is suffered by the surrounding grounds.
6. No fires are to be lit within vegetated areas or within 5m from the trunk/spread of branches of existing trees.
 7. The applicant should provide the necessary fire-fighting equipment on all sites in accordance with the Civil Protection Department's regulations, especially where fires and explosions are to be used. Such equipment should be adequate to the scale of the filming activity and to the satisfaction of the competent authorities.
 8. The general binding rules in this schedule are without prejudice to third party rights. The applicant is responsible for obtaining all other required permits, licenses and/or clearances from the relevant authorities as may be required by laws related to such activities, and to ensuring the health and safety of all participants in conformity with the laws of Malta and the regulations issued by other legislation.
 9. All activities related to the event, including the participants, spectators, organisers and/or staff, and any platforms, equipment, machinery and/or vehicles used for the event, shall be strictly confined to the area(s) indicated in the site plan included in the application/registration form.
 10. Any vegetation or features of cultural heritage value located in the vicinity of the site where the activity will take place shall be cordoned off. In case of uncertainty whether a particular area should be cordoned off or not, the applicant shall take a precautionary approach to protect the national natural and cultural heritage and therefore shall implement the applicable measures as if the site merits such cordoning/protection. Areas to be cordoned off are off limits for any storage purposes, activities related to the event and any person participating in the event, irrespective whether that person is a member of the staff/organisers or not.
 11. Cordoning of areas shall be done by means of a temporary marker fence within the time stipulated in the issued permit conditions, or the time mentioned hereunder. The fence and its placing shall conform to the following:
 - the temporary marker fence shall be installed or placed one calendar day before the event and shall be removed within not more than one calendar day after the event;
 - the temporary marker fence shall be within the area(s) where the activity is allowed to take place, and shall be installed or placed at least one metre away from any natural habitat having vegetation, (particularly sand dunes and watercourses), archaeological features, and buildings or structures of architectural or historical importance;
 - the marker fence shall be of a temporary nature and should be limited to one of the following:
 - in case of sandy beaches, the reversible planting/fixing of stakes into the sand, but not in sand dune areas (i.e. where vegetation is established on the sandy area); or
 - in case of other substratum, the placing on the ground, but not planting or fixing, of either: (a) stakes and which are pressed in, or attached to, small loose concreted blocks or small loose stone; and/or (b) free standing barriers.
 - the temporary marker fence shall have appropriate no entry signage, and non-adhesive "no entry" marker tape tied along the boundary defined by the stakes or barriers to clearly cordon off the site. The fence must ensure that the area is not damaged in any way by the activity.

MEPA reserves the right to monitor the installation and removal of such cordons.

12. Any material, lighting fixtures, machinery and/or structure placed or stored for the event shall be of a temporary nature and is/are to be removed at the end of the filming activity, after not later than the decommissioning time stipulated in the issued permit conditions. All materials, lighting fixtures, machinery and/or structures required for the event shall be placed on, but not fixed to, the ground.
13. All reasonable precautions are to be taken to keep the site and its surroundings clean, and any litter, refuse or waste left on site or its surroundings during and/or after the event shall be completely cleaned to restore the site to the original condition. This shall take place after not later than the decommissioning time stipulated in the issued permit conditions without causing harm to, or risk of harm to, the protected site or area, cultural heritage and/or the environment. Suitable and sufficient temporary waste storage facilities must be placed on site within the permitted locations so as to prevent risks of littering, overspill of waste materials, and scattering of waste material around the site. The temporary waste storage facilities must be removed from the site after not more than one calendar day after the event, and the waste shall be disposed of at a designated waste collection point.
14. This permit is granted saving third party rights. The applicant is responsible for obtaining all other required permits, licenses and/or clearances from the relevant authorities as may be required by law;
15. The Authority may impose other additional rules or conditions, or may amend one or more of the listed rules or conditions in this Schedule, as it deems necessary for the proper conservation of the protected site or area, biodiversity, wild flora and fauna, cultural heritage (including archaeology) and/or the environment and to ensure public safety.

SCHEDULE III – Guidelines for specific outdoor filming activities and corresponding permitting conditions

1. A filming permit is required if the filming activity occurs in one or more of the sites listed in Column C. The activity must abide with conditions listed in Column B.
2. References to existing buildings, structures, access routes (and other existing developments in general) refer to features that are physically and legally present on site. These regulations do not sanction the development, modification or use of any intervention that would require a development permit, nor does it authorise any activities entailing the use, retention or consolidation of any illegal construction or development are strictly prohibited.

Notes:

1. Refer to General Binding Rules in Schedule II.
2. MEPA reserves the right to add further conditions, as determined on a case-by-case basis.
3. Evaluation for a permit will be determined subject to the outcome of the assessment of the activity's potential impacts on natural habitats and on any species of flora and fauna.
4. Special Areas of Conservation (SAC) and Special Protection Areas (SPA) as listed on the Government Notice 112 of 2007 and the Government Notice 161 of 2007 - Environment Protection Act, 2001 (CAP. 435) Development Planning Act, 1992 (CAP. 356) Flora, Fauna and Natural Habitats Protection Regulations, 2006.

A list of these areas and corresponding maps are shown on www.mepa.org.mt through the following path: Environment → Official Manual → Government Notices.

	A	B	C
TYPE OF ACTIVITY	SITES EXEMPT FROM REGISTRATION OR PERMIT	BASIC CONDITIONS ³	PERMIT REQUIRED
Filming – Interventions related to filming and similar events, including: - setting up of film-sets, stalls, tents or other ancillary facilities - temporary structures or on-site interventions; and - ancillary short-duration land uses	1. all locations, except as indicated in Column C <u>AND</u> in the case of crews of not more than 10 persons and that only use hand held cameras <u>AND</u> filming activity does not involve any actual interventions on, or disturbance to, the site. <u>OR</u> 2. within development scheme boundaries <u>AND</u> does not involve any actual interventions on, or disturbance to, the site.	<u>must:</u> - be in line with the General Binding Rules ¹ and conditions applying to all organized events - be subject to payment of bank guarantee (to be determined on a case-by-case basis) - be temporary and fully reversible - NOT cause any damage to historical or archaeological features or structures, or any other structure of cultural/landscape/ecological significance (including rubble walls) - NOT result in overspills of any material onto any land beyond the site permitted for the activity - NOT require vehicular access or parking outside existing legal access routes - NOT involve vehicular parking outside existing legal surfaced areas. - NOT involve off-roading or related activities - NOT involve any permanent or irreversible alterations to the natural ground and/or to natural features - NOT cause any damage to historical or archaeological features or structures, or any other structure of cultural significance - NOT cause any damage to the site's ecology and features, natural rocky surfaces and the landscape	Permit required if filming activities are held within : - Level/Grade 1 scheduled areas <u>OR</u> - scheduled or historical/archaeological structures <u>OR</u> - the countryside or on the coast <u>OR</u> - protected areas ⁴