

Annex I

Environmental Impact Assessment

Schedule III

(Screening according to S.L. 549.46)

ERA Reference no.:	EA/00011/19
PA Reference no.:	PA/01343/19
Project Title:	Proposed Agro-Tourism project (class 3A) for an existing deer farm including accommodation (10 guest rooms), restaurant (class 4D), swimming pool and ancillary facilities consisting of a farm retail outlet (class 4B), winery, olive oil production, deer shelters, slaughterhouse, and fodder store. Proposed planting of vines to create a vineyard and olive trees. To construct animal breeder's residence (class 1A). To sanction construction of retaining walls, underground deer shelter, fodder store, deposition of soil and planting of trees.
Location:	Dwejra, Mgarr, Malta.
Screening date:	March 2019

1. Outline of proposal

- 1.1 The proposed application is for an agro tourism development, accommodation (10 guest rooms) and a deer farming operation. In addition, it also includes the construction of a:
- cesspit,
 - restaurant,
 - animal breeder's residence,
 - swimming pool,
 - restoration and building of walls on different footprint,
 - small retail outlet,
 - wine and oil production facilities,
 - abattoir and other amenities.
- 1.2 Furthermore, the application proposes the sanctioning of:
- extensive stretches of retaining walls,
 - underground deer shelter,
 - fodder store,
 - deposition of soil, and
 - planting of trees.

- 1.3 In total, the land affected by the proposed interventions is very extensive, approx. **88,540 m²**. 13,700 m² are being committed for accommodation and amenities; and other lands indicated for cultivation (26,620 m² for fodder cultivation, 25,600 m² for olive and fruit trees and 22,590 m² for viniculture) are also being subjected to physical re-engineering of the site topography into a significantly more formalised layout – (Figures 1, 2, 3 and 4).

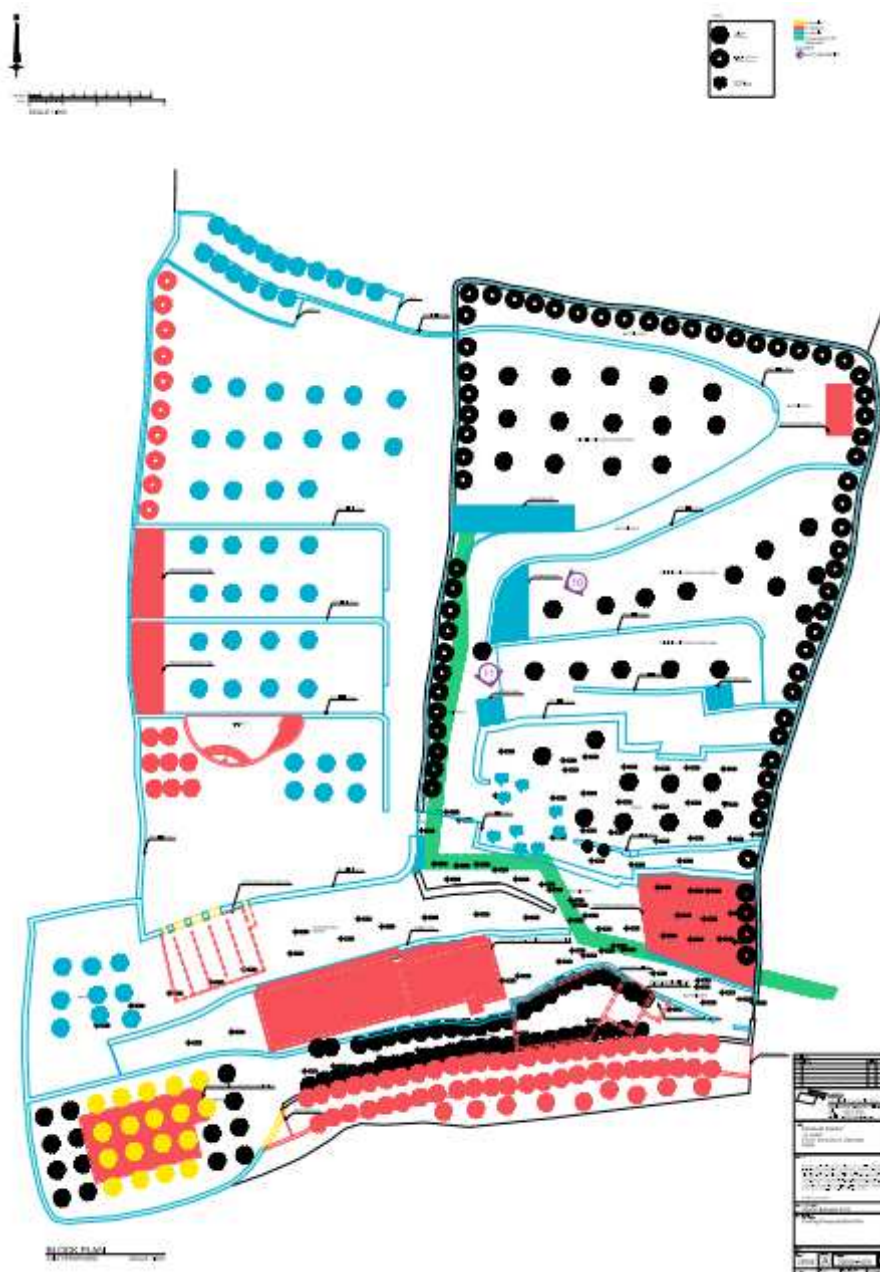


Figure 1: Part of the existing and proposed plan (Source: PA 1343/19/24g)



Figure 2: A 2016 aerial photo showing the baseline referred to in Figure 1 (*Source: PA Geoserver*)

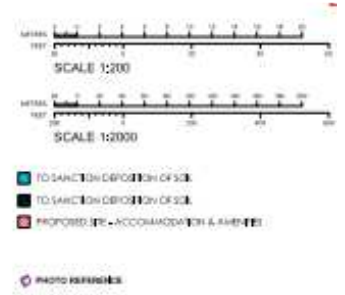


Figure 3: Proposed block plan (Source: PA 1343/19/24k)

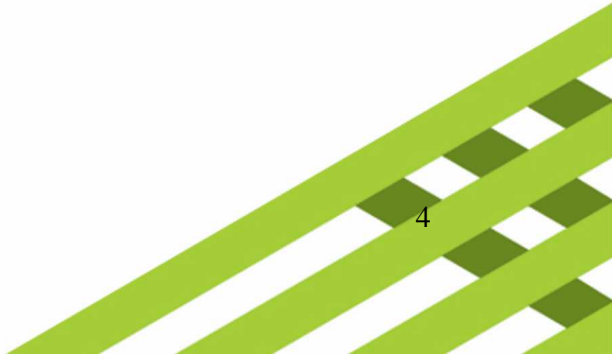




Figure 4: Proposed land use
(Source: PA 1343/19/24j)

2. Site context

- 2.1 The proposed site is made up of number of terraced fields, on a north facing slope abutting on Triq Mosta, located in the immediate vicinity of the Dwejra lines, limits of Mgarr, Malta, and lies Outside Development Zone (ODZ) (Figures 5 - 10).
- 2.2 The site is currently being used for the cultivation of fodder, clover, olives and other crops.
- 2.3 Part of the proposed sites are also within:
 - A Scheduled Area of High Landscape Value (AHLV) – Victoria Lines (G.N 85 of 2001),
 - An Area of Ecological Importance (AEI) – Level 4 Natural Heritage (NHLP, 1996),
 - 300m buffer line from the Groundwater Safeguard Zone as identified by MRA under the Water Policy Framework Regulations (S.L. 549.100).

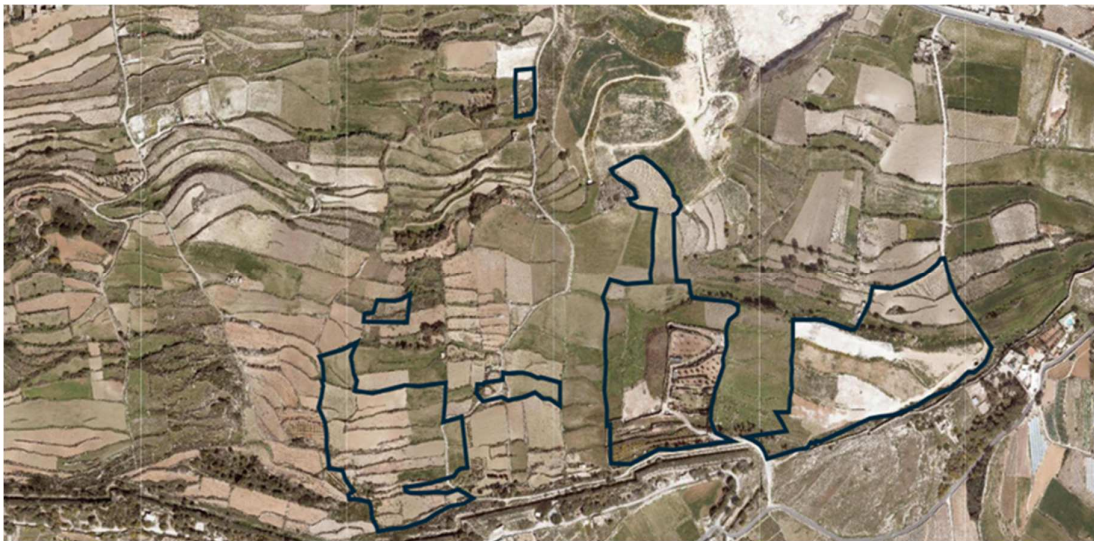


Figure 5: Aerial photo of site, 2016. (Source: PA Geoserver)



Figure 6: Aerial photo of part of the site (close up), 2016 (Source: PA Geoserver)



Figure 7: Aerial photo of another part of the site (close up), 2016 (Source: PA Geoserver)



Figure 8: Aerial photo of another part of the site (close up), 2016 (Source: PA Geoserver)



Figure 9: Satellite image of part of the site in 2019 showing further interventions when compared to Figure 6 (Source: Google maps, 2019)



Figure 10: Panoramic photo of site, as seen from Dwejra Lines (*Source: site visit on 18/2/2019*).

3. Site history

3.1 Planning Applications submitted on site:

- PA/01102/91 – To erect farmhouse. **Application refused.**
- PA/05340/03 - To construct rainwater reservoir pump room, and restore soil retaining walls. **Application was approved.**
- PA/03843/05 - To sanction shifting of soil and formation of a passageway, excavate and construct an underground water reservoir with an overlying agricultural store, demolish an existing dilapidated store and reconstruct anew. **Application was dismissed.**
- PA/06421/07 - To sanction the formation of a road to gain access to fields, to excavate / construct an underground water reservoir and to construct an agricultural store (to store a mechanical shredder). **Application was approved.**
- PA/04782/10 - To construct rainwater reservoir, pump room and restore soil retaining walls (Renew PA5340/03). **Application was approved.**

- PA/03766/16 - Agro Tourism project for a proposed deer farm (deer are already kept on site as per veterinary department permit R2365/CW001) including accommodation (10 guest rooms), communal facilities (including swimming pool), slaughter house, farm retail outlet, winery and olive oil production (class 7) and to sanction deposition of soil to terrace fields and to plant vineyards. **Application has been withdrawn.**

3.2 Enforcement notices issued on site:

- EC/00300/05 - Shifting of soil and formation of road to gain access to fields. **Permission was granted to sanction the illegal development.**
- EC/00024/19 - Dumping of inert and soil material without permit on scheduled land as per GN 85-2001 dated 23/01/2001. **Case is pending.**
- EC/00030/19 - An application with PA Number 1343/19 indicating the sanctioning of deposition of soil, deer shelters, fodder store, construction of retaining walls, change of use from agricultural fields to deer farm on scheduled land as per GN 85-2001 dated 23/01/200, placing of solar panels on one of the deer shelter and all these works carried out without permit. **Enforcement Notice Withdrawn.**
- EC/00037/19 - An application with PA 1343/19 indicating the sanctioning of deposition of soil, deer shelters, fodder store, construction of retaining walls, gates, 2 prefabricated structures, opening and stairways in boundary walls, parapet in front of permit store, garage instead of permitted reservoir, excavation and engineering works and change of use from agricultural fields to deer farm on scheduled land as per GN 85-2001 dated 23/01/2001 as all works carried out without permit. **Case is pending.**

3.3 Development notification on site:

- DN/01022/08 - To construct an underground water reservoir. **Application was approved.**

4. Overall Assessment

4.1 The following documents were used for screening:

- a. ERA's Consultation Reply to the PA at doc.PA3766/16/23 in e-apps,
- b. Project Description Statement (PDS) (doc. PA1343/19/1m), which was referred to ERA on 18th February 2019 (PA1343/19/33a).

4.2 The following are potential impacts envisaged on the surrounding environment:

- 4.2.1 This application is the second attempt at executing this type of development. Another application (PA3766/16) was submitted in 2016, whereby the then EPD had issued an objection.
- 4.2.2 The site is located in a prominent rural area, which is a continuous stretch of open terraced land characterised by important natural and topographic features beneath the ridge of the Victoria Lines (scheduled as an Area of High Landscape Value, through Govt. Notice 85 of 2001). The site is highly visible from various surrounding areas. The wider site context is largely unspoilt by physical development, with the exception of the Ta' Torri Falka quarry to the north which is predominantly beyond the Dwejra Lines viewshed. Hence, the approval of such development would result in a significant impact on the overall surroundings, including the scenic value of the relatively unspoilt rural environment.
- 4.2.3 The proposed development will result in the loss of approximately 13, 700 m² of agricultural/rural land for accommodation and amenities and will make significant changes to the topography through soil levelling. In addition, it is unclear whether the other land parcels (74, 840 m²) indicated on plan at doc. PA1343/19/24j have been or will be affected by other development interventions including site engineering work such as interventions on rubble walls, uprooting of trees, topographical alterations, etc. ERA considers that this project should be assessed holistically in its entirety rather than in a piecemeal / fragmented manner.
- 4.2.4 From comparison between Figure 6 which shows a 2016 aerial photo and Figure 9, which shows a satellite image from 2019, it is evident that various interventions were not carried out as per approved plan in PA6421/07 (vide doc. PA1343/19/24f). Moreover, as Figure 3 shows, there are other land parcels where soil have been deposited. Such interventions are also reflected in the various enforcements issued under the applicant's name as well.
- 4.2.5 Apart from the physical interventions already carried out on site, ERA also notes the proposed additional developments at the site. These interventions also reflects ERA's concern that once initial permission is granted, further extensions/ancillary facilities will inevitably follow, altering the site's agricultural character to a more formal setting.
- 4.2.6 As already mentioned in EPD's consultation reply on PA03766/16/23, both the existing physical interventions carried out on site together with the proposed additional development and the sanctioning of various facilities within this site, would have a significant cumulative impact on the surrounding rural environment which is relatively open and undisturbed. In particular, the proposed development would result in:

- unacceptable proliferation and intensification of large-scale artificial development in this sensitive rural location;
 - land parcelling and fragmentation of rural land, also contributing to significant take-up of undeveloped rural land within the countryside;
 - commitment of large tracts of rural land across the entire site, mainly due to the scattering of various built structures and other physical interventions towards the upper and lower levels of the site;
 - adverse impacts on the overall state of the site and its sensitive context, including scarring of traditional terraces and visual intrusion into the surrounding natural landscape and scenic qualities of the environs impact with little scope of mitigation through landscaping;
 - significant site formalization including site levelling, modification of topographic/rural features;
 - alteration of the traditional physical characteristics and features of the site to accommodate the proposed development and other physical interventions including the introduction of materials which are incompatible with the rural context and scenic qualities of the area;
 - other environmental issues associated with the introduction of light and miscellaneous disturbance on site and in the surrounding area, which would also contribute to the ecological degradation of the wider site context;
 - the increase in the level of accessibility to the site (if the proposed project is approved) also risks increasing pressures for future development commitments in the area.
- 4.2.7 The proposed development also runs counter to Rural Objectives 1 and 4 of the Strategic Plan for Environment and Development (SPED) in that the proposal is not considered legitimate or necessary within the rural area.

5 EIA Screening and Conclusion

- 5.2 The proposed development would qualify for an EIA as per Schedule I Category I Section 7.1.1.1 (Construction or extension of hotels, holiday complexes, holiday villages, hostels, accommodation facilities, homes for the elderly, hospitals, or associated development, if located wholly or partly outside development zones and having a site area of 2.5 ha or more) of the Environmental Impact Assessment (EIA) Regulations, 2017 (S.L. 549.46). However, the relatively basic issues identified in the screening (namely, rural land uptake and ancillary considerations) cannot be adequately addressed through detailed EIA studies.

- 5.3 In this respect, ERA's comments (PA 3766/16/23) are being reiterated. This proposal is of significant concern to the ERA, and should not be rewarded through retroactive sanctioning and new additions. In addition, ERA considers that there is no valid justification for the further loss of undeveloped rural land and associated environmental impacts to accommodate such development well beyond the development zone boundary.
- 5.4 In view of the above, ERA continues to consider the proposal as being objectionable from an environmental point of view.
- 5.5 Without prejudice to the above, should the proposal be considered favourably by the Planning Authority against ERA's position, the applicant is to be informed that:
- As mentioned in Section 5.1, the proposed development would qualify for an EIA;
 - The proposal would qualify for an Environmental Permit and thus would need to contact ERA's Environmental Permitting Unit (industrial.applications@era.org.mt) to discuss the requirements;
 - Additional environmental-related conditions may need to be imposed.

Disclaimer

The above screening results, the ensuing conclusions and recommendations are without prejudice to any required changes or updates should the development proposal be eventually modified or should the information/assumptions provided turn out to be incorrect. Any deviations of the proposal from this submission would need to be re-assessed and the merits of this screening would need to be re-opened.