



**ERECTION OF RABBIT BREEDING UNITS
AT
VALETTA ROAD,
QORMI**

TERMS OF REFERENCE

FOR THE PREPARATION OF AN

ENVIRONMENTAL PLANNING STATEMENT

4th October, 2006

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Note 1: *Environmental Impact Assessment is the process of identifying, predicting, evaluating and mitigating the biophysical, social and other relevant effects of development proposals prior to major decisions being taken and commitments made*" (IAIA, 1999)¹. The EPS is to document clearly and impartially the impacts of the proposal, the proposed mitigation measures and impact significance. In accordance with best practice, this shall be carried with professionalism, rigour, fairness, objectivity, impartiality and balance.

Note 2: The Malta Environment and Planning Authority (MEPA) reserves the right to request additional studies should the findings of the EIA not be sufficient to adequately inform the decision making process or if the EIA identifies matters which should be subject to further (or new) studies.

All requirements set out in these terms of reference must be complied with. If there are any sections that the consultant deems that they are not relevant to this study, the consultant shall inform MEPA accordingly fully justifying his/her reasoning.

Should, during the process of the EIA the consultant discover that any environmental feature, not included in these Terms of Reference needs to be studied, the consultant shall inform MEPA immediately, justifying his/her reasoning.

Note 3: Difficulties, including technical difficulties and lack of information, encountered by the consultants in compiling the required information shall be made clear. All references to published works and sources of information shall be duly acknowledged. No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the consultation period. Any material which is based on proprietary data which is itself not available shall not be incorporated by reference.

Note 4: A list of all permits, licenses and other forms of authorization (other than the development planning permit) which must be obtained by the applicant in terms of any other law in implementing the development if permission is granted must be included in the EPS. If consultants are uncertain whether an authorization is necessary, they shall so indicate in the EPS.

Note 5: Following the review of the EPS, MEPA usually submits comments to the EIA consultants for further clarifications. Once the consultants respond to these comments to the satisfaction of MEPA, a second draft of the EPS, that includes these clarifications, must be prepared. MEPA will only accept an Addendum containing these clarifications if the clarifications are few or where the EPS is still easy to follow with the Addendum.

¹ International Association for Impact Assessment (IAIA). (1999). *Principles of Environmental Impact Assessment Best Practice*. Document published by the IAIA in cooperation with the Institute of Environmental Assessment, UK.

Note 6: Any requirement for confidentiality of any section of the EPS must be justified and a formal request in this regard must be submitted to MEPA. Should MEPA grant confidentiality for specified sections, alternate material that excludes confidential details must be provided for public consultation.

An Environmental Planning Statement (EPS) is to be prepared for the proposed rabbit farm (PA 00085/04), as required by the Environmental Impact Regulations, 2001 (Schedule I, Category II, 6.2.2.2.i). The components of the EPS are to be:

- i. a **technical report**, in conformity with Sections 1-6 and their contents as outlined below. This report should describe the project in its totality;
- ii. a **separate appendix** containing all original survey reports as prepared by individual consultants for specific topics.
- iii. a separate **non-technical summary** of all sections of the technical report (to be also provided in digital format and in both the Maltese and English languages). This summary should include any assumptions made in the made report; key features of the site (including surroundings) and proposed development; key impacts and any proposed mitigation measures to minimize costs (externalities) and maximise benefits arising from the proposed development. Technical terms, lists of data and detailed explanations of scientific reasoning should, where possible, be avoided.
- iv. A **digital copy of the first draft** of all elements of the EPS, which includes all the above, including any plans, maps, photographs, graphs, and any other contents of graphical/visual nature contained within the EPS. Once the EPS has been certified a **digital copy of the certified document** is to be submitted to MEPA.
- v. Conformity with sub-Regulations 28 and 29 of the EIA Regulations (refer to Appendix 1 to these Terms of Reference).

1.0 A DESCRIPTION OF THE PROPOSED DEVELOPMENT

Note 6: The description of the proposed development is to include considerations of the aspects outlined below. This description must take into account the entire proposal and any ancillary facilities connected with, or arising due to, the project (such as any infrastructure required). Where relevant this section should include maps, plans and diagrams.

1.1 Justification for the Proposal

1.1.1 Objectives

A description shall be provided of the objectives that the development seeks to address, and whether such objectives stem from current international obligations and National, Regional or Local Policy, Plans and Guidance.

1.1.2 Demand

This shall be accompanied by a description of the **current and expected demand** for the proposed rabbit farm. This shall explain how the proposal (its size and nature) will address this demand.

1.2 A description of the physical characteristics and features of the project including constructional features of the project

- 1.2.1 Description of the proposed development and details of the proposed site layout showing the design (size, area, height, volume, proposed elevations [scale 1:100]), external appearance, location of all buildings and proposed access arrangements. Energy efficient measures being taken into consideration in the design of the complex shall be included.
- 1.2.2 Land use requirements for both construction and operation, and site details should be identified, including land take required for facilities ancillary to the proposed development, site preparation works, excavations and disposal of surplus material. Proposed facilities (including infrastructure, storage, servicing facilities, security etc.) in terms of size, area, height and volume, proposed elevations, layout, method of construction, etc.
- 1.2.3 Proposed project management arrangements, including expected duration of construction, time of year to be carried out, types and quantities of raw materials including water, energy, stone and other resources to be consumed, retained and disposed of.
- 1.2.4 The depth of excavation, volume and type of excavated material required to construct the proposed development, including any ancillary facilities to support the development, are to be quantified, clearly identifying the types of material envisaged to be excavated.
- 1.2.5 Identification of the routes that construction vehicles will use to and from the site, the number and size of construction vehicles and their respective frequency of use, and the time of day when construction traffic is likely to be heaviest.
- 1.2.6 Proposed facilities (including infrastructure, storage, on site servicing of equipment and vehicles, security etc.) in terms of size, area, height and volume, proposed elevations, layout [to include hard and soft landscaping], method of construction, external colour scheme and texture. Details of planting schemes and structures (including boundary walls, fences, gates, lighting poles, etc.) shall also be submitted.
- 1.2.7 A landscaping scheme [to include hard and soft landscaping (*scale 1:500*)] for the proposal is to be provided. This shall aim to mitigate the negative visual impact of the proposal during construction and operation on the adjacent and more distant landscape. Details with respect to planting locations, tree/shrub type/species, age of specimens to be used, planting methods, phasing (during construction and operation) and overall management of the scheme should be included. The scheme should also include provisions for securing the healthy growth of the plants. Landscaping should follow the provisions outlined in MEPA's document entitled, "*Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands*".

1.3 A description of the operational features of the project

- 1.3.1 How the proposed operations will be energy efficient and what energy-saving measures and alternative energy systems will be used. A description of water reduction/saving measures should also be given. Use and disposal/re-use of surplus solid waste material and waste water shall also be included.
- 1.3.2 Residues and emissions by source, type, quantity, composition and concentration. These should include the types of waste/resources created by the development itself and their method of disposal; discharges to water (e.g. discharges from storage tanks,

fuel spillages, and storm water run-off); emissions to air (including dust), vibration and noise light, and other deposits/residues into land and soil; their disposal and/or reuse.

1.3.3 Services including water for irrigation and other services such as potable water supplies to the facility (including source of freshwater), power (including the connected load in kW or kVA and the overall power factor) and telephone linkages.

1.3.4 Water storage, runoff water management (including facilities for storage and eventual use of storm water runoff) should also be described.

1.4 Waste Management Plan

1.4.1 A Waste Management Plan (WMP) for all wastes arising during the construction and operation of the development should be given. This should cover a minimum period (say 5 years) and should clearly illustrate the measures to be taken for the separation of different waste fractions and the reuse/recycling and final disposal of waste. Appendix 2 contains guidelines for the preparation of the WMP.

1.5 Consideration of alternatives

1.5.1 Alternative Technologies

This should include any alternative technologies used for the construction/operation of the farm (including zero or the 'do-nothing' option).

1.5.2 Alternative Sites or Layouts

An identification of alternative sites (including the proposed site and other suitable sites), based upon the possibilities and constraints posed by physical characteristics and features of the project, its operational features, and land-use requirements. A description of the sites and site-specific environmental impacts shall be provided. A comparative analysis of the alternative development layouts is to be provided together with a zero option assessment (that is, an assessment of the way the site would develop if it were left in its current state).

1.5.3 The findings on the environmental impacts of alternative technologies shall be combined with those on the environmental characteristics and environmental impacts in alternative sites. This will enable the identification of best technology/site combinations. The technical and planning reasons why a particular technology and site was selected in preference to all the others must be clearly explained. The discussion should cover construction and operation.

2.0 A DESCRIPTION OF THE PROPOSED SITE AND SURROUNDINGS

Note 8: This description is identified by area of influence for each relevant parameter. The area of influence for each parameter shall be determined by the consultants who shall also justify the extent of the chosen area of influence. **This must be approved by the Malta Environment & Planning Authority prior to commencement of the EIA.**

2.1 Land Use

Including settlements, workplaces, production, commercial, recreational and other uses. Details including nature and magnitude, proximity to site etc. should be included.

2.2 Agriculture

Soil cover, agricultural quality and produce.

2.3 Hydrology

Water and hydrological features (such as aquifers, watercourses, wells, water channels, cisterns, springs, freshwater catchment areas etc).

2.4 Landscape, topography and visual assessment

This should include a landscape characterization of the area and visual amenity of the area. 'Non-visual' aspects of the development should also be considered and include those impacts which reduce the possibility for the public to enjoy the landscape including emissions, noise, etc.

2.5 Any other relevant environmental features

3.0 Planning, Policies and Legislation

- 4.1 The relevance of Maltese legislation and Maltese planning policy (notably the Structure Plan and Local Plans for the surrounding areas) and its compatibility (or otherwise) with the development or its impacts should be described and analysed. In particular, policies on the following should be noted: conservation areas and zones, protected buildings and sites, areas of natural beauty, areas of scientific, ecological, archaeological, agricultural, architectural, historical, antiquarian or artistic value, aquifer protection and run-off, transport policies (including parking standards), marine protection.
- 4.2 Policies of other ministries will provide an important context for the proposed development. Reference should also be made to environmental regulations, policies concerning waste treatment, transport, public health, agriculture and tourism.
- 4.3 International polices or conventions which may affect the site or area. For instance details about compliance with European Union regulations, directives and conventions should also be considered, their relevance to the project highlighted, as well as how compliance will be achieved.

5.0 ASSESSMENT OF ENVIRONMENTAL IMPACTS AND RISKS OF THE PROPOSED DEVELOPMENT

Note 9: All significant impacts of and risks posed by the proposed project **during construction and during operation**, should be assessed, given the environmental characteristics of the site outlined in Section 1, 2 and 3 and the policies outlined in Section 4. A descriptive and quantitative analysis (including magnitudes and timing) of the impacts of the proposed development should be made, and presented in summary chart format. The various techniques, methods and assumptions used in the analysis and predictions should be outlined.

It is recommended that impact assessment should include:

- i. description of impact;
- ii. magnitude and significance;
- iii. duration (temporary and permanent);
- iv. extent (in relation to site coverage and surroundings and associated features);
- v. whether direct or indirect;
- vi. adverse or beneficial;

- vii. reversible or irreversible effects of the impact and extent of irreversibility as well as a description of any associated conditions / assumptions for irreversibility;
- viii. sensitivity of resources to impacts;
- ix. probability of impact occurring;
- x. confidence levels/limits to impact prediction;
- xi. scope of mitigation / enhancement; and
- xii. residual impacts

Worse case scenarios should be assessed where relevant.

The impacts may include:

5.1 Effects on land

Including the physical effect of the development on the local topography e.g. via earth-moving, soil stability and erosion; chemical emissions, deposits and waste.

5.2 Effects on water/hydrology

The assessment shall describe whether the development will have any impacts upon or pose a risk to the aquifer. Any effects of the development springs, drainage patterns, wells, channels, run-off and valley hydrology should be included. Specific reference should be made to impacts on Wied is-Sewda, especially impacts during floods.

Discharges to land and sewer will be identified, clearly quantifying the estimates and their likely contents.

Any potential contamination of surface water should be identified and assessed. This assessment shall consider the effect of leaching storage products into the bedrock and effects on the hydrosphere.

5.3 Effects on agricultural land, soil and produce

The impact on the surrounding agricultural uses should be considered.

5.4 Visual & landscape impact

Including views into the site and colour photomontages of the proposed development should be included.

Submissions required shall be made at the appropriate scale and level of detail and include colour photomontages taken from points agreed with the MEPA and submitted on A4 (at least). Photomontages are to show the proposed interventions superimposed on the existing landscape, not only adjacent to the site. The landscaping scheme that is being proposed should be included in the photomontage and the maturity of the landscaping scheme as shown (which shall not be less than 5 years after planting) shall be indicated.

Apart from the photomontage itself, the following are required:

- A copy of the base photograph used in the preparation of the photomontage (this should enable a comparison of the situation as existing and as proposed - hence the size of the photograph depicting the situation as at present is to be of the same size as the photomontage);
- Date when the base photograph was taken;
- A site map indicating the exact positions from where the photographs were taken and to which the photomontages should cross-refer; and
- Height of camera from which photo was taken.

Given the absence of local guidelines on landscape assessment it is recommended to use 'Guidelines for Landscape and Visual Impact Assessment, 2nd Edition', published by Spon Press, 2002 and edited by The Landscape Institute and the Institute of

Environmental Management & Assessment. Reference should also be made to the MEPA's 'Draft Landscape Assessment Study' that can be downloaded from the MEPA's website (www.mepa.org.mt).

5.5 Impact on Surrounding Land Uses

Specific reference to sensitive receptors should be made.

5.6 Other Environmental Effects

5.7 Secondary Impacts

Mainly arising from the extraction and consumption of resources necessary to implement the project, such as water, energy, construction materials, and the resultant need (if any) of development of new supplies.

5.8 Indirect & Cumulative Impacts

Indirect impacts are those caused by the direct impacts; they often occur later than the direct impact, or farther away. Cumulative impacts are those impacts that result from the incremental impacts of an action added to other past, present, and reasonably foreseeable future actions regardless of who undertakes them. This should also include the impacts of the project viewed in terms of other projects.

5.9 Interaction between any of the Foregoing

Experts contributing to the EIA should be specifically asked to consider impact interactions and to communicate information between each other. In addition, any environmental components not listed in the Directive or Regulations that are likely to be affected should not be discounted.

Predictions of impact interaction will nearly always involve a greater degree of uncertainty than prediction of impacts on individual components. This should be referred to in the EIA rather than ignored.

6.0 DESIGN OF MITIGATION MEASURES, IDENTIFICATION OF RESIDUAL IMPACTS AND MONITORING PROGRAMME

6.1 Mitigation Measures

This should include a description of the measures envisaged to prevent, minimise and where possible offset any significant adverse effects on the environment of the project during both construction and operational phases (including reference to consideration of alternatives in section 2 above). Such measures could include technological features; alternative technological features; operational management techniques; enhanced site-planning and management; aesthetic measures; conservation measures; reduction of magnitude of project; and health and safety measures.

6.2 Residual Impacts

Any residual Impacts, that is those impacts that cannot be mitigated or those remaining impacts following implementation of mitigation measures, should also be described, quantified and presented in tabular format.

6.3 Monitoring Programme

Monitoring of features considered to have a negative or an uncertain impact.

APPENDIX 1 SUB-REGULATIONS 28 AND 29 AND THE EIA REGULATIONS.

Environmental Impact Assessment Regulations, 2001
Regulation 28 and Regulation 29 of the EIA Regulations, 2001

Regulation 28

List of Consultants (Extract from the EIA Regulations)

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. This signed declaration shall be included with each environmental survey report included with the environmental impact statement.

Signed declaration in accordance with Regulation 28 (3)

Director General
MEPA

I _____, who carried out the study (or part thereof) on _____ for the EIA of PA xxxx/xx for the proposed _____, hereby declare that such study was solely carried out by me.

Date

Signature

This declaration is to be included with each environmental survey report included with the EIS/EPS.

Regulation 29

Conflict of Interest (extract from the EIA Regulations)

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

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

(3) The Director of Planning and the Director of the Department 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 Regulation 29 (1)

Director General
MEPA

I _____, hereby declare that I have no personal or financial interest in the proposed development, namely _____.

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 abovementioned proposed development.

Date

Signature

Such declaration is to be sent to MEPA when proposing the list of EIA Consultants prior to their approval or otherwise.

Background

The Waste Management Plan (WMP) is aimed at identifying the waste management requirements of a project and proposing solutions how waste could be managed, using the Best Practicable Environmental Options

The WMP should cover all waste streams (both liquid and solid) for all types of animals to be housed on the farm (both pigs and boilers) and target the following stages of the project: -

- The Construction phase.
- The Operational phase

Prior to submitting the final draft of the WMP, the WMP should be endorsed by the Agriculture Department. A written statement from the Agriculture Department is required.

Note to Architect: - Plans submitted as part of the development application should be in conformity with the WMP and also endorsed by the Agriculture Department, the Foods and Veterinary Regulations Division and the Malta Resources Authority.

Plans to be submitted as part of the WMP should include: -

- Layout plan of farm including:
 - 1) All waste management infrastructure
 - 2) Flow of foul water as laid to falls to cess-pit/s
 - 3) Flow of clean rain-water as laid to falls to water reservoir or otherwise.
- Cross-section of cess-pit/s
- Cross-section of manure clamp with underlying cess pit

The final draft of the WMP shall be approved by the Malta Environment & Planning Authority prior to it being considered as satisfactory.

General Requirements

The Waste Management Plan should address the following issues:

- 1) Provide a general policy statement and commitment by the developer to reduce waste generation and landfill disposal where possible.
- 2) Provide a background to the development project and the area that is going to be developed. Particular reference should be made to existing waste management infrastructure and procedural arrangements and the local policy context (including national/international obligations);
- 3) Identify those **processes or activities** (resulting from the project in question) that would result in the generation of waste;
- 4) Identify the **different waste streams** to be generated (both liquid and solid). A distinction should be made between waste expected to arise during the construction phase and waste expected to arise during the operational phase of the project;
- 5) Provide **estimates on quantities** of waste arising (both liquid and solid) and expected to be generated by the project (details of assumptions made and the methodology adopted for achieving the estimates are also to be included; **estimates are to be drawn on the**

maximum number of animals, for all types of animals, which the farm can potentially and legally support at any one time);

- 6) In the light of national, EU and international obligations, to discuss the possible alternative ways how waste arising can be managed, and recommend the most appropriate management option for waste generated by the project in question **(this section should also discuss any infrastructural and procedural requirements for managing and storing waste (both liquid and solid) on site)**; as well as identify measures to be adopted to ensure protection of the surrounding environment from such wastes;
- 7) A description of the means of transportation to be used for removal of waste from site; this should also include a description of measures to be taken to protect the surrounding environment during transport of waste from site;
- 8) Assess the likely environmental/financial/public health implications of adopting the recommended management option;
- 9) Make recommendations on requirements for monitoring in order to ensure that waste is managed according to the provisions of the WMP.

Project Specific Issues

The WMP for the development in question should cater specifically for these requirements:

- This assessment shall show how the farm is to keep clean rainwater separate from foul water and how this foul water will be eventually brought in accordance with the requirements listed in the Sewage Discharge Regulations, as published by L.N. 139/2002.
- The Waste Management Plan should also discuss methods how solid waste is to be separated from liquid waste and how manure could be managed, stored and disposed of adequately.
- Attention should be given to issues concerning the protection of groundwater. Actions envisaged in order not to increase nitrates, phosphates, etc. should be clearly described. Particular reference should be made to the EU Directives and national regulations including but not limited to the following regulations: Protection of Ground Water against Pollution caused by certain dangerous substances, as published by LN 203 of 2002; and Protection of Ground Water against Pollution caused by Nitrates from Agricultural Sources as published by LN 343 of 2001.
- **Information on vermin control on the site (if applicable) is also to be included.**