

**PA03607/16 [EA 00003/16]: DEMOLITION OF EXISTING STRUCTURES AND CONSTRUCTION OF FUEL FILLING DEPOT INCLUDING ANCILLARY OFFICES, FACILITIES AND WIDENING OF ACCESS ROAD**

**SITE AT HAS-SAPTAN, OFF VJAL L-AVJAZZONI, HAS-SAPTAN, GHAXAQ, MALTA.**

**APPENDIX I:**

**Comments received through EPS Scoping stage (25<sup>th</sup> May – 15<sup>th</sup> June 2016)**

**A. Regulator for Energy and Water Services (E-mail dated 30<sup>th</sup> May 2016)**

<b>Comments</b>	<b>ERA Comments</b>
<p>The Regulator for Energy and Water Services does not in principle object to these types of developments.</p> <p>Please note, that you are required to consult the REWS when the development includes one of the following:</p> <ul style="list-style-type: none"><li>• fuel/gas storages</li><li>• swimming pools</li><li>• installation of photovoltaic systems</li></ul> <p>as these would require registration/authorisation/permit.</p>	<p>Noted; no further comments.</p>

**B. Transport Malta (E-mail dated 31<sup>st</sup> May 2016)**

<b>Comments</b>	<b>ERA Comments</b>
<p>Transport Malta requires no specific information to be included in the TORs for the EPS</p>	<p>Noted; no further comments.</p>

**C. Nature Trust (E-mail dated 31<sup>st</sup> May 2016)**

<b>Comments</b>	<b>ERA Comments</b>
<p>In relation to TRK 160087, Nature Trust Malta insists that a full ecological assessment is done <u>during the winter months</u>. Any surveys carried out during the summer months would miss annual plants and geophytes.</p>	<p>Noted; no further comments.</p>

## **APPENDIX II:**

### **Comments received through EPS Public Consultation period (9<sup>th</sup> – 30<sup>th</sup> November 2016)**

#### **A. Kollettiv Ambjent (Front Harsien ODZ) (Email dated 30<sup>th</sup> November 2016)**

<b>Comments</b>	<b>Response from EIA Coordinator</b>	<b>ERA Comments</b>
<p>Regarding PA 03607/16, EA 00003/16, Kollettiv Ambjent (Front Harsien ODZ) wish to register as objector and to make the following representations:</p> <p>In order to be compliant with SPED 3.1, and for the sake of transparency, before any alternative site is ruled out, the following information is required:</p> <ol style="list-style-type: none"><li>1. Detailed studies of the logistical and operational efficiency and costs of relocating to alternative sites such as Ras Hanzir.</li><li>2. Detailed explanations about the types of pumps and switches considered for underground and day tanks, as well as the dangers involved.</li><li>3. A detailed survey of all the fuel storage and dispensing facilities around the island, including whether these are publicly or privately owned and/ or leased.</li></ol> <p>We submit that Has Saptan should not be used as a site for the construction of new fuel dispensing facilities given its status as ODZ, AEI and SSI.</p>	<p>Objection noted and directed to ERA.</p> <p>The EPS and its Addendum contains a site selection exercise that was undertaken based on technical information provided by the Applicant.</p> <p>The EPS also contains a Risk Assessment.</p>	<p>No additional comments. Planning Authority (PA) to note in view of objection.</p>

#### **B. Din L-Art Helwa (Email dated 30<sup>th</sup> November 2016)**

<b>Comments</b>	<b>Response from EIA Coordinator</b>	<b>ERA Comments</b>
<p>DLH would like to object to the application with reference PA3607/16 and EA 0003/16 and to put forward some comment regarding the EPS.</p> <p>Comments re Environmental Planning Statement:</p> <p>DLH's main concern is the site is not suitable for this development as it is a 6600m<sup>2</sup> site located on agricultural land and a managed woodland.</p> <p>The site is situated within the Ghaxaq Environmental Constraints Map presented in the SMLP.</p> <p>The site lies within an area with the following</p>	<p>DLH's objection is noted and is directly addressed to ERA.</p> <p>The points raised in the objection have all been addressed in Chapters 3 and 4 of the EPS.</p>	<p>No additional comments. Planning Authority (PA) to note in view of objection.</p>

<p>designations:</p> <ul style="list-style-type: none"> <li>• Area of High Landscape Value (as designated through policy SMCO 04);</li> <li>• Valley Protection Zone (as designated through policy SMCO 07);</li> <li>• Aquifer Protection Zone (policy SMCO 06);</li> <li>• Agricultural Area (policy SMAG 01);</li> <li>• Proposed Area of Ecological Importance (AEI) and Site of Scientific Importance (SSI) (SMCO 03)</li> </ul> <p>There are also a number of protected trees existing on site.</p> <p>Considering the above DLH is of the opinion that there is no adequate justification to the selected site. Furthermore there is even less of a justification for all the proposed ancillary facilities which are of a considerable area and are committing further land in ODZ to development.</p>		
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**C. Adrian Zammit Tabona (E-mail dated 29<sup>th</sup> November 2016)**

Comments	Response from EIA Coordinator	ERA Comments
<p>I am writing to formally reiterate my objections that were sent on the 6th April 2016, copies of tread of emails below. I would also like to add the following objections:</p> <p>The following is taken out of the PDS for the new storage facilities being proposed at Has-Saptan</p> <p>2.11. Residents are not included above because views from private property are not protected under planning law or other public policy, except in so far as the zoning of the land implies certainty as to the type of development that may be permitted. The rights of nearby residents are, however, somewhat protected through the planning system, since they can object to any change of land use (or airspace). The landscape and visual amenity process does not assess the impacts of a development on the rights or values of individuals, but rather on the public collectively, and those rights and values are as expressed in legislation and planning policy. It is for this reason that this assessment does not address the effects of loss of view from private properties, land ownership, etc.</p> <p>We believe that this is a very important statement that does not adequately consider my position as a neighbour with property just 92m away from these proposals.</p> <p>The comment that the relocation is</p>	<p>Visual impacts from public viewpoints have been included in the EPS and the air quality study also considers nearby sensitive receptors. The land use map identifies land uses in the vicinity including those permitted for a specific use.</p>	<p>No additional comments. Planning Authority (PA) to note in view of objection.</p>

<p>outside the scope of the PDS is not comforting to me as I believe the public consultation should firstly discuss if the proposal is right in all aspects before we get into the nitty gritty of details. The site is neither an industrial or commercial zone but an area of agricultural, landscape, ecological and recreational value, albeit with underground storage facilities nearby to the proposal, inherited from years gone by.</p> <p>For the record, I live in one of two residences north of the site being earmarked for the new commercial entity that this site will become. My property is over 38,000 sq.m. and the investment I have made over the years has been based on the fact that the site is what it is and what it is confirmed to be in the local plan. Part of my land is marked in yellow on drawing EMD 002 but the rest of my land is marked out as agricultural land</p>		
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**D. Gudja Local Council (Email dated 2<sup>nd</sup> December 2016)**

<b>Comments</b>	<b>Response from EIA Coordinator</b>	<b>ERA Comments</b>
<p>The Has Saptan site is partly covered by policy SMGH 03, which promotes the use of the olive grove for informal recreation and does not allow the development of any built structures other than those that may support the use of the area as a recreational area, such as benches. It also requires that no lighting be installed at the Has-Saptan site.</p> <p>The area is identified by MEPA as a priority area for compatible and sensitive positive interventions and activities (particularly informal recreational activities in the form of walking or cycling footpaths as well as educational initiatives) intended to upgrade and rehabilitate Areas of High Landscape Value.</p> <p>Policy SMGH 07 prohibits the expansion of existing uses at the existing Has-Saptan underground fuel storage installation and encourages the relocation of such facilities elsewhere.</p> <p>The site lies within an area that either entirely or partly includes the following designations:</p> <p>Area of High Landscape Value (as designated through policy SMCO 04);</p> <p>Valley Protection Zone (as designated through policy SMCO 07);</p> <p>Aquifer Protection Zone (policy SMCO 06);</p>	<p>It is noted that the comments make reference to the PDS and require that an EPS is carried out.</p> <p>The EPS addresses the comments contained in the comments including designation of the site in the Local Plan, impacts on surrounding land uses, alternative sites considered as well as a risk assessment.</p>	<p>No additional comments. Planning Authority (PA) to note in view of objection.</p>

<p>Agricultural Area (policy SMAG 01);</p> <p>Proposed Area of Ecological Importance (AEI) and Site of Scientific Importance (SSI) (SMCO 03); and</p> <p>Archaeologically Sensitive Areas (policy SMCO 04).</p> <p>Policy SMCO 07 and Policy SMCO 03 provide a presumption against development in these designated areas (Valley Protection Zone and Area of Ecological Importance/Site of Scientific Importance, respectively).</p> <p>The proposal also means that a large number of trees in the eastern part of the scheme will need to be removed to make space for the construction of the loading bay and to ensure sufficient distance in case of a lightning strike. Though Enemalta pledges to transplant the trees normally die. Also, the agricultural area to which the farmer operating on site will be relocated has not been specified in the PDS the dumping of soil on garigue, steppe or other natural habitat should not be contemplated in any agricultural reclamation exercise. Any newly planted trees will always be younger and the resulting environments cannot be compared to the original.</p> <p>The project will also mean that 40 refuelling road tankers will be passing daily after its completion, and 130 vehicle trips will be made monthly during its construction. This will definitely have a negative effect on residents, health and wellbeing and create noise and air pollution in an area which is currently free from such pollution.</p> <p>The PDS considers the closest sensitive receptor of noise and air pollution as being 200m away but the PDS fails to consider the recreational activities within the sites. The street leads and is adjacent to a recreational area.</p> <p>The risks of fire and spillage also merit further consideration, especially given the high number of mature trees on site and the nearby La Stella Fireworks Factory. If such a project is approved, we believe the fireworks factory is to be assured in writing by the developers that it will not be affected in its manufacturing and trials in any way.</p> <p>The project should NOT be exempted from further studies and the Council believes that a full Environmental Planning Statement should be carried out, especially since there is a high degree of uncertainty. In fact, in 12 of the 27 relevant issues identified by the PDS, the impact was marked as 'unclear'. The document presented is just a PDS and is not an adequate assessment and further studies should be conducted. Moreover, we</p>		
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believe the EIA matrix to not be completely accurate. As an example, point 26 says there is No significant effect envisaged on any routes or facilities on or around the location which are used by the public for access to recreation or other facilities, which could be affected by the project, when everyone knows the area is a popular recreation zone, identified as such also by MEPA policies.

The site selection exercise is not satisfactory, as the proposed site is not an industrial site but is a rural area with agricultural, landscape, ecological and recreational value. The site is in fact used by hundreds of people each weekend for recreational purposes (camping, picnics, hiking, biking etc). The PDS notes that the proposed site may also have archaeological value, which further confirms its unsuitability. Sites that have already been excluded for valid reasons, such as Kordin or Ghar Dalam, should not be included in the site

selection exercise. However the reasons for excluding the site at Bengħajsa have not been adequately presented, and the justifications given by Enemalta for excluding the latter site are not watertight (e.g. that site is not currently possessed by applicant and that a considerable investment in pipework needs to be done so as to hook up this site with the rest of grid). If there is a need for such an investment in order to safeguard an uncommitted site, then be it. That would be a small price to pay in return of saving and protecting Has-Saptan. The Gudja, Ghaxaq and Birzebbugia Local Councils in a joint letter sent to the Minister responsible for Enemalta back in July 2005 when such a project was first proposed, had also suggested Wied ix-Xoqqa as an alternative site which might be considered.

Given the above points, the Gudja Local Council does not agree that TRK 160087 (EA 00003/16) is not likely to have significant environmental effects and believes it goes against current MEPA policies and the South Malta Local Plan, and submits these points for MEPA's consideration. MEPA should also request a full EIA study, complete with a proper site selection exercise.