

Note 1 This document is intended to set out minimum specifications that need to be satisfied in order to determine whether the plan, including the proposed intervention/s whether collectively or any part thereof, will have a significant impact on the integrity of any relevant protected sites, ecosystems, habitats and species covered by the provisions of Subsidiary Legislation 549.44 (Legal Notice 311 of 2006 and its amendments).

Note 2 The applicant is to propose consultants for ERA's approval prior to the commencement of the Appropriate Assessment (AA) studies.

Note 3 It is the consultants' responsibility to adopt and justify the appropriate methodologies and areas of influence. Furthermore, in the interest of optimising the assessment process, the proposed methodology is to be discussed with ERA prior to actual commencement of the studies,

Note 4 Management plans are to be taken into account (<http://www.natura2000malta.org.mt/index.php/management-plans/> and <https://era.org.mt/en/Pages/Natura-2000-Datasheets-Maps.aspx>). Unless otherwise specified in these Terms of Reference (TORs) and in the absence of any site-specific conservation objectives drawn up by ERA, such as for Marine Natura 2000 sites, the assessment shall be guided by the Directive as well as the following environmental objectives:

- Where the conservation status is favourable, this is retained and not reduced; and
- Where the conservation status is not favourable, this is improved.

Note 5 The requirement for further AA studies as well as any other AA-relevant impacts identified by the consultants need to be addressed. Should further surveys or research be deemed necessary by the consultants, ERA is to be informed of such need PRIOR to the commencement of such surveys and, or research.

Note 6 Wherever available, already-existing information should be made use of without any unnecessary duplication of work. Any uncertainties and gaps in information should be acknowledged.

Note 7 The consultants should refer to the appropriate EU guidance documents, and should clearly quote such sources accordingly.

Note 8 ERA reserves the right to question (or disagree with) the methodologies and area of influence, to request revisions thereof, and to request additional information or studies at any stage prior to, during and following completion of the AA.

Note 9 These TORs are primarily intended to guide the AA investigations rather than as a basis for tendering or other non-ERA processes. In this regard any use for such purposes is at the sole risk of the applicant, as requirements may vary following technical negotiations, updating of legislation or standards, changes to the proposed project, or other circumstances.

The Appropriate Assessment report should follow the following format:

1. Executive Non-Technical Summary

A description of the salient points of the AA study including any surveys, impacts and their significance, proposed revisions, and any residual impacts.

2. Plan Description

A description of the proposed plan, with particular emphasis on those elements that are likely to give rise to potentially significant effects on the integrity of protected sites, or on other relevant habitats, species and ecosystems. The description shall also address any foreseeable consequential requirements or implications of the proposal (e.g. need for new or altered access or infrastructure).

3. Impact Assessment

This section should identify all relevant terrestrial, coastal and marine protected sites¹, including their natural habitats and characteristics, which are likely to be affected by the plan or by any of its ancillary projects and proposals, both directly and indirectly.

Interventions proposed within the plan that have the potential to affect these terrestrial, coastal and marine protected sites or other relevant habitats, species or ecosystems, but for which no detailed information is as yet available due to the strategic nature of the plan, must be acknowledged.

Interventions that are clearly proposed within the plan should be assessed, holistically and individually, to identify the likely effects of their implementation on the protected sites. The AA should also discuss how these terrestrial, coastal and marine protected sites will be affected by these proposals and to what extent, i.e. whether such impacts are considered to affect the integrity and coherence of the protected sites, their habitats and species or otherwise. Such an approach should go beyond the impact on protected features and are expected to include any impact on geology and hydrology. This should also include an assessment of the likely cumulative impacts of the interventions proposed by the plan and other existing or planned interventions on the protected sites. An exhaustive discussion, in so far as possible, is required in this regard. Details of possible mitigation measures and their efficacy, aimed to reduce impacts are to be included.

With reference to the proposed interventions in the marine environment, the assessment of the effects of such interventions on the marine protected sites and their natural habitats should also apply a holistic approach whereby changes to elements supporting the protected habitat types are given due consideration. This approach should include an assessment of the effects or changes to hydromorphology as well as physico-chemical conditions in the marine environment as a result of the proposed interventions. Within this context, the assessment should identify the extent of marine area affected by alterations to hydrographical conditions, the extent of the protected habitat type affected by such alterations and the changes to the functions or condition to the habitat types as a result of such changes.

Impact assessment should also take into account practical implications (e.g. conflicts with site protection or management plan implementation, any foreseeable constraints on future management plan formulation, implications arising via the displacement of other land/sea uses, etc.). The assessment of the cumulative impacts associated with the proposals in this plan and other proposals affecting the same protected area and its protected natural features should also be presented.

4. Alternatives

The AA should evaluate alternatives to those aspects of the plan that may give rise to significant impacts as identified in the section above. The zero-option (do-nothing scenario) should also be considered. Each alternative should be thoroughly assessed by comparing it with the respective plan content, clearly indicating the relative effects on relevant habitats, species, and protected sites as a whole.

¹ As defined in Subsidiary Legislation 549.44. Flora, Fauna and Natural Habitats Protection Regulations, Legal Notice 311 of 2006 as amended.

This section should conclude with a set of recommended revisions to the plan.

5. Residual Impacts

The report should include a prediction of residual impacts and implications of the proposed plan on relevant species, habitats and ecosystems, following the implementation of the proposed revisions. The report shall also evaluate the significance of such residual impacts and implications.