



Mr Robert Capelluto,
Obo Gasco Energy Ltd
Freeport Centre,
Kalafrana,
Birzebbugia. BG 3011.

Date: 16th June, 2009
Our Ref: PA 00867/09
(GFE 00014/09)

Dear Mr Capelluto,

Application Number: PA 00867/09
Location: Site at Benghajsa, Triq Kalafrana, Birzebbugia
Proposal: Development of a gas storage and bottling facility including pipeline from importation terminal

**Environmental Impact Assessment Regulations, 2007
Flora, Fauna and Natural Habitats Protection Regulations, 2006**

We refer to your application for development permission, which was validated on 2nd April, 2009 and to your correspondence dated 5th June.

Substantial amendments to the proposed development to what was approved in PA 1947/02, namely an increase in LPG storage volume, construction of the stormwater tunnel, construction of importation pipeline from terminal, changes to configuration and the lighting scheme were identified. As a result, such changes may have an impact on geology, geomorphology and avifauna.

In this regard, and without prejudice to the final recommendation and decision on this development proposal, you are being requested to update the EIS presented with PA 1947/02. The EIS update shall include all the necessary updates, particularly those pertaining to the following matters:

1. Geology and geomorphology;
2. Avifauna;
3. Risk assessment (an update to the EIS and the Risk Assessment submitted as part of the original EIS); and
4. Other issues considered relevant by the consultant, including the assessment of alternative options for the route of the proposed tunnel.

In addition, the proposal requires the submission of an Appropriate Assessment (AA) as per Provision 19(1) of the Flora, Fauna and Natural Habitats Protection Regulations, 2006, given that the Project may have a significant effect on a designated Specially Protected Area (SPA) and habitats of importance. Detailed terms of reference are attached.

The update to the EIS and the Appropriate Assessment may be submitted as an Addendum to the original EIS. This shall be submitted by independent consultants approved by MEPA (signed declarations are attached with this document).

Yours faithfully,

Jonathan Henwood
Environment Protection Officer
f/Director of Environment Protection

Encl.
cc. Mr Patrick Camilleri, Mangion Mangion & Partners

**MALTA ENVIRONMENT & PLANNING AUTHORITY
L-AWTORITA TA' MALTA DWAR L-AMBJENT U L-IPPJANAR**

P.O. BOX 200, VALLETTA CMR 01, MALTA
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Environmental Impact Assessment Regulations, 2007
Regulation 28 and Regulation 29 of the EIA Regulations, 2007

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 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 Regulation 28 (3)

Director of Environment Protection
MEPA

I _____, who carried out the study (or part thereof) on _____ for the EIS update of the proposed development of a gas storage and bottling facility including pipeline from importation terminal at Benghisa, hereby declare that such study was solely carried out by me and I take responsibility for any statement or conclusion contained therein.

Date

Signature

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

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 development.

(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, 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 Regulation 29 (1)

Director of Environment Protection
MEPA

I _____, hereby declare that I have no personal or financial interest in the proposed development, namely the EIS update of the proposed development of a gas storage and bottling facility including pipeline from importation terminal at Benghisa. 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.

Terms of Reference for the Preparation of an Appropriate Assessment

MALTA ENVIRONMENT & PLANNING AUTHORITY
L-AWTORITA TA' MALTA DWAR L-AMBJENT U L-IPPJANAR

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Screening of the proposed development PA 00867/09: Development of a gas storage and bottling facility including pipeline from importation terminal, Site at Bnghisa, Triq Kalafrana, Birżebbuġia, has not satisfactorily eliminated the potential of the project to cause significant impacts on the on the Natura 2000 site designated under the EU Habitats Directive (92/43/ EEC) and the EU Birds Directive (79/409/EEC)– MT 0000024 Rđumijiet ta' Malta: Ir-Ramla taċ-Ċirkewwa sa Il-Ponta ta' Bnghisa' Special Area of Conservation (SAC) and MT 0000033 Wied Moqbol sal-Ponta ta' Bnghisa Special Protection Area (SPA). Thus, the need for an assessment according to Article 6 of the Directive 92/43/EEC (EU Habitats Directive) has been identified.

The Appropriate Assessment report, to be submitted as a standalone document must provide the following information:

1. A description of elements of the project (noise, vibrations, light, storm water tunnel in terms of location and construction method) that are likely to give rise to significant effects on the site.
2. Identification of the bird species according to the Birds Directive found in the designated SPA. Areas and habitats of importance during any aspect of the lifecycle of the mentioned birds found within the area of influence should be identified.
3. An assessment of the predicted impacts on key bird species and their habitats within the area of influence during construction and operation due to disturbance, noise, vibration, direct habitat loss/ damage, lighting. In particular any impacts on the cliffs and their structure, and therefore indirect impacts on birds, shall be identified. Impacts should be identified as direct/indirect and short/long-term. Cumulative impacts should also be assessed. Any uncertainties and gaps in information should be acknowledged.
4. An evaluation of the way in which the integrity of the bird populations (determined by the structure and function of the site and its conservation objectives) is likely to be affected by the project. Such an evaluation should assess if the proposed project has the potential to affect
 - a. Conservation objectives:
 - cause delays in progress towards achieving the conservation objectives of the site
 - interrupt progress towards achieving the conservation objectives of the site
 - disrupt those factors that help maintain the favourable conditions of the site
 - interfere with the balance, distribution and density of key species that are the indicators of the favourable conditions of the site
 - b. Other indicators:
 - cause changes to the vital defining aspects that determine how the sites functions as a habitat or ecosystem
 - change the dynamics of the relationships that define the structure and / or function of the site
 - reduce the population of key species
 - result in disturbance that could affect population size or density or the balance between key species
 - result in fragmentation
 - result in reduction or loss of key features of the site.
5. Measures to eliminate, mitigate and/or compensate adverse effects on the species according to the Birds and Habitats Directive and the integrity of the site should be identified including:
 - A list of measures to be introduced;
 - An explanation of how the measures will eliminate, mitigate and/or compensate adverse effects on the birds and integrity of the site;
 - Evidence of how they will be implemented and by whom;
 - Evidence of the degree of confidence in their likely success (any mitigation/compensatory measures shall be proven successful and in place prior to commencement of the project);
 - A timescale, relative to the project or plan, when they will be implemented; and
 - An explanation of any proposed monitoring scheme and how any mitigation failure will be addressed.
6. A prediction of residual adverse effects of the project on the bird species within the Natura 2000 site, following the implementation of the mitigation measures. The appropriate assessment should arrive at a clear conclusion whether the entire proposed project is expected to have a significant adverse impact or not.

7. A thorough assessment of all possible alternatives to the proposal, comparing each alternative with the original plan, and clearly indicating the relative effects on the Natura 2000 site and its species.

Assessment of Alternatives

Possible Alternative Solutions	Evidence of how the alternative solutions were assessed	Describe the relative effects on the conservation of the site/species
Alternative size/placement of storm water tunnel		
Alternative 1		
Alternative 2		
Alternative 3		
Alternative lighting schemes		
Alternative 1		
Alternative 2		
Alternative 3		
Alternative method and timescales for construction		
Alternative 1		
Alternative 2		
Alternative 3		
Conclusions		
Alternative 1		
Alternative 2		
Alternative 3		