

ERA's comments on the Initial Strategic Environmental Assessment (SEA) Scoping Report for the Energy and Water Agency's National Energy and Climate Plan

8th October 2019

1. Introduction

- 1.1 ERA welcomes the preparation of the Initial Strategic Environmental Assessment (SEA) scoping report in relation to the National Energy and Climate Plan (NECP). The following comments are provided without prejudice to ERA's comments on the Strategic Environmental Assessment (SEA) study, any required plan revisions, and any eventual future proposals emerging from or connected to the implementation of the National Energy and Climate Plan at project stage, when more detailed environmental screening and/or permitting will be required.
- 1.2 The scoping report is an important step in the SEA process, as it provides a good overview of the scope and parameters for the environmental assessment of the plan and the preparation of the SEA Environmental Report (ER). ERA considers that the following issues should be addressed in the following stages of the SEA process, in order to ensure that all possible significant environmental impacts are addressed at an early stage.
- 1.3 The following comments are mainly presented according to the order of the respective sections in the consultant's initial SEA scoping report.

2. Section 2.0: Strategic Environmental Assessment

Section 2.2 SEA Legislation

- 2.1 Reference to the transposition of the SEA Regulations into Maltese Legislation should be revised to read SEA Regulations S.L. 549.61.

3. Section 3.0 Description of the Plan

- 3.1 As part of the description of the plan, an indication of any relationship with other relevant plans and programmes is to be addressed in line with the requirements of the SEA Regulations (S.L.549.61).
- 3.2 The relationship between the proposed NECP and the relevant environmental plans, programmes and policies should be examined and addressed in the ER. The ER should have regard to environmentally relevant plans, programmes and policies which may be affected by, or which may influence, the environmental assessment of the NECP, the integration of environmental considerations into the NECP or their effective implementation and monitoring. The relevant environmental plans, policies and legislation include, but are not limited to, the following:
 - the National Environmental Policy ;

- the National Biodiversity Strategy and Action Plan ;
- the Flora, Fauna and Natural Habitats Protection Regulations and related regulations;
- Natura 2000 Management Plans and Conservation Orders issued by ERA;
- the Waste Management Plan ;
- the Water Catchment Management Plan ;
- the Bathing Water Quality Regulations ;
- the Air Quality Plan for the Maltese Islands ;
- the Limitation of Emissions of Certain Atmospheric Pollutants Regulations , in view of the specific emission ceilings for Malta; and
- the environmental policies of the Strategic Plan for the Environment and Development.

Various environmental information mentioned above is also available from ERA's website at <https://era.org.mt/en/Pages/National-Policies.aspx>. A copy of SPED may be downloaded from the Planning Authority's website www.pa.org.mt.

3.3 The relevant environmental objectives emerging from such plans, policies and legislation are relevant for the identification of the SEA objectives, indicators and criteria for the assessment of environmental impacts as part of the SEA process, in line with Schedule I of the SEA Regulations.

3.4 Moreover, particular proposals envisioned in the plan are linked to current policies or projects, which in turn could also have environmental impacts. For example, at present, Malta is conducting an Environmental Impact Assessment on the Malta-Italy gas pipeline link and a Strategic Environmental Assessment and an Appropriate Assessment of the Solar Farms Policy. It is important that ERA's environmental input into such processes be duly taken into consideration in the SEA process for the NECP.

4. Section 4.0 Methodology

Policies and measures requiring assessment

4.1 The Scoping Report states that the EWA have drafted a policy and measures (PaMs) spreadsheet containing more detailed policies and measures. ERA does not have access to this spreadsheet, therefore complete details of actual proposals are not available at this stage. It is also noted that the NECP will also include further policies and measures proposed by the relevant Ministries. ERA considers that the details of such policies and measures should be included as part of the Plan and be assessed as part of the SEA of the Plan.

Environmental baseline

4.2 Whilst the SEA scoping report identifies that the first stage of the ER is to carry out extensive research to establish the present conditions (baseline) and trends of each of the environmental factors, no clear information has been provided on the type of information and relevant data sources that will be used for establishing a suitable environmental baseline. The ER should analyse the evolution of the environment without implementation of the policies forming part of the NECP and how the plan is likely to change such scenario as a result of its implementation.

Impact assessment

4.3 Information for the ER should be collected according to suitable criteria and indicators to predict the likely significant impacts of the plan (including the more detailed policies and measures) on

the environment. However, the list of environmental themes presented in section 4.1.1 of the scoping report, does not seem to take into account all issues highlighted in Schedule I of the SEA Regulations (S.L.549.61). It must be ensured that the impact assessment takes into consideration all the environmental issues listed in Schedule I of the SEA Regulations (S.L.549.61). The ER should consider other important environmental factors (including but not limited to landscape, flora, fauna, habitats, soil, land, etc.), the inter-relationships between such factors and the general integrity of the site, as well as secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative impacts of the plan.

- 4.4 Additionally, whilst the SEA scoping report refers to the assessment of the significance of environmental impacts on each environmental theme, it does not specify the methodology or significance criteria by which the effects of the proposals in the Plan will be evaluated. The significance of the foreseen impacts on the environment should be assessed according to the SEA Regulations (S.L.549.61), with particular attention to Schedules I and II.

Table 2 of the initial scoping report

- 4.5 With reference to Table 2 of the SEA scoping report, ERA has the following comments:

- The SEA study aims to minimise potential adverse effects on the environment from the proposed plan, therefore the SEA objectives should be worded positively to highlight what the policy should be achieving in terms of environmental goals. For example, the SEA objective for air quality should be revised to read 'Minimise adverse effects and Improve air quality' rather than to 'Minimise adverse effects on air quality', in line with the style of the other SEA objectives.
- The assessment should take into account other important aspects of the relevant environmental aspects to ensure that environmental impacts are addressed in a mutually integrated manner. For example, the section on biodiversity should take into consideration potential impacts on flora and fauna and their habitats; valleys and watercourses; other important habitats which are not officially protected as yet; environmental factors essential to ecosystems (e.g. water, soil), etc. With respect to the section on landscape, the SEA should address potential impacts on landform and topography, landscape, the natural beauty and scenic amenity of the landscape, etc. The assessment of impacts on water should also take into account impacts on surface waters, valleys and the hydrology of the affected areas. The criteria and indicators for the environmental aspects should be more representative and comprehensive to ensure that all relevant parameters are considered in the assessment.
- The linkages between the indicators for assessment and the environmental criteria need to be updated in the ER. ERA is concerned that the indicators highlighted in the initial SEA scoping report are not sufficient to assess the effects of the Plan on particular environmental aspects, such as biodiversity and landscape, and the interrelationships between the environmental factors in a holistic manner, as identified in Schedule I of the SEA Regulations. Similarly, ERA is concerned that the assessment of impacts on biodiversity will only be based on effects on legally protected habitats and species. Likewise, the proposal to assess landscape impacts on the basis of AHLVs alone is too limited and not suitable. ERA considers that all proposed criteria and indicators be re-evaluated to ensure that these are suitable to effectively assess the effects of the Plan and its ancillary policies and measures on the environment comprehensively, including the interlinkages between interrelated environmental factors in line with the SEA Regulations (S.L.549.61).

- Further clarification is required on how transportation will be assessed as an environmental theme for the purposes of the SEA.

Mitigation measures

- 4.6 The initial assessment of impacts is decoupled from mitigation measures and should focus on the evaluation of the significance of the effects that the various policies of the NECP, individually, cumulatively or synergistically, could have on the environment. Mitigation measures should then be considered to address the identified impacts and to subsequently determine the envisaged residual impacts. The SEA is to evaluate whether the plan level measures are expected to be effective in pre-empting significant impacts or whether the residual impact would remain significant.

Alternatives

- 4.7 As part of the assessment, the SEA should consider suitable alternatives, including the zero-option at generic/local level as may be appropriate. The reasoning behind the selection of any particular alternatives is to be clearly highlighted and explained.

Monitoring

- 4.8 The SEA scoping report also refers to environmental monitoring. ERA agrees that other monitoring programmes are to be assessed in order to evaluate their relevance in relation to the NECP. However, it would like to point out that the monitoring programme, as relevant to the SEA, is intended to monitor the significant effects of the implementation of the plan on the environment, and to identify at an early stage any unforeseen adverse effects to enable appropriate remedial action, not solely to assess the plan effectiveness.