



PA04687/10 (EA00013/14)

**TO SCUTTLE PATROL BOAT P33 ONTO THE SEA-BED OFF
THE NORTH COAST OF GOZO**

**AREA WEST OF REQQA POINT AND NORTH OF
BILLINGHURST'S CAVE**

TERMS OF REFERENCE

FOR THE PREPARATION OF AN

ENVIRONMENTAL PLANNING STATEMENT

13 April 2015

DISCLAIMER:

1. The eventual assessment shall in no way be constrained or conditioned by the content, structure, or limitations of this document, and MEPA reserves the right to amend the TORs, even significantly, as necessary. Such amendments may include: additional studies or extension of studies; omission or downscaling of any studies deemed irrelevant or unimportant; changes to methodology, format or level of detail; and any other modifications as MEPA deems appropriate once a clearer picture of the proposal is available. The content of this document shall in no way constitute an exemption from the ensuing requirements, nor shall MEPA be responsible or liable for any issues, difficulties or claims arising from variations from this document.
2. EIA Terms of Reference are primarily intended to guide the EIA process, rather than as a basis for tendering, subcontracting, calls for expression of interest, or other purposes even if ancillary to the project. Any use for such purposes is at the sole risk of the user.

- Note 1:** The Malta Environment and Planning Authority (MEPA) reserves the right to modify these Terms of Reference according to any relevant environmental and planning considerations that may emerge at any relevant stage of the EIA or the permit application process, as well as in the event of any changes or updates to the proposed development. MEPA also reserves the right to request additional or amended studies should the findings of the EIA be insufficient to adequately inform the decision-making process or if the EIA identifies matters which should be subject to further investigation.
- Note 2:** Unless otherwise agreed with MEPA, all requirements set out in these Terms of Reference are to be complied with. If there are any aspects that the consultants deem irrelevant to this study, or if at any stage the consultants discover any environmentally-relevant aspect (not included in these TORs) that needs to be studied, the consultants shall inform MEPA immediately, justifying their reasoning.
- Note 3:** Difficulties, including technical difficulties and lack of information, encountered by the consultants in compiling the required information shall be made clear in the EIA. All references to published works and sources of information shall be duly acknowledged in a manner that enables tracing of the information source and verification. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the consultation period and thereafter, and for record-keeping and unhindered perusal by MEPA. Any material which is based on unavailable proprietary data shall not be incorporated by reference.
- Note 4:** Any requirement for confidentiality of any section or detail of the EIA must be strongly justified and a formal request in this regard must be submitted to MEPA. Should MEPA grant confidentiality, alternative material that is still adequate for proper assessment, public consultation and decision-making must be provided.
- Note 5:** Agreement on method statements, and ancillary liaison with MEPA, is not mandatory but is recommended. Nevertheless, MEPA reserves the right to disagree with the methodology proposed, including proposed areas of influence, and with the EIA submissions in general, and to factor such disagreement in its critique of the EIA.
- Note 6:** During review of the EIA, MEPA will submit comments for the consultants' consideration, as relevant. Following the consultants' response to MEPA satisfaction, a revised second draft of the EIA, addressing the comments, will normally be required. This may take the form of a complete resubmission or of an Addendum detailing the revisions to the previous submissions, as deemed most expedient by MEPA, taking into account continuity and traceability of the information, and overall user-friendliness vis-à-vis subsequent review, presentation, public consultation, record-keeping and decision-making. A complete resubmission will generally be required if changes are numerous or complex, whereas an Addendum may be preferred if changes are more limited..
- Note 7:** The consultants are not exonerated from obtaining any formal authorisation from MEPA, and from other relevant entities, vis-à-vis any activity ancillary to the EIA (e.g. collection, sampling, capture, or waiver of access restrictions) wherever such authorisation is legally required.
- Note 8:** These Terms of Reference, and all ancillary correspondence, are issued without prejudice to the Environment Protection Directorate's position on the project and to MEPA's final decision. Accordingly, their issuing (even when customised to address specific project details) should not be construed as evidence in favour or against the project or any component thereof, unless the contrary is clearly stated.
- Note 9:** Wherever relevant, references to land also include the sea, and ancillary terms such as land-take, ground cover, landscape, vehicles, access roads, etc. should be interpreted accordingly.
- Note 10:** Wherever any baseline studies required by these Terms of Reference is covered by already-existing data, such data should be used in preference to unnecessary duplication of baseline studies, unless the consultants or MEPA or both are of the opinion that the existing data is unavailable, incorrect, outdated, unreliable, insufficient, or otherwise inadequate for the purpose of the EIA.

An Environmental Planning Statement (EPS) is to be prepared as required by the Schedule IA Category II Section 4.2.2.4 of the Environmental Impact Assessment Regulations, 2007 as amended. The required components of the EPS are:

- i. A **Coordinated Assessment Report**, in conformity with the following Sections of these Terms of Reference. This report should assess the project in its totality;
[Note: The coordinated assessment should seek to analyse and integrate the main considerations emerging from the technical reports, rather than just reproducing excerpts from the reports.]
- ii. A separate **Appendix (or Appendices)** containing all original survey reports as prepared by the individual specialist consultants for specific topics;
[Note: Experts contributing to the EIA should be specifically asked to consider impact interactions and cross-cutting issues, and to communicate information between each other accordingly].
- iii. A separate **Non-Technical Summary** of the EPS, in both the Maltese and English languages. This should have enough details for the public to understand the project and the related environmental considerations, and should be written in reader-friendly language (e.g. avoiding unnecessary technical jargon);
- iv. A **declaration of conformity** with sub-regulations 28 and 29 of the EIA Regulations (refer to Appendix 1 to these Terms of Reference); and
- v. An addendum detailing the **feedback received from stakeholders, from the public, and from MEPA** during the relevant consultation stages of the EPS, and how they were addressed.

Wherever relevant and appropriate, all components of the EPS should include tables and figures (e.g. maps, plans, photographs, photomontages, charts, graphs, diagrams, cross-sections) and quantifications.

The complete EPS (including all the above components) should be submitted as a printable digital copy (in .pdf format, with copying fully enabled throughout) and as a printed copy. Likewise, once the EPS has been certified, both a printable digital copy (in .pdf format, with copying enabled throughout) and a printed copy of the certified document is to be submitted to MEPA.

Wherever any other study not forming part of the EPS (e.g. Appropriate Assessment or Feasibility Study) is also envisaged, this is to be submitted separately from the EPS. Cross-referencing between the EPS and any such study should be clear and reasonably limited, such that both of the following considerations are duly satisfied:

1. Alerting the reader to the fact that the aspect in question is also being addressed in another parallel study;
and
2. Enabling the reader to easily follow both the EPS and the other studies as stand-alone documents.

More detailed specifications are identified in the following pages.

1.0 DESCRIPTION OF THE PROPOSED DEVELOPMENT AND ITS CONTEXT

The description of the proposal is to include the aspects outlined below, and should take into account the entire proposal and any ancillary facilities and infrastructure connected with, or arising due to, the project.

1.1 Justification for the Proposal

1.1.1 Objectives

The purpose and objectives of the development and whether these are related to current legal obligations, policies or plans.

1.1.2 Demand

This shall be accompanied by a description of the current and expected demand for the proposed scuttling of vessel. The study shall explain how the proposal will address this demand. An indication of how this particular vessel was chosen as the right type of wreck to match the site should be provided.

1.2 Description of the Physical Characteristics of the Whole Project and the Land Use Requirements during the Construction, Operational and Decommissioning Phases

The following aspects should be addressed for all phases of the project, clearly distinguishing between each phase. References should also be made to ancillary site preparation, clearing, dismantling, decommissioning, and site reinstatement, as relevant.

1.2.1 General characteristics

Description of the proposed development including details of the proposed layouts showing the design (size, area, height, volume, proposed elevations [scale 1:2500]), configuration of the wreck on the seabed and the upper and lower depth at which the wreck will lie once deployed within the selected site.

Description of the vessel including size, structural integrity, type and raw materials making up the structure. This should include a description of possible contaminants of sea water occurring on the vessel. The description is to be consistent with the details submitted in the relevant permit applications, throughout both the EIA process and the development permission application process.

Sea and land use requirements used to deploy and utilize the wreck. This description must account for changes in use according to seasonality. Positions of any proposed concrete mooring blocks should be identified including the area to which the vessel shall be tied to the sea bottom. Proposed facilities on the ground, including any temporary facilities. These shall be described in terms of size, area, height and volume, proposed elevations, layout, methods of construction (if any) etc.

Proposed project management arrangements, including expected duration of project. Types and quantities of raw materials including water, energy, stone and other resources consumed during the process. Expected life span of structure once deployed.

Description of method of deployment including method of transportation of the vessel, and routes for transportation. Details describing the equipment required for the transfer should be supplied.

Description of the cleaning methods used for removal of dangerous or potentially dangerous and/or toxic parts and materials such as rubber, paints and other materials or structures.

Quantities and types of waste to be handled by the proposed scuttling during cleaning and prior to deployment; quantities and types of waste (if any) to be retained, disposed of and its location.

1.2.2 Operational processes

Details of site management following deployment of the vessel to ensure further enhancement of any positive impacts.

Proposal for decommissioning of the wreck should it fail to reach its objectives.

1.2.3 Project management

An indicative framework outlining the key parameters and site management arrangements during construction, operation and decommissioning phases, including:

- Works methodology, including sea and land use requirements used to deploy and utilize the wreck. This description must account for changes in use according to seasonality. Positions of any proposed concrete mooring blocks should be identified including the area to which the vessel shall be tied to the sea bottom. Proposed facilities on the ground, including any temporary facilities. These shall be described in terms of size, area, height and volume, proposed elevations, layout, methods of construction (if any) etc.;
- Expected duration of all phases, as well as season, frequency and duration of interventions;
- Description of method of deployment including method of transportation of the vessel, and routes for transportation. Details describing the equipment required for the transfer should be supplied;
- Description of the cleaning methods used for removal of dangerous or potentially dangerous and/or toxic parts and materials such as rubber, paints and other materials or structures;
- Types and quantities of raw materials and primary resources to be consumed, including water, energy, stone and other resources, and measures to reduce such consumption. Expected life span of structure once deployed.

1.2.4 Access, transportation and related infrastructure

A forecast of the type, quantity and size of vehicles (and/or vessels) envisaged during each phase and their respective frequency of use, as well as an identification of the routes that vehicles will use to/from and within the site. Interventions that would need to be carried out to accommodate the required vehicles (e.g. new or altered access roads), and sites/buildings/structures/features likely to be affected as a result, should be identified accordingly.

Facilities for the storage, parking, on-site servicing, loading/unloading of equipment, vehicles and other machinery.

1.2.5 Waste management

Identification of processes or activities that would result in waste generation, subdivided to clearly reflect all relevant waste streams arising during the following project phases:

- (a) Cleaning;
- (b) Scuttling;
- (c) Any ancillary facilities and wastes which may arise from accidental breakdown, spillages and leakages from the operation of on-site machinery.

The following information is to be provided for each waste stream, as relevant to each phase:

- Identification of processes or activities that would result in waste generation;
- European Waste Catalogue Codes for each waste stream, as per relevant legislation;
- The projected quantities and rate of generation for each type of waste;
- Information on waste handling and storage, on site as well as off site; and
- The method of transportation and frequency.

This information should be presented in table format as follows, and should also include cross-references to the relevant regulations, particularly The Waste Regulations (Legal Notice 184 of 2011 as amended):

Phase	Type of waste	EWC Code	H-Code	Activity (e.g. sanding, scraping, power washing etc.)	Estimated quantities	Final permitted disposal location

The envisaged waste management arrangements using the Best Practicable Environmental Options (BPEO) available, and the envisaged efforts to minimise waste generation and to divert waste to reuse or recycling rather than disposal.

Layout plans (to scale) clearly showing all relevant waste management infrastructure and related facilities (e.g. bunded areas for storage of waste fuels, wheel-wash facilities, etc.), clearly distinguishing between temporary and permanent structures for each phase.

1.2.6 Longer-term developments

Additional future developments, land uses and other commitments that are ancillary or consequent to the project or are likely to arise in relation to the same project or its expansion, as well as longer-term needs of the proposal, including: ancillary infrastructure not accounted for in the previous sections; any consequent interventions/arrangements required to accommodate the development; any foreseeable extensions or updates to the proposal; any displacement of existing uses; and decommissioning.

2.0 ASSESSMENT OF ALTERNATIVES

An outline of the main alternatives studied and an indication of the main reasons for this choice, taking into account the relevant environmental effects and their prevention (or optimisation) at source. The following alternatives need to be duly considered, as relevant to the development itself (or to one or more phases thereof) and its requirements and constraints:

2.1 Alternative sites.

2.2 Alternative technologies.

2.3 Alternative layouts (including building heights, where relevant).

2.4 Downscaling of the project, or elimination of project components.

2.5 Zero option (do-nothing scenario) — *i.e.* an assessment of the way the site would develop in the absence of the proposed project.

[Note: *The zero option should be considered in sufficient detail as a plausible scenario in the EIA, wherever relevant, and not discarded upfront without proper discussion of its implications.]*

2.6 Hybrids/combinations of the above.

The findings of the assessment of alternatives should be summarised in a table format for ease of comparison.

3.0 A DESCRIPTION OF THE SITE AND ITS SURROUNDINGS (*I.E.* ENVIRONMENTAL BASELINE)

The existing environmental features, characteristics and conditions, in and around the proposed development site as well as in all locations likely to be affected by the development or by ancillary interventions and operations, are to be identified and described in sufficient detail, with particular attention to the aspects elaborated further in the next sections.

The consultants should also identify (and justify) wherever relevant:

1. The geographic area (e.g. viewshed or other area of influence) that needs to be covered by each study;
2. The relevant sensitive receptors vis-à-vis the environmental parameter under consideration (e.g. residential communities, other users, natural ecosystems, specific populations of particular species, or individual physical features);
3. The location of the reference points or stations (e.g. viewpoints, monitoring stations, or sampling points) to be used in the study; and
4. Other methodological parameters of relevance, also noting that the assessment will normally require both desk-top studies and on-site investigations (including visual observations and sampling, as relevant).

Note: *It is recommended that these details are discussed in advance with the Environment Protection Directorate prior to commencement of the relevant parts of the studies, in order to pre-empt (as much as possible) later-stage issues.*

Wherever relevant to the environmental aspects under discussion, reference to legislation, policies, plans (including programmes and strategies) standards and targets, should also be made, such that the compatibility

(or otherwise) of the proposal therewith is also factored into the assessment required by **Section 4** below. The discussion should cover the following aspects, in the appropriate level of detail:

- Supra-national (e.g. European Union; United Nations; or other international or regional) legislation, directives, policies, conventions, protocols, treaties, charters, plans and obligations;
- National legislation, policies and plans (e.g. Structure Plan; National Environment Policy); and
- Sub-national legislation, policies and plans (e.g. local plans, site-specific regulations, action plans, management plans, and protective designations such as scheduling or Natura 2000).

Note: In addition to already in-force legislation, policies and plans, the discussion should also cover any foreseeable future updates (or new legislation, policies and plans) likely to be fulfilled, affected or compromised by the proposed project. Furthermore, it should be noted that some cross-cutting legal/policy instruments (e.g. Water Framework Directive) may need to be factored into more than one aspect of the discussion.

3.1 Land and Sea Uses

A description of the land and sea uses within the area of influence of the project, including roads, footpaths, marine activities, and public access routes. Details including nature, magnitude, proximity to site, etc. should be included.

This assessment should also include an identification of all relevant cultural heritage assets, including archaeological, historical, and architectural heritage, and the holistic cultural landscape (see Appendix 2).

3.2 Marine water bodies

The study should identify the hydrological, hydromorphological and physicochemical characteristics of the water bodies, water resources and aquatic environments in the area under investigation, including (as relevant):

- The hydrology of the site and its surroundings, including all relevant features and dynamics, also cross-referring to hydrogeological factors as relevant;
- The type, size and physical characteristics of surface water bodies within the area of influence of the site, including: the nature of the water body (e.g. marine); depth/bathymetry; type of bottom; prevailing currents and wave exposure; and wave climate and exposure etc. This should also refer to but not be restricted to prevailing weather conditions (including probability of extreme conditions);
- Natural and anthropogenic dynamics; and
- Water quality with particular reference to any established quality parameters (e.g. legally-established bathing water quality parameters; effluent discharge parameters; objectives and requirements of the Water Framework Directive and related instruments).

3.3 Marine Ecology

The assessment should include:

1. An investigation of the ecology of the site and its surroundings (including, fish and other aquatic organisms, benthic and burrowing organisms, and their habitats and ecosystems);
2. A reporting of the conservation status and ecological condition of the area and the state of health of its habitats, species and ecological features;
3. A reporting of all protected, endangered, rare, unique, endemic, high-quality, keystone, invasive/deleterious, or otherwise important species, habitats, ecological assemblages, and ecological conditions found in the area under study; and
4. A prediction of the potential impacts of the proposed project on the ecology of the site and its surroundings, including loss, damage or alteration of habitats and species populations.

In particular, the study should identify all relevant species and assemblages (e.g. protected species or habitats, key species relevant to habitat characterisation, and monitoring indicators), and assess their abundance and distribution patterns as well as the species' ecological niches. The findings should be supported by adequate maps and photographs. Classification of habitat types and species should be conducted in accordance with recognised classification systems (e.g. EUNIS and Palaeartic), to MEPA satisfaction.

Note 1: In view of the fact that it is unclear as to whether the proposal may have significant impacts on existing habitats, a stand-alone Appropriate Assessment is being requested. Separate Terms of Reference for the Appropriate Assessment are being issued accordingly.

Note 2: Where the area of influence encompasses both marine and terrestrial environments, one or more of the sections indicated in these specimen TORs may need to be restructured accordingly to reflect the specific circumstances (e.g. separate reports for marine and terrestrial ecology).

3.4 Public Access

The assessment should identify the current public access arrangements (particularly the accessibility of the coast), including existing footpaths and other public access routes, and should clearly indicate whether these would be affected and how.

Wherever any new or altered arrangements are proposed, these should be clearly identified and their environmental implications should also be indicated.

3.5 Other relevant environmental aspects and features

Other relevant environmental features or considerations not identified in the preceding sections should also be identified and described, as relevant.

4.0 ASSESSMENT OF ENVIRONMENTAL IMPACTS AND ENVIRONMENTAL RISKS

All likely significant effects and risks posed by the proposed project on the environment during all relevant phases should be assessed in detail, taking into account the information emerging from Sections 1, 2 and 3 above. Apart from considering the project on its own merits (*i.e.* if taken in isolation), the assessment should also take into account the wider surrounding context and should consider the limitations and effects that the surrounding environmental constraints, features and dynamics may exert on the proposed development, thereby identifying any incompatibilities, conflicts, interferences or other relevant implications that may arise if the project is implemented.

In this regard, the assessment should address the following aspects, as applicable for any category of effects or for the overall evaluation of environmental impact, addressing the worst-case scenario wherever relevant:

1. An exhaustive identification and description of the envisaged impacts;
2. The magnitude, severity and significance of the impacts;
3. The geographical extent/range and physical distribution of the impacts, in relation to: site coverage; the features located in the site surroundings; whether the impacts are short-, medium- or long-range; and any transboundary impacts (*i.e.* impacts affecting other countries);
4. The timing and duration of the impacts (whether the impact is temporary or permanent; short-, medium- or long-term; and reasonable quantification of timeframes);
5. Whether the impacts are reversible or irreversible (including the degree of reversibility in practice and a clear identification of any conditions, assumptions and pre-requisites for reversibility);
6. A comprehensive coverage of direct, indirect, secondary and cumulative impacts, including:
 - interactions (*e.g.* summative, synergistic, antagonistic, and vicious-cycle effects) between impacts;
 - interactions or interference with natural or anthropogenic processes and dynamics;
 - cumulation of the project and its effects with other past, present or reasonably foreseeable developments, activities and land uses and with other relevant baseline situations; and
 - wider impacts and environmental implications arising from consequent demands, implications and commitments associated with the project (including: displacement of existing uses; new or increased development pressures in the surroundings of the project; and impacts of any additional interventions likely to be triggered or necessitated by situations created, induced or exacerbated by the project);
7. Whether the impacts are adverse, neutral or beneficial;
8. The sensitivity and resilience of resources, environmental features and receptors vis-à-vis the impacts;
9. Implications and conflicts vis-à-vis environmentally-relevant plans, policies and regulations;
10. The probability of the impacts occurring; and
11. The techniques, methods, calculations and assumptions used in the analyses and predictions, and the confidence level/limits and uncertainties vis-à-vis impact prediction.

The impacts that need to be addressed are detailed further in the sub-sections below.

4.1 Effects on the environmental aspects identified in Section 3

The assessment should thoroughly identify and evaluate the impacts and implications of the project on all the relevant environmental aspects identified in Section 3 above, also taking into account the various considerations outlined in the respective sections.

4.2 Other Environmental Effects

Any other environmental effects deemed relevant to the project but not fitting within any of the above sections (e.g. environmental risk, effects on human populations) should also be identified and assessed.

5.0 REQUIRED MEASURES, IDENTIFICATION OF RESIDUAL IMPACTS, AND MONITORING PROGRAMME

5.1 Mitigation Measures

A clear identification and explanation of the measures envisaged to prevent, eliminate, reduce or offset (as relevant) the identified significant adverse effects of the project during all relevant phases including construction, operation and decommissioning [see **Section 1.2.3** above].

Mitigation measures for accident/risk scenarios should be packaged as a holistic plan that includes the integration of failsafe systems into the project design as well as well-defined contingency measures.

The recommended measures should be feasible, realistically implementable to the required standards and in a timely manner, effective and reliable, and reasonably exhaustive. They should not be dependent on factors that are beyond the developer's and MEPA's control or which would be difficult to monitor, implement or enforce. The actual scope for, and feasibility of, effective prevention or mitigation should also be clearly indicated, also identifying all potentially important pre-requisites, conditionalities and side-effects.

5.2 Residual Impacts

Any residual impacts [*i.e.* impacts that cannot be effectively mitigated, or can only be partly mitigated, or which are expected to remain or recur again following exhaustive implementation of mitigation measures] should also be clearly identified.

5.3 Additional Measures

Compensatory measures (*i.e.* measures intended to offset, in whole or in part, the residual impacts) should also be identified, as reasonably relevant. Such measures should be not considered as an acceptable substitute to impact avoidance or mitigation.

If the assessment also identifies beneficial impacts on the environment, measures to maximise the environmental benefit should also be identified.

In both instances, the same practical considerations as indicated vis-à-vis mitigation measures should also apply.

5.4 Decommissioning Plan

A decommissioning plan (DP) should also be proposed to address the following circumstances, as relevant:

1. Removal of any temporary or defined-lifetime development (or of any structures, infrastructure or land use required temporarily in connection with it) upon the expiry of their permitted duration; and
2. Removal of the development (or of any secondary developments, infrastructure or land use ancillary to it) in the event of redundancy, cessation of operations, serious default from critical mitigation measures, or other overriding situations that may emerge in future.

The DP should also include, as relevant, a phasing-out plan, proposals for site remediation or decontamination, and methodological guidance on site reinstatement or appropriate after-use.

5.5 Monitoring Programme

A realistic and enforceable programme for effective monitoring of those works envisaged to have an adverse or uncertain impact. The monitoring programme should include:

1. Details regarding type and frequency of monitoring and reporting, including spot checks;
2. The parameters that will be monitored, and the monitoring indicators to be used;
3. An effective indication of the required action to address any exceedances, risks, mitigation failures or non-compliances for each monitoring parameter;
4. An evaluation of forecasts, predictions and measures identified in the EIA; and

5. An indication of the nature and extent of any additional investigations (including EIAs or ad hoc detailed investigations, if relevant) that may be required in the event of any contingencies, unanticipated impacts, or impacts of larger magnitude or extent than predicted.

The programme should address all relevant stages, as follows:

- (a) Where relevant, monitoring of preliminary on-site investigations that may entail significant disturbance or damage to site features (e.g. archaeological excavations, geological sampling, or any works that require prior site clearance or any significant destructive sampling);
[Note: Official written consent from the competent authorities (e.g. Superintendence of Cultural Heritage) may also be required for such interventions.]
- (b) Monitoring of the construction phase, including the situation before initiation of works (including site clearance), during appropriate stages of progress, and after completion of works;
- (c) Monitoring of the operational phase, except where otherwise directed by MEPA (e.g. where monitoring would be more appropriately integrated into an operating permit); and
- (d) Where relevant, monitoring of the decommissioning phase, including the situation before initiation of works, during appropriate stages of progress, and after completion of works.

5.6 Identification of required authorisations

The assessment should also identify all environmentally-relevant permits, licences, clearances and authorisations (other than the development permit to which this EIA is ancillary) which must be obtained by the applicant in order to effectively implement the project if development permission is granted. Any uncertainty, as to whether any of these pre-requisites is applicable to the project, should be clearly stated.

Note on Sections 4.1 to 5.6 above:

The expected effects, the proposed measures, the residual impacts, the proposed monitoring etc. should also be summarised in a user-friendly itemised table that enables the reader to easily relate the various aspects to each other. An indicative specimen table is attached in **Appendix 3**.

Regulation 28: Identification of consultants and contributors

Extract:

- 28. (1) *The environmental impact statement shall list the registration number and the names of the consultants and contributors responsible for the preparation of the environmental impact statement, environmental survey reports, appendices, non-technical summary and other components of the statement.*
- (2) *The consultants who are responsible for a particular analysis, including analysis in the environmental survey reports, shall be identified.*
- (3) *All consultants and contributors employed in the environmental impact assessment shall sign a declaration stating that the particular study (or part thereof) was solely carried out by them and that they take responsibility for any statement and conclusion contained therein. This signed declaration shall be included with each environmental survey report included with the environmental impact statement.*

Signed declaration in accordance with sub-regulation 28(3):

This declaration is to be submitted with each environmental survey report forming part of the EIA.

Attn: Director of Environment Protection (MEPA).

I _____, who carried out the study (or part thereof) on _____
for the EIA for the proposed _____, hereby declare that such study was solely carried out by me and take responsibility for any statement and conclusion contained therein.

Date

Signature

Regulation 29: Conflict of interest

Extract from the EIA Regulations

- 29. (1) In the interest of fairness, objectivity and the avoidance of bias, all consultants shall be required to sign, and abide by, a declaration that they have no personal or financial interest in the proposed project.

- (2) The Director of Environment Protection shall not approve consultants, groups of consultants or consultancy firms that are in any way associated with any company, association or grouping that has any direct or indirect personal, professional or financial interest in the proposed development.

- (3) The Director of Environment Protection shall not approve any environmental impact statement or environmental planning statement produced by a consultant or group of consultants, one or more of whom does not comply with the provisions of sub-regulations (1) or (2) of this regulation.

Signed declaration in accordance with sub-regulation 29(1):

This declaration is to be submitted with each environmental survey report forming part of the EIA.

Attn: Director of Environment Protection (MEPA).

I, _____, hereby declare that, I have no personal or financial interest in the proposed development. Moreover, I declare that I am not in any way associated with any individual, company, association or grouping that has any direct or indirect, personal, professional or financial interest in the proposed development.

Date

Signature

Proposed development

The application proposes to scuttle Patrol Boat P33 onto the sea-bed off the north coast of Gozo.

Heritage Assessment

There are two areas which are of major concern to the Superintendence for this particular project:

- (1) The coastal area around the underwater site.
- (2) The underwater area where the scuttling is being proposed,

These two areas have high landscape and archaeological value.

- A number of cultural heritage features are already known on this coastline. These include the known ancient salt pans which date back to the 18th Century, and other archaeological remains.
- In addition there are unconfirmed potential reports of wrecks in the area of the proposed scuttling. Therefore the seabed in this area is also a sensitive archaeological landscape.

The Superintendence is concerned that the actual development and high frequency of activities that it will generate will damage the cultural heritage landscape on the coast. These activities include vehicular access, where vehicles will pass through to park and drop off divers who want to access the underwater site, as well as ancillary activities such as barbecues, off-roading and other activities.

Apart from the historic aspect of the salt pans, one is to consider that the salt pans are still in use for the production of salt. Damage to this landscape will also result in a damage to this traditional local heritage industry.

The tourist industry may also be affected negatively if there is an increase in pollution in this area.

Equally important is the damage that will be caused to potential underwater archaeological sites from the scuttling.

Cultural Heritage Assessment

Considering the features already present on site and the potential for further archaeological discoveries, the Superintendence strongly recommends a Cultural Heritage Assessment is carried out. The following are the Terms of Reference for this Cultural Heritage assessment.

1.0 Scope and Definitions of the Cultural Heritage Assessment

For the purposes of this document, cultural heritage is defined by Article 2 of the Cultural Heritage Act (2002). This includes movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, paleontological and geological importance.

1.1 The study area will include:

- a) The total footprint of the proposed project
- b) A 50 metre radius around the footprint
- c) A 200 metre span from the tip of the coast inwards along the area of development.

1.2 In the context of this particular application, cultural heritage considerations include any underwater features such as wrecks, archaeological objects and scatters, and other features, as well as other archaeological features that can be found on land such as rock-cut features, salt pans and megalithic features.

The above cultural heritage definitions and considerations are not to be considered as exhaustive. The Cultural Heritage Assessment must consider all other forms of cultural heritage, both known and unknown.

1.3 The Cultural Heritage Assessment will:

- Describe the Cultural Heritage assets within the study area
- Analyze the cultural heritage features within the context of the underwater landscape and the coastal landscape
- Assess the physical, spatial and visual impacts of the proposed development on the cultural heritage assets
- Propose corrective measures for the protection of the cultural resources.

2.0 Methodology

In quantifying the cultural heritage assets within the study area, and assessing the impacts of the proposed development, the Cultural Heritage Assessment will carry out:

2.1 Desktop and archival research;

2.2 Fieldwork and research, including an underwater survey using a sub-bottom profiler and magnetometer - the purpose of this survey shall be to detect the presence and/or absence of wrecks/objects buried in the underwater

sediment - and an archaeological land survey of the features and artefacts along the coast. A map of the archaeological/cultural heritage remains is to be submitted in the Cultural Heritage Assessment.

All fieldwork has to be authorized by the Superintendence of Cultural Heritage as defined below under point 3.0 below;

2.3 Consultations with any relevant bodies, including the Superintendence of Cultural Heritage, Heritage Malta, the University of Malta, NGOs and Local Councils.

2.4 Create an inventory of the cultural heritage assets identified within the study area. The features of cultural heritage are to be described and plotted with grid references, on Data Capture Sheets, the design of which should be approved in advance by the Superintendence of Cultural Heritage. The Data Capture Sheets will be presented as an appendix to the EIS. The analysis of the features will be included in the main report.

2.5 A Cultural Heritage Risk Assessment Map examining the various impacts of the proposed project is to be included in the Cultural Heritage Assessment. This is to include the physical and visual impacts that the proposed development will have on the archaeological remains in/on the seabed, as well as the impacts and risks of vehicular access and drop off points to the underwater site on land.

2.6 Studies on the pollution that will be produced from the proposed development on land and sea keep in mind that the salt pans are still in use for the production of salt and that the tourist industry may also be affected negatively from pollution.

Mitigation measures should address the impacts outlined in the Cultural Heritage Assessment report.

3.0 Authorization by the Superintendence of Cultural Heritage

As per Cultural Heritage Act 2002, any form of investigation or prospection required for the identification of cultural heritage (including excavation, topographic survey and remote sensing) may only be undertaken by the Superintendence of Cultural Heritage or with its written approval.

APPENDIX 3: SPECIMEN IMPACT TABLE

Impact type and source			Impact receptor		Effect & scale							Probability of impact occurring (Inevitable, Likely, Unlikely, Remote, Uncertain)	Overall impact significance	Proposed mitigation measures	Residual impact significance	Other requirements (monitoring, authorisations, etc)
Impact type	Specific intervention leading to impact	Project phase (construction/operation/decommissioning)	Receptor type	Sensitivity & resilience toward impact	Direct/Indirect/Cumulative	Beneficial/Adverse	Severity	Physical / geographic extent of impact	Short-/medium-/long-term	Temporary (indicate duration)/Permanent	Reversible (indicate ease of reversibility) / Irreversible					

[Insert definition of relevant criteria used to describe the impacts]