

MEPA's comments on the draft Operational Programme 1 (2014 – 2020) and its SEA Environment Report

16th June 2014

1. Introduction

- 1.1 MEPA welcomes the opportunity to comment on the draft Operational Programme (OP) 1 for the period 2014 – 2020 and its Environment Report. It is noted that most of MEPA's comments on the scoping report were taken into account in the preparation of the Environment Report.
- 1.2 The Environment Report is an important step in the SEA process to ensure that any likely significant environment impacts of the emerging OP1 2014 – 2020 are avoided or suitably addressed at an early stage. Therefore, it is recommended that MEPA's comments and the mitigation measures and recommendations in the Environmental Report are taken into account in the revision of OP1 and/or during the subsequent stages of its implementation, including at project selection stage and implementation of specific projects.
- 1.3 Our comments on the draft OP1 and its Environment Report are provided below.

2. General comments

- 2.1 Individually, the priority axes focus on the upgrading of specific strategic infrastructure and other socio-economic and environmental priorities. OP1's priority axes on the protection of environmental resources and improvement of the urban environment are welcomed.
- 2.2 However, future projects proposed under particular investment priorities and actions could also have unacceptable adverse environmental impacts. Most of these impacts are expected to be the result of construction of new or expansion of existing buildings and infrastructure (e.g. upgrading of TEN-T network, construction of new business parks or enterprise infrastructure on rural land, etc.) within or close to sensitive environmental sites and natural resources. The latter includes undeveloped rural land, sensitive landscapes, cultural heritage sites, natural and semi-natural habitats, water bodies, pollution hotspots, etc. Urban sprawl, encroachment of urban land-uses into the countryside and the uptake of further undeveloped rural land for physical development are strategic environmental concerns. Therefore, projects involving on-site physical interventions, such as building and/or infrastructural works, need to respect the environmental carrying capacity of the affected areas. Such works should be directed to existing urban and industrial areas and/or existing committed areas for such uses (e.g. Areas of Containment) in the first instance in order to avoid unnecessary pressures on the environment.

- 2.3 Further investment in improving existing committed areas for urban and industrial activities would contribute to the sustainable regeneration and improvement of these areas, including more efficient use of industrial roof space for renewable energy infrastructure, making more efficient use of industrial space, upgrading the environmental quality of industrial sites, provision of common and up-to-standard waste and water management facilities, etc. Such investment would also increase the existing capacity and critical mass in the main urban areas to improve the efficiency and feasibility of the public transport system, thereby increasing people's usage of such service and reducing traffic-related air and noise pollution.
- 2.4 The probability and significance of OP1's negative environmental impacts will depend mainly on the location, scale, design and day-to-day operation of the individual projects as well as other relevant site-specific considerations. Generally, the Environment Report highlights whether the identified negative impacts of the proposed priorities and actions could be addressed at project selection stage, through preliminary environmental assessments including site selection, through project design and/or detailed project-level environmental assessments.
- 2.5 In addition, MEPA recommends that:
- (i) projects involving physical development and/or infrastructure should not jeopardise or adversely affect environmental resources which are targeted for protection and conservation under OP1's environmental Priority Axes; and
 - (ii) emerging environmental issues, particularly those of a strategic nature, should be addressed at an early stage of the OP1 process, in order to avoid premature commitments on detailed projects which would result in unacceptable environmental damage. Experience with the implementation of projects under the 2007 – 2013 programming period shows that early consideration of strategic environmental issues could avoid delays at permitting stage and ensure more environmentally-sustainable projects.

Strategic environmental issues and the project selection process

- 2.6 Relevant strategic environmental issues need to be taken into consideration during site selection and project design, before submitting fait accompli projects for the authorisation by the relevant authorities. Addressing strategic environmental issues at an early stage is important in order to prevent unacceptable environmental damage and avoid unnecessary delays at permitting stage. This issue was also highlighted in other recent Environment Reports for similar EU-funding programmes, such as the Mediterranean Cooperation Programme 2014 – 2020 and the Interreg Europe 2014 – 2020.

2.7 MEPA concurs with the recommendations in Chapter 8 of the Environment Report for OP1, mainly: (i) the proposed hierarchy of mitigation measures; (ii) the selection of projects during implementation; (iii) the siting of new buildings and infrastructure; and (iv) most of the specific recommendations. We also welcome the recommendation that additional weighting should be given to proposals pursuing multiple environmental objectives. In particular, MEPA considers that the project selection stage for OP1 funding should give priority to environmentally-sustainable projects which:

- (i) make efficient use of existing legitimate buildings, structures and infrastructure, particularly those in urban areas (this would reduce unnecessary pressure on land as a non-renewable resource);
- (ii) avoid conflicts with important environmental priorities in the first instance, before focusing on detailed design issues;
- (iii) integrate environmental measures into project design (e.g. renewables, energy efficiency, waste separation on site, water harvesting) without jeopardising other important environmental priorities; and/or
- (iv) are specifically intended to protect and conserve the natural, semi-natural and cultural environment on land and at sea (e.g. protection of the aquatic environment, management of Natura 2000 sites, restoration of cultural heritage, restoration of degraded land/habitats to their pristine state, conservation of the natural integrity of valleys, etc.).

2.8 The main environmental impacts of OP1 are identified to be on biodiversity, cultural heritage and the landscape. Damage to these non-renewable environmental resources and/or their unique characteristics, together with the take-up of undeveloped rural land for physical development, is in most cases irreversible. Such environmental damage would also have consequential adverse impacts on other socio-economic sectors such as education, research, agriculture and tourism. Moreover, a clear distinction needs to be made between different types of environmental projects. Those involving new or upgraded major infrastructure (e.g. waste, water, renewable energy, etc.) are intended to address a particular environmental issue, but these could also result in high-impact on-site interventions having unacceptable and irreversible impacts on sensitive and vulnerable natural and cultural assets, including the landscape.

2.9 Therefore, the positive effects of the priority axes and actions related specifically at the protection and management of natural and cultural heritage assets depend on:

- the successful uptake of funds for such projects and their proper implementation;
- the effective protection of important environmental resources from inappropriate high-impact site interventions, including the proper siting of projects that are positive in principle (e.g. location of PV farms, sewage treatment infrastructure, waste recycling facilities, etc.);
- the detailed direction (or actual management strategy) adopted by the (positive) project, such as restoration vs. open-ended 'rehabilitation'

involving diversion to different uses; over-management of protected sites; formalisation of the rural environment; etc;

- the quality of workmanship and detailed attention to methodology, such as rubble wall reconstruction projects; and
- compliance with the respective management plan for the site (e.g. Natura 2000 sites), as relevant.

Project-level environmental assessment

2.10 Detailed proposals would require project-level environmental assessment. In various instances, the Environment Report refers to either environmental assessment or more specifically to the Environmental Impact Assessment (EIA) process as a mitigation measure through which detailed environmental issues will be considered at project-stage. It is important to highlight that MEPA adopts a holistic approach to environmental assessment of projects as part of the development permitting and/or environmental permitting processes. Therefore, project-level environmental assessments are not limited to detailed EIAs. More detailed environmental studies, such as an Environmental Impact Assessment (EIA) and/or a Habitats Directive Assessment (“Appropriate Assessment”) may be required for particular projects, depending on the location, scale, nature, etc. of the proposal and the envisaged environmental impacts.

2.11 Coordinated assessments may also be required to avoid piecemeal and fragmented consideration of individual projects out of their proper context, particular those expected to have cumulative and/or synergistic adverse effects on the environment.

3. Detailed comments

Non-technical summary

3.1 It is recommended that Table 2 in the Non-technical summary should be revised in line with Table 5.1 ‘SEA environmental objectives & indicators for assessing impacts’ to ensure consistency.

Impact assessment

3.2 MEPA concurs with most aspects of the impact assessment in the Environment Report, including the proposed mitigation to address the identified impacts. However, avoidance or reduction of such impacts will depend mainly on the proper implementation of the recommendations in the Environment Report and MEPA’s comments.

3.3 It is recommended that the following detailed comments on the impact assessment should also be taken into consideration:

Priority axis 3: enhancing Malta’s competitiveness through investment in SMEs

<i>SEA Objectives</i>	<i>MEPA’s Comments</i>
<ul style="list-style-type: none"> • Minimises pollution to the marine environment • Sea-floor integrity is maintained • Avoids deterioration of water bodies • Contributes to rainwater harvesting 	<p>If the concept of SMEs and micro-enterprises also applies to economic activities in marine/coastal areas, then, future projects under this priority axis could result in environmental damage to the marine environment in view of WFD and MSFD requirements and other site-specific environmental considerations.</p>
<ul style="list-style-type: none"> • Improve air quality 	<p>The proposed mitigation should also highlight the importance of selecting environmentally-sustainable projects at an early stage to ensure that high traffic-generation activities are accommodated in areas where the capacity and feasibility to sustain and improve public transport service is adequate. Therefore, the location where socio-economic facilities are allowed to grow, expand and/or establish could have significant consequences on traffic patterns and related air quality impacts.</p>
<ul style="list-style-type: none"> • Contributes to climate change adaptation and/or mitigation • Increase reliance on renewable energy resources • Reduce GHG emissions 	<p>Same comments as air quality above.</p>

Priority axis 4: shifting towards a low-carbon economy

<i>SEA Objectives</i>	<i>MEPA’s Comments</i>
<ul style="list-style-type: none"> • Maintain or improve biodiversity (including terrestrial and marine) 	<p>The proposed mitigation should also highlight the importance of selecting environmentally-sustainable projects at an early stage to ensure that such infrastructural projects are located away from sensitive environmental sites. Specific criteria may be required at project selection stage.</p> <p>Clear distinction needs to be made between low-impact and possibly high-impact interventions (e.g. wind farms, inappropriately sited PV farms). The latter will require more stringent checks and balances vis-a-vis environmental safeguards, particularly in terms of appropriate locations.</p>
<ul style="list-style-type: none"> • Minimises pollution to the marine environment • Sea-floor integrity is 	<p>Impacts on the marine environment are possible as a result of renewable energy infrastructure and other energy related infrastructure aimed at improving energy efficiency (e.g. pipelines). These possible environmental</p>

<p>maintained</p> <ul style="list-style-type: none"> • Avoids deterioration of water bodies • Contributes to rainwater harvesting 	<p>impacts need to be considered strategically at project selection stage and at project-level assessment.</p>
<ul style="list-style-type: none"> • Prevent soil erosion • Prevent soil sealing • Prevent soil contamination 	<p>Mitigation – specific criteria may be required at project selection stage to prevent any significant impacts related to soil erosion, sealing and contamination.</p>
<ul style="list-style-type: none"> • Maintain or improve landscape quality 	<p>Mitigation – specific criteria may be required at project selection stage to prevent any significant impacts on sensitive landscape areas, coastal landscape, seascape, historic townscape, and designated AHLVs.</p>

Priority axis 5: protecting our environment – investing in natural and cultural assets

<i>SEA Objectives</i>	<i>MEPA's Comments</i>
<ul style="list-style-type: none"> • Minimises pollution to the marine environment • Sea-floor integrity is maintained • Avoids deterioration of water bodies • Contributes to rainwater harvesting 	<p>Investment in natural and cultural assets under OP1 may also be beneficial to the marine environment, particular in view of the relationship between water-related biodiversity and WFD and MSFD requirements.</p>

Priority axis 8: investment towards a more socially-inclusive society

<i>SEA Objectives</i>	<i>MEPA's Comments</i>
<ul style="list-style-type: none"> • Improve air quality 	<p>See comments above regarding air quality.</p>
<ul style="list-style-type: none"> • Contributes to climate change adaptation and/or mitigation • Increase reliance on renewable energy resources • Reduce GHG emissions 	<p>See comments above regarding air quality which also apply to climate change issues.</p> <p>Mitigation – specific criteria may also be required at project selection stage to ensure that upgraded or new buildings make suitable provision in terms of energy efficiency and RES as relevant.</p>
<ul style="list-style-type: none"> • Maintain and include green infrastructure as relevant • Sustainable waste management in accordance with the waste management hierarchy • Promote alternatives to private vehicular 	<p>See comments above regarding air quality, which also apply vis-à-vis the promotion of alternatives to private vehicular road transport.</p> <p>Mitigation – specific criteria may also be required at project selection stage to ensure that new and upgraded buildings make suitable provision in terms of on-site waste management facilities, rainwater harvesting and possible green infrastructure, taking also into account issues related to the environmental impacts, commitment</p>

road transport • Contribute to improving water management infrastructure	of fresh land and siting of ancillary infrastructure.
---	---

Priority axis 9: developing our future through education, training and life long learning

<i>SEA Objectives</i>	<i>MEPA's Comments</i>
<ul style="list-style-type: none"> • Contributes to climate change adaptation and/or mitigation • Increase reliance on renewable energy resources • Reduce GHG emissions 	<p>See comments above regarding air quality which also apply to climate change issues.</p> <p>Mitigation – specific criteria may also be required at project selection stage to ensure that new and upgraded buildings make suitable provision in terms of energy efficiency and renewable energy sources as relevant.</p>

Priority axis 10: investing in a more environmentally friendly society

<i>SEA Objectives</i>	<i>MEPA's Comments</i>
<ul style="list-style-type: none"> • Minimise pollution to the marine environment • Sea-floor integrity is maintained • Avoids deterioration of water bodies • Contribute to rainwater harvesting 	Mitigation – apart from WFD and the Water Catchment management Plan, the proposed mitigation should also make reference to the need to take into consideration the priorities and objectives of the Marine Strategy Framework Directive during project selection stage.
<ul style="list-style-type: none"> • Improve air quality 	See comments above regarding air quality.
<ul style="list-style-type: none"> • Maintain or improve the conservation status of cultural heritage sites / areas with known cultural / archaeological remains • Maintain or improve the cultural landscape, townscape or quality / amenity of UCAs as relevant 	The proposed mitigation should also highlight the importance of selecting environmentally-sustainable projects at an early stage to ensure that possible damaging development and infrastructural projects are located away from sensitive cultural heritage sites and Urban Conservation Areas. Specific criteria may be required at project selection stage.
<ul style="list-style-type: none"> • Maintain or improve landscape quality 	Mitigation – specific criteria may be required at project selection stage to prevent any significant impacts on sensitive landscape areas including coastal landscape and seascape, historic townscape, and designated Areas of High Landscape Value.

Priority axis 11: investing in TEN-T infrastructure	
<i>SEA Objectives</i>	<i>MEPA's Comments</i>
<ul style="list-style-type: none"> • Maintain or improve biodiversity (including terrestrial and marine) 	<p>Future TEN-T projects involving significant infrastructural works in or close to sensitive environmental areas, particularly those affecting coastal/marine areas, the countryside towards the north of Malta and those related to cross-border links between Malta and Gozo, could give rise to significant environmental concerns which may not necessarily be suitably mitigated at project-level. These may also include adverse impacts on valleys, sensitive landscapes, protected natural areas and Natura 2000 sites. The affected areas, both terrestrial and marine, are environmentally sensitive and vulnerable to damage from significant infrastructural works. Strategic environmental issues should be examined at an early stage, e.g. through environmental feasibility studies, prior to the commitment of funds for such projects or delving into premature detailed considerations.</p> <p>The proposed mitigation should highlight the importance of selecting environmentally-sustainable projects at an early stage to ensure that such infrastructural projects are located away from sensitive environments (both marine and terrestrial). Specific criteria may also be required at project selection stage.</p>
<ul style="list-style-type: none"> • Minimise pollution to the marine environment • Sea-floor integrity is maintained • Avoids deterioration of water bodies • Contribute to rainwater harvesting 	<p>The proposed mitigation in the Environment Report focuses on project-level Appropriate Assessment under the Habitats Directive. MEPA recommends that the proposed mitigation should also take into consideration the requirements of the WFD, the Water Catchment Management Plan and the Marine Strategy Framework Directive.</p> <p>The proposed mitigation should also highlight the importance of selecting environmentally-sustainable projects at an early stage to ensure that such infrastructural projects are located away from sensitive coastal/marine sites. Specific criteria may be required at project selection stage.</p>
<ul style="list-style-type: none"> • Improve air quality 	<p>MEPA considers that the Environment Report should take into consideration the possible displacement of traffic to/from other roads as a result of upgrading of the TEN-T network.</p>
<ul style="list-style-type: none"> • Contributes to climate change adaptation and/or mitigation 	<p>This priority axis includes investment in marine transport infrastructure. At this stage, it is unclear whether the increase in marine transport would have any effects on</p>

<ul style="list-style-type: none"> • Increase reliance on renewable energy resources • Reduce GHG emissions 	emissions and climate change issues. Moreover, marine transport infrastructure may need to make provision to integrate climate change considerations into the design of infrastructure.
<ul style="list-style-type: none"> • Maintain or improve the conservation status of cultural heritage sites / areas with known cultural / archaeological remains • Maintain or improve the cultural landscape, townscape or quality / amenity of UCAs as relevant 	<p>Comments above regarding biodiversity also apply to this section, as relevant.</p> <p>The proposed mitigation should highlight the importance of selecting environmentally-sustainable projects at an early stage to ensure that such infrastructural projects are located away from sensitive areas. Specific criteria may also be required at project selection stage.</p>
<ul style="list-style-type: none"> • Maintain or improve landscape quality 	Mitigation – specific criteria may be required at project selection stage to prevent any significant impacts on sensitive landscape areas, coastal landscape, seascape, historic townscape, and designated Areas of High Landscape Value.

Summary of the assessment

3.4 The recommendation in paragraph 7.9, i.e. to introduce project selection criteria regarding green infrastructure, should be extended to cover other strategic environmental issues (see comments above). In particular, significant development and infrastructural projects which risk having adverse impacts on sensitive environments and resources should not be considered in the first instance or their weighting, in terms of scoring of project suitability, should be significantly reduced as part of the project selection process.

Cumulative and synergistic impacts

3.5 MEPA’s comments on Table 7.3, which deals with cumulative and synergistic impacts, are as follows:

- **Water:** MEPA is responsible for development planning and environment protection, whereas responsibility for project planning at the ports lies with Transport Malta as the competent authority for harbour and port management.
- **Emissions to air:** the location of new or expanded businesses and enterprises, including micro enterprises and SMEs, in relation to Malta’s main urban areas and strategic road network would influence people’s travel patterns and the opportunity to increase usage of the public transport service. Concentration of economic activities in the existing economic hubs in the main urban areas would improve opportunities, in terms of critical mass and feasibility, for further investment in

implementing an efficient and sustainable public transport system, thereby reducing traffic related air pollution.

Monitoring plan

3.6 With respect to the proposed monitoring plan (Table 9.1), MEPA recommends that the following indicators should also be taken into consideration:

- **Biodiversity, flora and fauna:**
 - loss of undeveloped rural land for development/infrastructure;
 - number and type of development and infrastructural projects taking place on the natural coast and outside the development zone, since not all sensitive environments are formally designated for protection;
 - number of projects specifically targeted for the conservation and management of natural assets/protected natural sites;
- **Air and climate change:**
 - concentration of traffic-generating development and infrastructural projects into the main urban areas, as opposed to dispersal of such activities, in order to reduce travel distances and increase the critical mass and feasibility for an improved public transport system;
- **Soil:**
 - loss of undeveloped countryside for development/infrastructure;
 - number and extent of built development and infrastructural projects taking place on greenfield land; and
- **Landscape:**
 - number and extent of development and infrastructural projects taking place on the natural coast, sensitive landscapes and Areas of High Landscape Value.