

# **ADDENDUM TO THE ENVIRONMENTAL REPORT**

## **STRATEGIC ENVIRONMENTAL ASSESSMENT ON MALTA'S OPERATIONAL PROGRAMMES 2007-2013**

**VERSION DATED: 30 NOVEMBER 2006**

## **Strategic Environmental Assessment (SEA) of Malta's Operational Programmes 2007-2013**

### **Addendum to the Environmental Report**

**Prepared for the Planning and Priorities  
Coordination Division within the Office of the  
Prime Minister  
by**

**Adi Associates  
Environmental Consultants Ltd**

**November 2006**

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## QUALITY ASSURANCE

### SEA of Malta's Operational Programmes Addendum to the Environmental Report

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November 2006

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## ADDENDUM TO THE ENVIRONMENTAL REPORT

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This Report addresses the SEA Audit Team's comments on the SEA of Malta's Operational Programmes 2007 to 2013: Report 3: Environmental Report.

**Table I** contains comments of the SEA Audit Team and the SEA Consultants' response to these comments. The SEA Audit Team comments have all been addressed and the Environmental Report has been amended to reflect the comments of the Team.

**Table I: Adi Associates' response to the comments of the SEA Audit Team on Report 3: The SEA Environmental Report**

Environmental Report Chpt No.	Page	Para	SEA Audit Team Comments	Adi Associates Response
N/A	N/A	N/A	Introduction	No comment required.
N/A	N/A	N/A	<p>Note I</p> <p>The Competent Authority as it assessed the contents of the draft Environment Report of the Operational Programme (OP) I in accordance with the Criteria established under Schedule 4 of LN 418/2005, declares that in many cases the OP I does not in itself propose new plans and programmes but only determines the allocation of funds and monitors the execution of the funding for the projects identified as eligible for such funding in accordance with the conditions stipulated by the OP I itself.</p> <p>In accordance with the Directive 2001/42/EC and the legal notice 418/2005, the implementing agency shall monitor that the different sectors awarded funding under the OP I honour the recommendations of the Environment Report to address likely significant environmental effects. The implementing agency is the agency implementing the plan or the programme.</p> <p>The results / recommendations of the SEA to the OPI must therefore be taken into consideration as part of the</p>	<p>Agreed. No comment required.</p> <p>It should be noted that PPCD is only the managing authority that is responsible for implementing the provisions of implement Council Regulation 1083/2006 on behalf of the Malta Government. It is further noted that OP I is a Government of Malta document and therefore the responsibilities of monitoring lie with the Government of Malta not strictly with PPCD. In more practical terms, the SEA is recommending that an "Environment Committee" will be set up to monitor the impacts of the OP. In a recent meeting<sup>1</sup> PPCD recommended that the members of this Committee will be agreed by PPCD and the SEA audit team. They will formulate Terms of Reference in line with legislation in order to ensure the monitoring obligations for the overall OP.</p> <p>Noted.</p>

<sup>1</sup> Meeting held on 24<sup>th</sup> November 2006 between Adi Associates and PPCD (Ms Marlene Bonnici and Dr Denise Caruana).

			<p>conditions for the eligibility of funding under the OPI. During this phase the implementing agency would be the PPCD. Once the funds are allocated and the projects commence, it would be the beneficiary agencies which would become the implementing agencies. Therefore PPCD should ensure that its legal responsibility for taking into consideration the recommendations of the SEA in accordance with LN418/2005 and Directive 2001/42/EC is passed onto other implementing agencies accordingly.</p> <p>The Competent Authority, understanding the particular nature and purpose of the OPI, feels that specific details on the environmental mitigation / alternative measures that need to be adopted to address any significant environment effects likely to result from the ensuing projects once they commence are premature and cannot be identified at this stage. These specific mitigation / alternative measures would be addressed when the projects themselves would be subject to the relevant individual studies. The Competent Authority also recognises that for most significant projects an Environment Impact Assessment (EIA) will assess the specific baseline/alternative/mitigation measures necessary prior to project implementation. The LN 418/2005 in accordance with the Directive permits the Competent Authority under Sec. 6 proviso and Sec. 8 (2) to avoid duplication and if the plan or project would be subject to an EIA it is not necessary for the Competent Authority to require all the details regarding the mitigation alternative measures if they will be considered at a later stage.</p>	Noted. No comment required.
N/A	N/A	N/A	<p>Note 2</p> <p>In the opinion of the Competent Authority it suffices, at this point in time, to recommend a general mitigation measure namely that, as far as reasonably possible, priority should be given to the upgrading of existing land use</p>	<p>The following mitigation measure has been added to Chapter 6, the section Mitigation Measures, Land :</p> <p>“By the nature of the OP itself, activities funded under it must first and foremost contribute to the overall strategy and objectives of the OP, be financially viable and have sound</p>

			operations rather than resorting to further land use.	financial management. In addition and where possible, preference should be given to those activities that involve the upgrading of existing land use operations rather than those that require further land uptake”.
<b>a) an outline of the contents, main objectives of the plan or programme and the relationship with other relevant plans and programmes</b>				
1: Introduction	1-3		1. No comment	1. No comment required.
2: Malta's Operational Programmes	5-23		2. No comment	2. No comment required.
<b>b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme</b>				
4: Environmental Baseline	29-66		<p>3. Figures illustrating the Environmental baselines for the Environmental Assessment have keys which are difficult to read and therefore using these as a basis for assessment is difficult.</p> <p>4. Figures illustrating the environmental baselines for the Environmental Assessment would be better if each map is enlarged to A4 size to be more legible.</p> <p>5. All baseline data is to be adequately referenced.</p> <p>6. The Competent Authority notes that some important environmental dimensions (such as, cultural heritage, architecture, archaeology and landscape) are presented under the heading “leisure and the environment”. The heading “leisure and the environment” may be misleading, in the sense that the title may lead to wrong association of such variables with the leisure industry (including tourism) or environmental projects exclusively. In actual fact these environmental dimensions could suffer/gain an impact from any type of project, and should be considered in</p>	<p>3. All Figures have been enlarged for clarity.</p> <p>4. Enlarged figures add the required clarity. (see revised Environmental Report, Chapter 4).</p> <p>5. All baseline data is referenced.</p> <p>6. This title was adopted because that is the way it is presented in the draft National Sustainable Development Strategy. For consistency's sake we propose to retain the same title. Landscape, cultural heritage, and noise, dust, and light pollution are listed as separate headings in their own right under the general umbrella of Leisure and Environment. We do not believe this creates any confusion. A footnote clarifying why the title “Leisure and Environment” has been inserted in the Environmental Report.</p>

			<p>evaluations transversally. To highlight this, the Competent Authority recommends the use of another title or to list them as separate heading in their own right</p> <p>7. Population and human health are another two dimensions which the baseline does not evaluate nor discuss. Please comment or explain why these will not be affected by the OPI in any manner</p> <p>8. The importance of the baseline data stems from the fact that monitoring will be linked to this baseline data. The significance of specific project outcomes should be measured in terms of the contribution towards these baseline indicators.</p> <p>9. In the 'Evaluation of the current situation in the absence of the OP' the Competent Authority:</p> <p>a. Notes that given the broad scope and particular nature of the plan it is understandable that this report cannot evaluate in more detail what would be the impact upon Malta's environment in the absence of the OP (see Note I above)</p> <p>b. Is of the opinion that the section on pages 60-66 is sufficient and satisfy the requirement of the SEA</p>	<p>7. Population and human health are considered in the SEA – see Table 5.1. Factors that affect population and human health are waste management, dust, noise, and light pollution. These are considered in the assessment of impacts. A comment has been added clarifying this point in Chapter 4.</p> <p>8. Noted. No response required.</p> <p>9. No response required.</p>
<b>c) the environmental characteristics of areas likely to be significantly affected</b>				
4: Environmental Baseline	60	167	<p>10. In the 'Evaluation of the current situation in the absence of the OP', the Competent Authority notes:</p> <p>a. Given the nature of the plan, and the lack of specific and identifiable projects, it is understandable that this report cannot make a full assessment of Malta's environmental impact in the absence of the OP (see Note I above)</p>	<p>10 a. No comment required</p>



		<p>b. However, the report could have presented an analysis of the most relevant and significant dimensions which include energy, land use, transport, air quality, noise, dust, and light pollution. Although very broad, such dimensions could have been evaluated in readily identifiable zones where significant OP investment is likely to take place (such as the ports, the airport, the power stations and the TEN-T road network). Given the constraints of our island, the spatial location of such projects is not difficult to identify. In the absence of such detail, the Competent Authority relies on the importance of project evaluations by the implementing agency as highlighted in Note 1 of the introduction to this report.</p> <p>11. The Competent Authority also notes that these major projects are likely to qualify for an EIA and therefore relies on this process.</p>	<p>10b. It is not the role of the OP or the SEA to assess the impacts of specific projects in specific locations. Such project level assessment is done through Environmental Impact Assessment not through SEA. The Environmental Report addressed at a strategic level specific project types (eg roads, stormwater infrastructure) funded by the OP and their potential impacts. (See Table 6.3) We have added footnotes in the section on 'Evaluation of the current situation in the absence of the OP' of the Environmental Report'. Although the projects are known, the assessment does not change as the assumptions made in the first assessment are still valid. Chapter 4 of the Environmental Report now includes an explanation why specific areas were not addressed and their environmental characterises not described. Reference is also made to the EIA process.</p> <p>11. Although this has already been noted in the Environmental Report (see Table 6.2) the following sentence has been added in Chapter 4: "It is noted that major projects will be required to undergo Environmental Impact Assessment".</p>
<b>d) any existing environmental problems which are relevant to the plan or programme including in particular, those relating to any areas of a particular environmental importance, such as protected sites</b>			
All chapters		<p>12. Due regard is to be given to projects to be carried out in protected or environmentally sensitive / important areas, and prioritization should give preference to those which improve and enhance areas of a particular environmental importance and penalize those which have a significant negative effect on the same areas.</p> <p>13. Given the nature of the OPI and the lack of specific and identified projects and spatial location, the Competent Authority qualifies its overall assessment and emphasizes the importance of a rigorous monitoring effort as</p>	<p>12. Noted. The following text has been added to Chapter 6 of the Environmental Report in the section on Mitigation "It is further recommended that, where possible, due regard should be given to projects that are carried out in protected or environmentally sensitive / important areas. Preference should be given to those projects that improve and enhance areas of environmental importance".</p> <p>13. Noted.</p>

			recommended under Section 'i' of this report hereunder.	
5: SEA framework			14. Linked to the Competent Authority's observation in Comment (10b) above, the Competent Authority makes a similar observation on the assessment of readily identifiable locations. The report could have presented an analysis of the most relevant and significant projects where significant OP investment is likely to take place and could have assessed the potential problems or impact or otherwise resulting there from.	14. The following has been added to Chapter 5 of the Environmental Report: Although the assessment is largely based on the objectives of the various Priority Axes, in view of the fact that certain measures are known (including funding for the TEN-T network, ports, the Malta South sewage treatment plant, and biological waste treatment facilities in Malta and Gozo), the assessment takes into account these projects. It is noted that each of these projects is either undergoing EIA or will undergo EIA, and that the assessment of the site specific impacts will be carried out through the EIA process.
<b>e) the environmental protection objectives established at international, European or national level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation</b>				
All chapters			15. The Competent Authority takes note of the mention of different international, European or national obligations or commitments. It is recommended that a table summarizing international and European conventions, and summary indicators of Malta's commitments or targets for each one of them (in relation to environment) is necessary and would help the implementing agency refer to them in future evaluation of projects.	15. Schedule 3 of the SEA Regulations requires a discussion of the "relation [of the plan] with existing legislation, policies, and other plans and programmes and their objectives, with information on potential synergies or conflicts". <b>Appendix 3</b> of the Environmental Report provides an analysis of the policies, plans, and programmes relevant to the OP. It is beyond the scope of the SEA to provide target / current situation for indicator / variance / anticipated impact towards indicator (High, Medium low, No impact). This is not required by legislation and does not add value to the SEA. The methodology used is based on other indicators.
<b>f) the likely significant effects on the environment, including transboundary effects on such issues as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors</b>				
5: SEA Framework	73	Table 5.2	16. The Competent Authority recognises the use of criteria listed in Table 5.1 as those used to assess the likely impact and relevance of different priority axis objectives. The proponent should outline the methodology used in this exercise.	16. Text has been added in the Environmental Report, after Table 5.1 explaining the methodology used to determine whether criteria were relevant to the Priority Axes.

6: Impact Assessment	76	Table 6.2	17. The Competent Authority recognises that assumptions on the likely choice of projects determine the eventual impact assessment as outlined in Table 6.3. It is recommended that the proponent is in agreement to these assumptions and that this is formally acknowledged in the report	17. The following sentence has been added to the Environmental Report prior to Table 6.2 "It is noted that the project proponent is in agreement with these assumptions".
6: Impact Assessment	78-107	Table 6.2	<p>18. With respect to Priority Axis 4 (upgrade of road infrastructure) and Priority Axis 5 (investment in public transport), the Competent Authority emphasizes the strong link between road and transport networks on the one hand, and the modality of transport on the other (in particular the improvement in public transport). In this respect, the Competent Authority recommends that investment in both priority axes 4 and 5 give priority to those projects that have dual objectives of reducing congestion and facilitating better public transport provision and efficiency simultaneously. In this respect the likely significant impact could vary in degree depending on the efforts to identify complimentary projects under both these priority axes</p> <p>19. Similarly, the Competent Authority emphasizes the link between the Priority Axis 4 (upgrade of road infrastructure) and Priority Axis 5 (investment in utility infrastructure) and Priority Axis 6 (storm water management). The Competent Authority highlights significant environmental risks if these measures occur simultaneously and without co-ordination, with the overall effect being much greater than the sum of parts. The Competent Authority recommends that such risks are taken into consideration and mitigation planned for.</p>	<p>18. The following mitigation measure has been added to Priority Axis 4 and 5 in Table 6.3 under the air quality objectives: "Priority should be given to those projects that have the dual objectives of reducing congestion and facilitating better public transport provision and efficiency".</p> <p>19. The following paragraph has been added in the assessment of cumulative impacts in Table 6.5:  "The links between Priority Axis 4 (upgrade of road infrastructure), Priority Axis 5 (investment in utility infrastructure), and Priority Axis 6 (storm water management) are noted. There could be environmental risks if these measures are implemented simultaneously and without co-ordination, with the overall effect being much greater than the sum of parts. These risks should be taken into account during the project planning stage".</p> <p>The following paragraph has been added to the mitigation measures:  "Project Planning</p>

			<p>20. The Competent Authority also highlights the urgent requirement across all priority axes, of trained personnel and expertise in planning, implementing and monitoring projects which pay attention to environmental considerations. The Competent Authority recommends, in particular, the importance of general mitigation through support, coaching and training project developers in matters relating to the environment</p> <p>21. The Competent Authority is aware that any project undertaken as a result of funding allocated under OPI would have to undergo an environmental study and responsibilities to prevent biodiversity loss and degradation to the environment would be subjected to existing legislation such as LN257/2003 entitled 'Flora, Fauna and Natural Habitats Regulations, 2003' that transpose the Directive 92/43/EEC 'Conservation of Natural Habitats and of Wild Flora and Fauna' (Habitats Directive).</p>	<p>Considering that the OP covers a wide range of projects, some of which are interlinked, it is important that the various Government agencies that are responsible for implementing projects coordinate their efforts. This is especially important for projects such as upgrading of roads and constructing stormwater management projects. It is essential that the Ministry for Resources &amp; Infrastructure, all the utilities companies, and the Transport Authority coordinate to ensure that projects that are linked are planned accordingly".</p> <p>20. The following paragraph has been added to the mitigation measures: "Staff Training It is noted that during 2004-2006 funding period all stakeholders, which were involved in the management of projects funded by the EU, were given training on various aspects of project management including on environmental issues. In order to achieve the environmental objectives set out in this Report, PPCD is currently organising a training strategy for all stakeholders. The strategy includes an environmental component that will build on the previous training. It is further noted that Government has appointed green leaders in all Government Ministries; these could be involved in project implementation".</p> <p>21. This has been noted in the SEA Environmental Report Chapter 6 under Mitigation Measures, Biodiversity. Refer to the following sentence: "In addition, any actions within the OP that could significantly impact a Natura 2000 site, scheduled area, or protected species will have to be evaluated; a formal Appropriate Assessment will be required in accordance with the obligations arising under the Birds and Habitats Directives (See Article 13 of LN 257 of 2003). This is normally requested by MEPA during the assessment of planning applications within or adjacent to such sites".</p>
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6: Impact Assessment	108	Table 6.4	22. The numbering in Table 6.4 should be clearer and the table source referenced.	22. Table has been clarified and referenced.
<b>g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme</b>				
6: Impact Assessment	77-78	Table 6.2	<p>23. Priority Axis 3: Promoting Sustainable Tourism It is unclear what the 'new tourist amenities' would actually entail as regards land take up and environmental impact. As a mitigation measure, the Competent Authority recommends that: any new development should be considered after the possibility of upgrading existing infrastructure has been exhausted.</p> <p>In the case of a new tourist amenity, the Competent Authority considers that any significant project should be subjected to some form of an environmental study before it is developed. This should be carried out even if an EIA is not required. Due to the fact that environmental impacts cannot be assessed at this stage, the Competent Authority deems that, as an extension of the work required by the SEA, this environmental study would be able to quantify any adverse impact on the environment.</p>	<p>23. The following sentence has been added to Table 6.3 under Priority Axis 3, under the SEA objective: Channel development into existing built up areas: "By the nature of the OP itself, activities funded under it must first and foremost contribute to the overall strategy and objectives of the OP, be financially viable and have sound financial management. In addition and where possible, preference should be given to those activities that involve the upgrading of existing infrastructure".</p> <p>Noted. The following text has been added to Table 6.2 under Priority Axis 3, Channel development into existing built up areas, "All new development projects will follow MEPA's development control procedures (including environmental requirements)".</p>
6: Impact Assessment	83-107	Table 6.3	<p>24. The Competent Authority recommends a general mitigation approach across all priorities (in particular those objectives identified as potentially having a significant negative impact on the environment) namely that, as far as possible, priority should be given to the upgrading of existing land use operations rather than resorting to further land / other resource use</p> <p>25. The Environment Report should take into consideration and develop adequate mitigation measures</p>	<p>24. This has been addressed through a previous comment. See section on Mitigation Measures in Chapter 6 of the Environmental Report.</p> <p>25. See Adi Response to comments 18-21 above.</p>

			for issues highlighted in Comments 18-21 above.	
<b>h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information:</b>				
3. SEA Methodology	25	76	<p>26. The Competent Authority takes note of the fact that the proponent did not keep any formal documentation on the various alternatives that were considered during the formulation of the OP I.</p> <p>27. Linked to the note of point 26, the Competent Authority recommends that, wherever possible, the proponent makes the submissions received from the public consultations of the steering committee. Should such information be of a confidential nature, the proponent should submit this information to the Competent Authority.</p>	<p>26. The formulation of OP I, results from an intensive dialogue process and an extensive assessment of the country's wide-ranging needs, challenges and strategic objectives in the medium and longer term. As a result, OP I is multi-sectoral in nature. Since no sector has been omitted, no alternatives could be considered in the drawing up of OP I</p> <p>27. The relevant documents and strategy leading to the formulation of the OP have been made available to the SEA Audit team by PPCD.</p>
3. SEA Methodology	27-28	89	28. The Competent Authority takes note of issues and constraints raised in paras. 82-89. However the Authority concludes that the overall effort to highlight potential alternatives is weak.	28. This was discussed with the Competent Authority during the scoping meeting. The issue of alternatives was explained in the Scoping Report that was accepted by the Competent Authority. As pointed out in Comment 26, OP I is multi-sectoral in nature. Since no sector has been omitted, no alternatives could be considered in the drawing up of OP I.
<b>i) a scheme to monitor the impacts of the implementation of the plan or programme, any records which the owner of the plan or programme shall keep for the purpose of monitoring the environmental impacts of the plan or programme</b>				
6: Impact Assessment	108	Table 6.4	29. Table 6.4 should be explained further and the numbers somehow linked to their source or broken by priority in a summarized form	29. Table 6.4 has been amended and clarified.
7. Monitoring	115	254	30. The Competent Authority recommends against the approach of trying to infer the effect of projects using the	30. Noted. The monitoring proposals in the SEA combine both monitoring of environmental impacts on a national level

		<p>environmental indicators chosen. Whilst the project impact may be positive towards an indicator, other external factors could cause larger negative effects which offset the specific project contribution. This gives no insight nor usefulness to those assessing and monitoring the implementation of this OP</p> <p>31. The Competent Authority recommends that the proponent (see Note 1) monitors the outcome of major projects and measures the specific impact on any of the dimensions used as indicators. In this manner it can quantify the project contribution. In this way the whole issue of other factors distorting the impact is avoided</p> <p>32. The Competent Authority also recommends that the proponent chooses more specific and practical indicators to monitor and evaluate environmental impacts for the funded projects.</p> <p>33. All monitoring should be done ex-post and ex-ante on key axis / projects identified.</p>	<p>and those emanating from specific projects. This is further clarified in the text of the Environmental Report.</p> <p>31. This is what was recommended in the Environmental Report: "It is further recommended that the Committee identifies major projects that could potentially have a negative impact on the environment and request that these are monitored for their significant impacts". .</p> <p>32. Noted.</p> <p>33. Noted.</p>
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