

The Executive Chairperson
Planning Authority
St. Francis Ravelin,
Floriana

Date: 13/06/2019
ERA Ref: EA 00028/19

Dear Sir,

Planning Ref.: PA 02943/19

Proposal Description: It is proposed to demolish existing Hotel and Construct a new Class 3B Hotel having 405 Rooms, 2 Class 4D Restaurant, 1 Class 4C Bars & ancillary facilities including an indoor pool, gym, parking area and conference facilities

Location: Ramla Bay Resort, Triq ir-Ramla tal-Bir, Marfa, Mellieha, Malta

Reference is made to the Project Description Statement (PDS), which was received by the ERA on 12th April 2019.

ERA's recommendation and representation on the said development proposal are being lodged in its capacity as an external consultee and an interested party in accordance with the Development Planning Act and the Development Planning (Procedure for Applications and their Determination) Regulations, 2016 (Legal Notice 162 of 2016).

Case Background

Planning Application 02943/19 is to continue the redevelopment of the Ramla Bay Resort, particularly the main building (referred to as Phase 2). The proposal follows the redevelopment of part of the resort (referred to as Phase 1), as indicated in Figure 1.

This site has been the subject of the following development Permit Applications and Enforcement Notices:

- PA 2612/93: 'Extension to hotel' - granted.
- PA 1005/95: 'To deposit sand on shore' - refused.
- PA 7482/95: 'To carry out alterations to existing rooms and pool area' - granted.
- PA 7483/95: 'To demolish existing buildings and construct proposed extension over existing floors' - refused.
- EC 384/95: 'Construction of boundary wall without permit' which is Pending Direct Action.
- PA 5172/97: 'Extension of existing hotel' - granted.
- PA 4496/00: 'Extension and alterations to existing hotel' - granted.
- PA 3086/04: 'Extension to Ramla Bay Hotel' - granted.

- PA 4329/04: 'Alterations and extension to hotel for the provision and improvement of additional facilities' - granted.
- PA 5411/04: 'Construction of tennis courts' - refused.
- PA 5408/04: 'Construction of additional rooms at Ramla Bay Hotel' - withdrawn.
- EC 960/04: 'Demolition and excavations without permit' - permission was granted to sanction the illegal development.
- PA 5688/06: 'Extension to existing hotel including 102 rooms, indoor and outdoor facilities and landscaping' - granted.
- PA 464/08: 'Extension to existing hotel including one hundred and two rooms, indoor and outdoor facilities and landscaping' - granted.
- PA 2870/10: 'Proposed new pool and deck area at Ramla Bay Hotel' - granted.
- PA 0029/13: 'Proposed change of use from store to diving centre, construction of store at level -2 & generator room and the sanctioning of old LPG gas tank installation, - granted.
- TRK 161995: 'To sanction replacement of boundary wall, proposed improvements to same and installation of shading device'
- PA 04649/15: 'Demolition of existing 45 apartments and construction of 100 apartments, 4 hotel rooms, indoor and outdoor recreational facilities, catering outlets, underground car park and back-of-house service areas' - granted.
- EC 00161/16: 'Works consisting of part demolition of the existing Ramla Bay Resort Hotel, rock excavations underlying this same area and the formation of structural bases/footing works. In addition to this, further rock excavations, construction and structural works were carried out, to create an extension to the existing basement stores, situated underneath the outdoor area in front of the existing main entrance to the Hotel. Furthermore, several existing trees were felled from site. All the above works were carried out without permit. An application in PA4649/15, was submitted and it is currently being processed on site' - Permission was granted to sanction the illegal development.
- PA 04612/16: 'To sanction the excavation for and subsequent development of underground stores and cold stores' - granted.

Following review of the PDS for Phase 1, the EPD had requested an Appropriate Assessment and an Ecological Survey. These were submitted on November 2015 and October 2015, respectively.

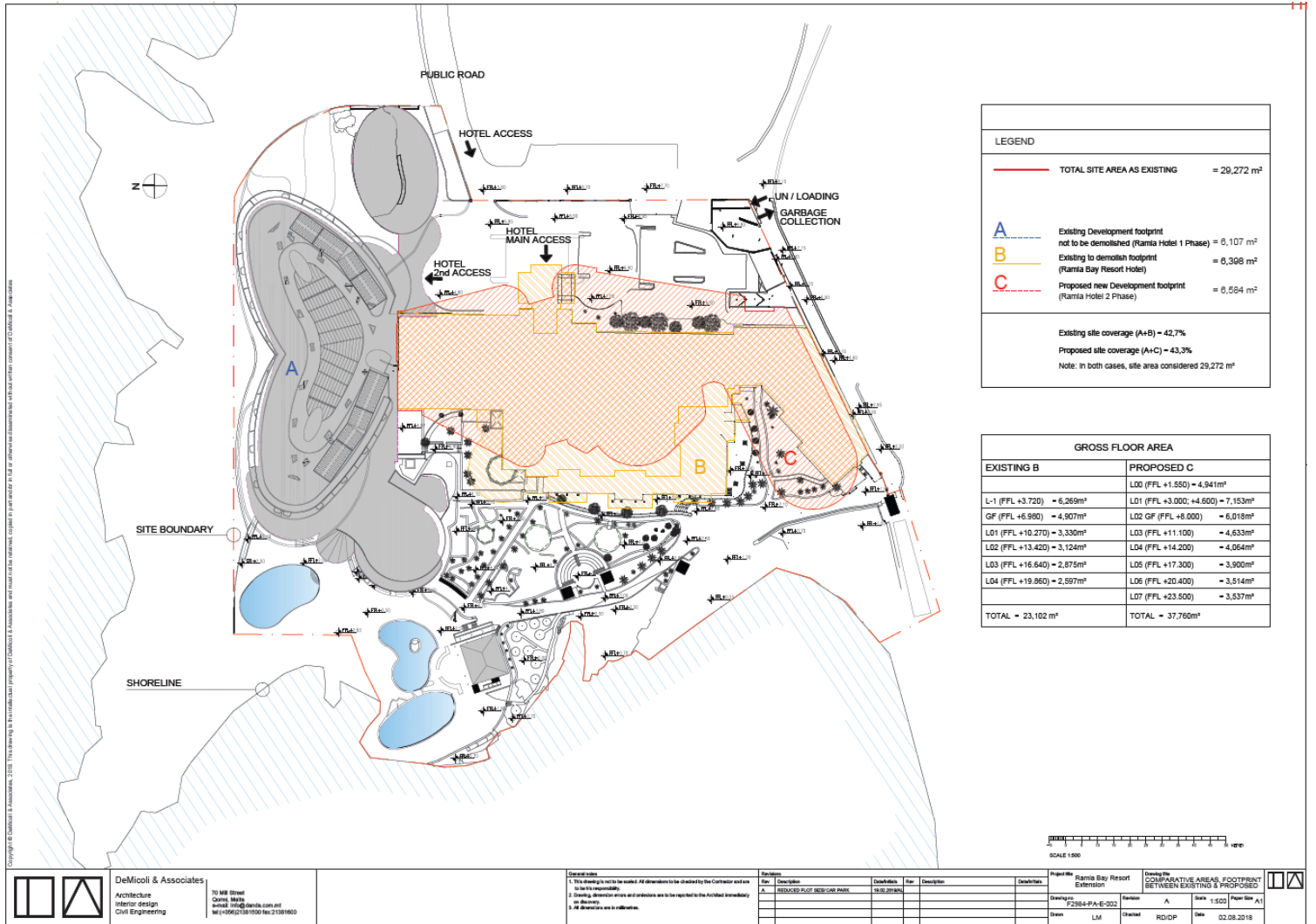


Figure 1: Plan showing existing development footprint (A), existing to demolish footprint (B) and proposed new development footprint (C). Source: E-apps PA/02943/19/11h.

Overall assessment

- a) The proposal involves the redevelopment (demolition and re-erection) of the already existing hotel with an additional two storeys as well as significant increase in the gross floor area. This raises concern with regards to the intensified massing of the development particularly when taking into account the cumulative landscape impacts from Phase 1 and 2 of the development. In this regard, revised plans reflecting effective downscaling of the development for Phase 2 should be submitted.
- b) All development is to be contained within the delineated site area and there should be no overspill development onto the adjacent outside development zone (ODZ) land. A site inspection held on 15th May 2019 indicated spillover of ancillary uses and structures onto adjacent ODZ land such as the divers shed across the diver shop and the ancillary turfed area on the west flank of the hotel. Such encroachment onto undeveloped land is objectionable. It is to be ensured

that such uses and interventions are to be contained in the already developed land within the hotel boundary. The affected land is to be restored back to its pristine state.

Screening in terms of the Environmental Impact Assessment Regulations, 2017 (S.L. 549.46)

- c) Following review of the PDS, the Environment and Resources Authority (ERA) has determined that the proposed development requires an Environmental Impact Assessment (EIA) as per Schedule I, Category I, Section 7.1.1.1 (*Construction or extension of hotels, holiday complexes, holiday villages, hostels, accommodation facilities, homes for the elderly, hospitals, or associated development, if located wholly or partly outside development zones and having: (i) a capacity of 250 beds or more; or (ii) a gross floor area of 10,000m² or more*) of the EIA Regulations, 2017 (S.L. 549.46).

Screening in terms of the Flora, Fauna and Natural Habitats Protection Regulations, (S.L. 549.44)

- d) The following Natura 2000 sites are relevant to the proposal:
- Special Area of Conservation (SAC) Zona fil-Bahar fil-Grigal ta' Malta (MT0000105);
 - Special Protected Area (SPA) Żona fil-Baħar madwar Għawdex (MT0000112)
- e) Whereas, the below Natura 2000 sites are located at a distance from the proposal however these are not considered to lie within the area of influence of the proposed development:
- Special Area of Conservation (SAC) and Special Protected Area (SPA) Ramla Tat-Torri / Rdum Tal-Madonna Area (MT000009);
 - Special Area of Conservation (SAC) Rdumijiet ta' Malta: Ir-Ramla taċ-Ċirkewwa sal-Ponta ta' Bengħisa (MT000024); and
 - Special Area of Conservation (SAC) and Special Protected Area (SPA) L-Ghadira Area (MT000015).
- f) In view of the above designations, this proposal has been screened in terms of Regulation 19 of S.L. 549.44. An Appropriate Assessment (AA) in terms of the Flora, Fauna and Natural Habitats Protection Regulations, 2006 (S.L. 549.44) for Phase 1 of the development was submitted on November 2015. In this regard, ERA requests a statement indicating that the outcome of the AA for Phase 1 is not to be effected by the proposed development of Phase 2.

Other Considerations

- g) During the site inspection it was also noted that the area north of the hotel (including garigue and rocky coast) is suffering from continued vehicular trampling. Whilst such environmental degradation may not be directly related with the development under consideration, it would be appropriate to request a restoration plan for such land to its pristine state as an environmental planning gain.

ERA Conclusion and Recommended Way Forward

- h) Revised plans reflecting effective downscaling of the development for Phase 2 should be submitted.
- i) Encroachment onto undeveloped land is objectionable. It is to be ensured that such uses and interventions (mentioned in para b.) are to be contained in the already developed land within the hotel boundary. The affected land is to be restored back to its pristine state.
- j) Without prejudice to the above concerns, the proposed development requires an Environmental Impact Assessment (EIA) as per Schedule I, Category I, Section 7.1.1.1 of the EIA Regulations, 2017 (S.L. 549.46).
- k) In view of the SAC and SPA mentioned in para d., ERA requests a statement indicating that the outcome of the Appropriate Assessment carried out for Phase 1 of the development is not to be effected by the proposed development of Phase 2.
- l) A restoration plan to restore the area north of the hotel (mentioned in para g.) back to its pristine state is being requested. This will serve as an environmental planning gain.

Yours faithfully,

Ryan Busutil

Assistant Environmental Protection Officer
f/Director Environment & Resources

Disclaimer

The above comments are being issued without prejudice to any additional issues which are regulated by ERA through any relevant environmental permitting and, or compliance mechanisms, as well as to any environmental considerations that may be beyond the scope of the application under consideration.

The above assessment is based on the information provided to ERA in the application. Should it result that such information is incorrect, incomplete or misleading, or in the event of any omissions, or subsequent modifications, amendments or changes to the proposal, application and/or related submissions, the above assessment (including any favourable consideration, lack of objection, any proposed conditions or lack thereof, or any other equivalent stance, etc.) may need to be reopened to ERA's satisfaction. ERA shall not take responsibility for comments, assessments or judgments based on information that is incorrect, incomplete, missing or misleading, and which is only discovered after its assessment, nor for any environmental impacts resulting from developments which it was not specifically consulted on. Furthermore, ERA also retains the right to take additional action should the information provided, or any incorrect, incomplete, missing or misleading details, be tantamount to fraud.