

## **ERA's comments on the draft revised Strategic Environmental Assessment (SEA) Scoping Report for the Planning Authority's Solar Farms Policy**

**23<sup>rd</sup> October 2019**

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### **1. Introduction**

1.1 Reference is made to AIS' replies to ERA's comments on the 1<sup>st</sup> version of the draft Strategic Environmental Assessment (SEA) scoping report of the Solar Farms Policy and the updated SEA scoping report dated 17<sup>th</sup> September 2019.

### **2. Main updates to the scoping report**

2.1 ERA has reviewed the updated (2<sup>nd</sup> version) draft SEA scoping report for the Solar Farms Policy, which addresses various issues previously highlighted by ERA such as the requirement to assess impacts on SACs and SPAs in view of their area of influence.

2.2 The report includes important improvements that will be taken forward in the SEA, such as:

- (i) the inclusion of a list of environmental plans, programmes and policies relevant to the Solar Farms Policy, in line with ERA's recommendations;
- (ii) revisions to the impact assessment exercise as recommended by ERA, to take into account the impacts: (a) of the policy during the construction/installation, operation and decommissioning phases; (b) from infilling and after use of particular quarries located in close proximity to cliff faces; and (c) from the displacement of pressures for the demand of mineral resources elsewhere, probably to new quarry sites;
- (iii) the decoupling of mitigation measures from the impact assessment exercise;
- (iv) the identification of 'no-go' sites, quarries requiring further studying at project stage, and quarries which should be backfilled and restored back to nature conservation purposes and/or agriculture, depending on their site context, once disused; and
- (v) changes to the way of representing the results of the impact assessment exercise as in Table 5 of the updated report.

2.3 However, there are significant concerns regarding the proposed new approach, which has constrained the number of quarries that will be studied (see comments below).

### **3. Main environmental concerns**

3.1 ERA previously highlighted that all relevant sites should be included in the study to ensure a proper assessment of the potential impacts on the protected areas and all relevant environmental factors, as per the SEA Regulations (S.L.549.61) (see ERA's previous response dated August 2019). ERA is concerned that the proposed new approach in the updated SEA scoping report (September 2019) has instead limited even further the number of quarry sites to be studied, thereby undermining the effectiveness of the assessment (see ERA's analysis and comments in Appendix A).

- 3.2 The European Commission guidelines for Managing Natura 2000 sites, *The provisions of Article 6 of the 'Habitats' Directive 92/43/EEC*, highlights that:  
*“As regards geographical scope, the provisions of Article 6(3) are not restricted to plans and projects that exclusively occur in or cover a protected site; they also target plans and projects situated outside the site but likely to have a significant effect on it regardless of their distance from the site in question (cases C-98/03 paragraph 51 and C-418/04 paragraphs 232, 233)”*.
- 3.3 However, the new proposed approach is simply based on whether the quarry site overlaps with, or is directly contiguous to, the boundary of the SAC or SPA. ERA considers that the new approach is not suitable since this does not effectively consider the potential impacts on SACs/SPAs, the Natura 2000 network, landscape, biodiversity, flora and fauna, hydrology, geology, etc., as well as the interrelationships between such factors and cumulative impacts. The new approach excluded relevant quarry sites that were:
- (i) already proposed for studying in the 1<sup>st</sup> scoping report, or
  - (ii) recommended for inclusion in the assessment by ERA in view of their potential environmental effects on adjacent SACs/SPAs and the Natura 2000 network.
- 3.4 In certain areas where there is a cluster of quarry sites in proximity to protected areas, these quarries should also be assessed collectively, in a holistic manner, in view of their potential cumulative environmental impacts, including impacts on adjacent SACs/SPAs, the Natura 2000 network, landscape, biodiversity, flora and fauna, hydrology, geology, etc., (see ERA’s comments in Appendix A).

#### 4. Way forward

- 4.1 The proposed new approach for selecting quarry sites for assessment prejudices the carrying out of a suitable environmental assessment at plan-level. The sites requiring environmental assessment under the SEA Regulations (S.L.549.61) are influenced by ERA’s comments on the AA scoping report on the same policy. **At this stage, ERA is unable to approve the proposed methodology for the carrying out of the AA study of the Solar Farms Policy under the Flora, Fauna and Natural Habitats Protection Regulations (S.L.549.44).**
- 4.2 ERA has re-assessed all quarry sites that were discussed in its previous response (dated August 2019), taking into consideration the scope of the assessment and the consultant’s replies received on the specific quarry sites. ERA’s comments regarding which quarry sites should be assessed in both the studies, in view of their potential impacts on SACs, SPAs and the Natura 2000 network, including all other environmental factors such as nature and landscape conservation as per the SEA Regulations (S.L.549.61) are provided in Appendix A (attached for your perusal). The scoping reports should be amended accordingly.
- 4.3 Reference is made to ERA’s earlier invitation for discussion. A technical meeting is strongly recommended and considered important for streamlining the way forward and to iron out the identified concerns.

#### 5. Other comments

- 5.1 In addition to the above, the following comments should be taken into account in the environmental report.

- 5.2 In its previous comments, ERA highlighted that the list of environmental themes presented in Section 6 needs to take into account all factors listed in Schedule 1(f) of the SEA Regulations (S.L.549.61). AIS indicated that particular factors would not be assessed in the SEA, as not all of these are applicable to the Solar Farms Policy. ERA also notes that the environmental theme 'water (ground and coastal)', previously included in the 1<sup>st</sup> version of the SEA scoping report, has been integrated within the Biodiversity theme but was removed as a standalone parameter in Table 2 of the updated SEA scoping report. ERA recommends that the SEA should consider potential impacts on water, both in relation to nature and biodiversity and as a standalone environmental parameter.
- 5.3 ERA notes that the updated SEA scoping report did not highlight the relevant data and sources that will be used to analyse the present conditions (i.e. the baseline). ERA reiterates that the ER should also analyse the evolution of the environment without implementation of the policy (i.e. without the installation of solar farms) and how the policy is likely to change such scenario as a result of the implementation of solar farms, in line with the SEA Regulations (S.L.549.61).
- 5.4 There are discrepancies between the information in Table 1 of the updated SEA scoping report and the consultant's replies to ERA's previous comments. Quarry HM07 will be assessed in the SEA study and has been included in Table 1 of the updated scoping report. However, in the reply to ERA's comments, it was indicated that this particular quarry was already eligible for a solar farm. It appears that this is an inadvertent oversight and needs to be corrected and HM07 included in the list of quarries to be studied. ERA's comments on this particular quarry are included in Appendix A.

## Appendix A

### ERA's comments on the quarry sites that should be included and assessed in the environmental study of the Solar Farms Policy (October 2019)

Quarry Ref.	Location	HABITATS DIRECTIVE			BIRDS DIRECTIVE			AIS	ERA	ERA
		AIS	ERA	AIS	AIS	ERA	AIS			
		1st SEA & AA scoping reports	Reply on 1st reports	2nd (revised) SEA & AA scoping reports	1st SEA & AA scoping reports	Reply on 1st reports	2nd (revised) SEA & AA scoping reports			
SG09	Ta' Slima, San Lawrenz	Y	Y	N	Y	Y	Y	BIRDS	To include for both impact assessments	All of these quarries surround the important and protected natural areas and unique landscapes of the western and south-western coastal areas of Gozo. In addition to the assessment of the environmental impacts of the use of specific quarries, as relevant, the AA and SEA studies should assess these sites holistically in view of their relative proximity to each other and to the protected areas, as well as due to their potential cumulative impacts on this sensitive environment and its integrity. Quarries SG09, SG04, SG05, SG06, SG08, SG02 and SG03 form an integral part of the area of influence of the SAC whereas quarries SG09, SG04, SG05, SG06, SG08, SG02, SG03, SG07 and SG01 form an integral part of the area of influence of the SPA. Where the quarries are relevant for both SAC and SPA (Natura 2000 network), the assessment of impacts should be integrated and consider the impacts on the Natura 2000 sites and their integrity holistically. Similarly, the assessment of impacts of these sites in
SG04	Ta' Ghansar, San Lawrenz	Y	Y	N	Y	Y	N	REMOVED	To include for both impact assessments	
SG05	Ta' Ghansar, San Lawrenz	N	Y	N	Y	Y	N	ALREADY ELIGIBLE - REMOVED	Site not eligible - To include for both impact assessments	
SG06	Wied Meril, San Lawrenz	Y	Y	N	Y	Y	N	REMOVED	To include for both impact assessments	
SG08	Ta' Tuta San Lawrenz	Y	Y	N	Y	Y	N	REMOVED	To include for both impact assessments	
SG02	Tal-Ponta, San Lawrenz	N	Y	N	N	Y	N	ALREADY ELIGIBLE	Site not eligible - To include for both impact assessments	

SG03	Wied il-Bir Rix, San Lawrenz	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	Agreed	the SEA study should address all relevant environmental factors in line with the SEA Regulations (S.L. 549.61), such as all relevant nature conservation factors, landscape, etc.
SG07	Tal-Misrah, Kercem	N	Y	N	Y	Y	N	ALREADY ELIGIBLE - REMOVED	Site not eligible - To include for impact assessment on SPA and its integrity	
SG01	Sqaq Habel Lazz, Kercem	N	Y	N	Y	Y	N	ALREADY ELIGIBLE - REMOVED	Site not eligible - To include for impact assessment on SPA and its integrity	
HG01	Il-Mielha, Xaghra	Y	Y	Y	Y	Y	N	HABITATS	Agreed	ERA agrees with the PA/Consultant's proposal.  The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).
HG07	Ta' Isopu, Nadur	N	Y	N	Y	Y	N	ALREADY ELIGIBLE - REMOVED	Site not eligible - To include for both impact assessments	The site is located on top of a plateau characterised by a vast expanse of garrigue with underlying cliffs and boulder scree, facing the marine SPA and SAC. The site is also adjacent to, and overlooks, Il-Qortin tal-Magun and Il-Qortin il-Kbir SAC which includes Wied ir-Rahhan.  The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).

<b>HG10</b>	Ghar id-Dar, Qala	N	Y	N	Y	Y	N	REMOVED	<b>To include for impact assessment on SPA and its integrity</b>	These sites should be assessed collectively, in view of their impacts on the SPA only, in view of their close proximity to the coast/SPA and impacts on avifauna such as from 'lake effect'.
<b>HG12</b>	Ta' Klement, Qala	N	Y	N	Y	Y	N	REMOVED	<b>To include for impact assessment on SPA and its integrity</b>	The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).
<b>HG13</b>	Ta' Bezusa, Sannat	N	N/A	N	Y	N/A	N	REMOVED	<b>Agreed</b>	ERA agrees with the PA/Consultant's proposal. Site will not be considered further.
<b>HM34</b>	Ta' L-Ahrax, Marfa	N	N	N	Y	Y	N	REMOVED	<b>Agreed</b>	ERA agrees with the PA/Consultant's proposal. Site will not be considered further.
<b>HM13</b>	Ta' Tomna Mellieha	N	Y	N	N	N	N	ALREADY ELIGIBLE - REMOVED	<b>Site not eligible - To include for impact assessment on SAC and its integrity</b>	<p>This quarry has been established within an important garrigue and landscape context at Mellieha which is a continuation of the same natural habitat found within the adjacent SAC and Area of High Landscape Value. The quarry site is abutting il-Wied tal-Hanzira and overlooks the protected steep escarpment and small valleys (also characterised by garrigue) leading to the Mizieb Valley.</p> <p>The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).</p>

HM32	Ghar L-Iburdan, Rabat	N	Y	Y	N	N	N	HABITATS	Agreed	ERA agrees with the PA/Consultant's proposal.  The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).
HM30	Iz-Zebbiegh, Ta' Zuta, Dingli	Y	Y	N	Y	Y	N	REMOVED	To include for both impact assessments	All of these contiguous quarries are located in a very sensitive context, directly adjacent to the important and protected natural areas and unique landscapes of Dingli's coastal cliffs area and the Buskett environs, both of which are protected as SACs and SPAs (Natura 2000 network). The impact assessment on these Natura 2000 sites should consider all of these quarry sites together, as the impact assessment is neither influenced nor determined by site ownership. All of these sites should be assessed holistically in view of their impacts on both SACs and SPAs (Natura 2000 network) and their integrity, in both the AA and SEA studies. The studies should examine the cumulative impacts that these sites could have on the Natura 2000 sites and their environmental qualities. Given that these quarries are relevant for both SACs and SPAs, the assessment of impacts should be integrated and consider the impacts on the Natura 2000 sites and their integrity holistically.
HM31	Ta' Dmejrek, Ta' Zuta, Dingli	Y	Y	Y	Y	Y	N	HABITATS	To include for both impact assessments	
HM04	Misrah il-Hawt, Ta' Zuta, Dingli	Y	Y	Y	Y	Y	N	HABITATS	To include for both impact assessments	
HM35	Ta' Zuta, Dingli	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	Agreed	
HM01	Ta' Zuta, Dingli	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	Agreed	

<b>HM07</b>	Gebel Cantar, Siggiewi	N	Y	Y	N	Y	N	ALREADY ELIGIBLE - REMOVED	<b>Agreed</b>	<p>ERA agrees with the PA/Consultant's proposal to assess the site for its potential impacts on the SAC only, provided that habitats that are important for birds should still be taken into consideration in the study.</p> <p>The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).</p>
<b>HM33</b>	Ta' Bellula, Siggiewi	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	<b>Agreed</b>	<p>ERA agrees with the PA/Consultant's proposal.</p> <p>The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).</p>
<b>HM02</b>	Ix-Xaghra, Il-Maghlaq, Siggiewi	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	<b>Agreed</b>	<p>These two quarries are located in a sensitive context, forming part of the important natural environment of the northwestern coastal cliffs (Siggiewi - Qrendi - Zurrieq), which is also protected as SAC and SPA (Natura 2000 network). The area is also of landscape significance. The protected area includes Wied il-Maghlaq which is a valley separating these two adjacent quarries. The assessment should examine both quarries cumulatively in view of their potential</p>

HM09	Qasam il-Kbir, Qrendi	Y	Y	Y	Y	Y	N	HABITATS	<b>To include for both impact assessments</b>	<p>impacts on the Natura 2000 site (both SAC and SPA), its natural beauty, landscape, etc. Given that these quarries are relevant for both SACs and SPAs, the assessment of impacts should be integrated and consider the impacts on the Natura 2000 sites and their integrity holistically.</p> <p>The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).</p>
HM26	Tal-Macina, Nigret, Zurrieq	Y	Y	Y	Y	Y	N	HABITATS	<b>To include for both impact assessments</b>	<p>This quarry is located in a very sensitive ecological and landscape context, forming part of the northwestern coastal area of Malta (Zurrieq), adjacent to the SAC and SPA (Natura 2000 network). The Natura 2000 site includes important habitat features such as the coastal cliffs, as well as the escarpment (characterised by garrigue) where part of the quarry was excavated, Wied Ganu which extends towards the quarry site and Wied Bassasa. Therefore, the different parts of this quarry site are to be assessed also in view of their potential impacts on the SPA and its integrity (in addition to SAC), given their close proximity to the SPA and the topographical configuration of the site and surroundings.</p> <p>The SEA study should consider all relevant environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).</p>
HM19	Il-Mizieb, Zurrieq	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	<b>Agreed</b>	<p>ERA agrees with the PA/Consultant's proposal. The SEA study should consider all relevant</p>

<b>HM18</b>	Wied Moqbol, Zurrieq	Y	Y	Y	Y	Y	Y	BIRDS & HABITAT	<b>Agreed</b>	environmental factors such as other nature conservation issues and landscape, as per the SEA Regulations (S.L.549.61).
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**LEGEND**

	ERA agrees with AIS' recommendation to include or exclude certain sites from particular assessments.
	The consultant excluded these sites from being studied for a particular designation, either for their impacts on SACs or on SPAs. ERA requests that these sites should be assessed in terms of their impacts on both SACs and SPAs, and their integrity.
	The consultant eliminated these sites from the studies altogether. ERA requests that these sites should be assessed in terms of their impacts on the SAC and/or the SPAs and their integrity.