

MEPA's comments on the SEA Screening Report on the revisions to the Operational Programme 1 (2013)

17th December 2013

MEPA considers that the following issues need to be taken into consideration in the SEA Screening Report:

General comments

(1) In various instances, the SEA Screening Report concludes that the proposed amendments to OP1 do not have significant environmental impacts on the basis of whether the proposals require or were subjected to an EIA and/or that the envisaged impacts are not at national level. At this stage, MEPA would highlight the following issues which need to be taken into account in the SEA Screening report:

- MEPA notes that various proposals in the revised OP1 were already subjected to the necessary permitting procedures and/or an EIA process, as required. However, with respect to new proposals, it is important to highlight that the EIA Directive only applies to site-specific projects rather than plans or programmes such as the OP1. In fact, the need for an EIA at project stage does not preclude the need to carry out an SEA at plan stage. In order to satisfy the criteria of Regulation 4(2)(a) of the SEA Regulations of 2010, the plan only needs to provide a framework for future development consent of projects that are listed in the Annexes to the EIA Directive. Therefore, to qualify for an SEA the proposals of the proposed plan do not need to qualify for an EIA. The relevant sections in the SEA Screening Report need to clarify this matter not to give the inaccurate impression that if the proposals in the plan qualify for an EIA, then, the plan is exempted from an SEA. The main issue for SEA is whether the proposals in the plan are likely to have a significant impact on the environment on the basis of the factors highlighted in Schedule II to the SEA Regulations; and
- The most appropriate tool to address localised adverse environmental impacts is project-level environmental assessment, including EIA and/or Appropriate Assessment under the Habitats Directive. However, the area of influence of the envisaged environmental impacts of the proposed revisions of OP1 is only one of the main factors that need to be taken into consideration in determining whether such impacts are significant or otherwise (see Schedule II to the SEA Regulations). An environmental impact can still be significant even if it is not at national level. Therefore, it is recommended that the relevant sections in the SEA Screening Report need to clarify this issue.

Detailed comments

(2) The EIA for the Deep Water Quay which MEPA reviewed in February 2008 was considered to be inappropriate. No subsequent EIA updates were provided and therefore, the significant environmental impacts of this project are still uncertain.

- (3) Amendments to Chapter 5, Section 4.5 regarding water-related projects, including the upgrading of reservoirs: it is unclear whether these types of projects involve physical interventions to natural watercourses and valleys, including dams. At this stage, MEPA would highlight that any such interventions should not only be considered from a water resource point of view, but also need to be looked at strategically within the wider context of environmental protection, including water-related ecology, in line with the objectives of the Water Framework Directive, Malta's Water Catchment Management Plan and the Habitats Directive. Likewise, these objectives and issues pertaining to the Marine Strategy Framework Directive need to be taken into consideration in relation to water-related projects affecting the coast and the marine environment. Therefore, the main environmental objectives associated with water-related projects may not be limited to the requirements of the Drinking Water Directive.
- (4) The amendments to Chapter 4, Section 4.6, state that the number of constructed learning, training and other support facilities will be increased from 6 to 10 projects and the required land area for these interventions will increase from 20,000 m² to 50,000 m². In this regard, the SEA Screening Report refers to the renovation of existing schools and construction of new ones and therefore, it is unclear why these projects are regarded as small scale. Experience has shown that proposals for schools in the countryside result in the significant take-up of undeveloped rural land and adverse impacts on the rural character and landscape, in order to accommodate uses which are better located in urban areas. Therefore, the inclusion of projects for EU co-financing of new or extended schools which would result in significant adverse impacts on the environment cannot guarantee their acceptability in principle from an environmental point of view. The same principle applies to other projects which could have a significant impact on the rural environment.
- (5) With respect to the influence of the proposed amendments to OP1 on other plans and programmes, MEPA is not clear whether these changes will require a revision to the current Local Plans.