

Annex I

Environmental Impact Assessment

Schedule III

(Screening according to S.L. 549.46)

ERA Reference no.: EA/00053/19

PA Reference no.: PA/05917/18

Project Title: Outline application - Relocation of Joem Pit Stop Ltd (PRS No54), Fleur De Lys Road, Birkirkara to a new site at Triq Villabate, M'Scala. Proposal includes the construction of Fuel Service Station, including underground services, basement Class 6A storage, ground floor Class 4B shop, Tyre Service Garage, Tyre Store, LPG Tank, Car Wash Facilities and installation of signs.

Location: Site at, Triq Villabate, Żabbar, Malta

Screening date: November 2019

1. Outline of proposal

- 1.1 The proposed development is for the relocation of an existing kerbside fuel station at Triq Fleur De Lys in Birkirkara (PRS No. 54), to an ODZ site at Triq Villabate in Haż-Żabbar.
- 1.2 The proposal also envisages an enlargement of the facility to include the construction of a new fuel servicing station including:
 - Autogas (Liquefied Petroleum Gas) filling facilities;
 - Four fuel dispensing points;
 - Four car wash facilities;
 - Four electric charging stations;
 - Class 4B shop;
 - Tyre store;
 - Servicing garage;
 - Office;
 - Seven parking spaces;
 - WC;
 - Five separate drying areas;
 - Underground tanks for fuel storage, and;
 - Reservoirs.
- 1.3 The current facility excluding the ancillary service shop covers an area of less than 20 m² whereas the proposed development would occupy an area of circa 1,800 m² (**Figures 1-4**).



Figure 1: Map showing the location of the proposed new fuel servicing station Triq Villabate in Haż-Żabbar (Source: PA Geoserver).



Figure 2: Map showing close-up location of the proposed new fuel servicing station Triq Villabate in Haż-Żabbar (Source: PA Geoserver).

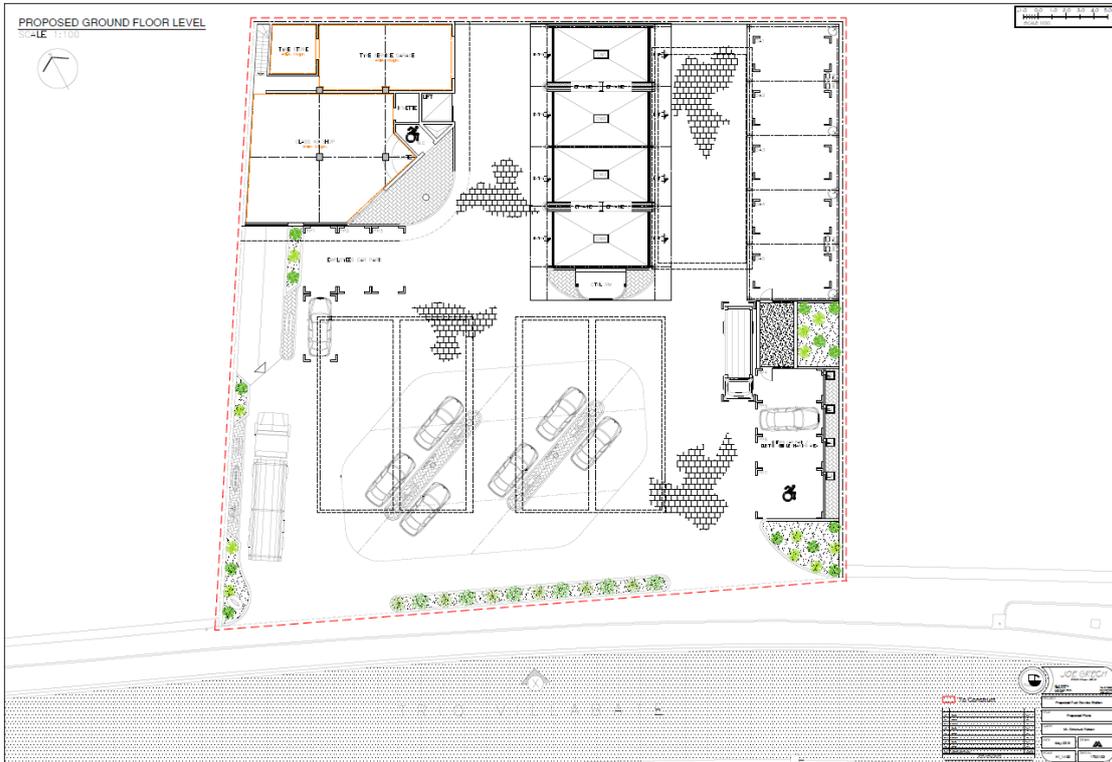


Figure 3: Plan of the proposed fuel service station (Source: *E-apps PA 5917/18/1c*).

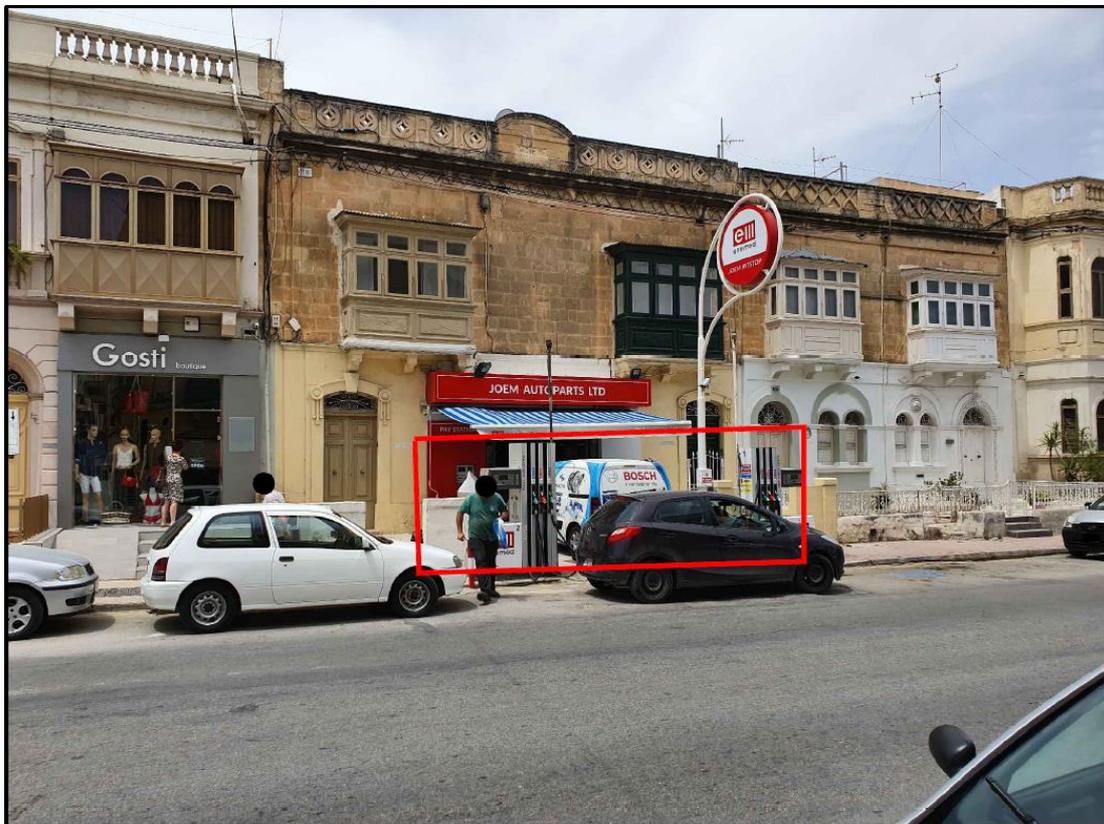


Figure 4: Site photo of the existing fuel service station at Triq Fleur De Lys in Birkirkara (Source: *E-apps PA 5917/18/97a*).

2. Site context

- 2.1 The proposed site is located along a distributor road at Triq Villabate on the outskirts of Ħaż-Żabbar and lies Outside Development Zone (ODZ). Additionally, the site lies within an Agricultural Area (SMAG 01) as designated by the South Malta Local Plan as per Map ZA6.
- 2.2 The site is located circa 100 m to the west of the Category 3 Rural Settlement of Ħas-Sajd and circa 110 m east of the Ħaż-Żabbar Development Zone along Triq Villabate. The closest residential property to the site is a farmhouse located circa 65 m to the west.
- 2.3 The rural land on which the development is being proposed, contains of a row of olive trees, found on the northwestern side of the site, together with three pine trees and a line of palm trees on the northeastern side. Noting site is within ODZ land, the olive (*Olea europaea*) and pine (*Pinus halepensis*) trees afford protection in line with the Trees and Woodlands Protection Regulations, 2018 (S.L. 549.123).
- 2.4 The PDS states that the proposed site is currently characterised by a number of activities such as parking, open storage area for boats and boat trailers as well as franka stone blocks, with a large part of the site being hard surface. However, it is also being stated that none of the activities taking place in the site currently have any connection with the applicant.

3. Documents used for screening:

- a. Project Description Statement (PDS) at doc. PA/05917/18/123a-c, which was referred to ERA on 1st October 2019 (PA/05917/18/125a);
- b. ERA reply at doc 62a, and;
- c. Other documents on e-apps (docs 1a – 1h and 97a).

4. Site history

- 4.1 This site has been previously subject to the following Enforcement Notices, and Planning Application:
 - EC/00290/11; Dumping of inert material without permit Pending Direct Action.
 - EC/00291/11; Change of use of site for keeping of gas cylinders, trucks, deposit and storage of franka stone, covering of path with hot asphalt and construction of franka stone wall – Pending Direct Action.
 - PA/04357/16; Construction of LPG cylinder distribution point including attendant's room and underground water reservoir – For which appeal PAB 00100/17 was decided confirming refusal.

5. Overall Assessment

- 5.1 The existing kerb-side fuel filling station at Birkirkara (proposed for relocation) consists of two fuel pump dispensing points whereas the new fuel station being proposed in Haż-Żabbar will consist of two pump islands with a total of four fuel pumps which will supply unleaded petrol and diesel along with ancillary facilities as outlined in Paragraph 1.2.
- 5.2 The current facility excluding the ancillary service shop covers an area of less than 20 m² whereas the proposed development would occupy an area of circa 1,800 m². The proposed development is therefore not simply a like-with-like relocation but a major expansion of commercial use located on ODZ land.
- 5.3 The proposed enlargement and relocation of the fuel station would result in the uptake of circa 1800 m² of undeveloped rural land. ERA is therefore concerned about the further loss of undeveloped rural land to accommodate yet another significantly enlarged fuel station ODZ, thereby contributing to the cumulative environmental impact caused by the numerous ad hoc proposals for such petrol station developments.
- 5.4 The construction of a fuel station on this site would introduce a dominant urban development which is incongruous within the rural characteristics of the surrounding rural environment. This area is in fact identified for its agricultural value in the South Malta Local Plan (SMLP) through Map ZA6 and protected through the provisions of policy SMAG 01 which states “only buildings, structures and uses essential to the needs of agriculture will be permitted on condition that it can be demonstrated to the satisfaction of MEPA that they will not adversely affect water supplies, soil and landscape, and accord with all other policies within this Local Plan” (SMLP, 2006:44). Hence, the proposal is in direct conflict with the Local Plan’s designation and corresponding environmental policies for the area, thereby prejudicing the effectiveness of such zoning as an environmental safeguard. Such type of development should be restricted to designated sub-urban zones such as Areas of Containment identified in the Local Plan.
- 5.5 The site has undergone illegal deposit and storage of franka stone, covering of path with hot asphalt and construction of franka stone wall for which enforcement notices EC/00290/11 and EC/00291/11 have been issued. These works run counter to SPED Objective 4 and Rural Policy and Design Guidance (2014) policy 2.9. Such land degradation should not be considered as a valid site commitment or as a valid pretext for intensifying such impact even further by urbanizing the site.
- 5.6 The proposed development also runs counter to Thematic Objective 1.10 and to Rural Objective 4 of the Strategic Plan for Environment and Development in that the proposal is not considered legitimate or necessary within the rural area. This inherent conflict between the development and its siting cannot be satisfactorily addressed through further studies.

5.7 In view of the above points, ERA considers this proposal as **objectionable** from an environmental point of view. ERA recommends that the site is restored to its former agricultural state through the removal of the list of illegalities as mentioned in Paragraph 5.1.

6. EIA Screening (citations refer to S.L. 549.46, except where otherwise specified):

6.1 The proposed development falls under the scope of Schedule I Category II Section 10.0.2.4 (Development or extension of fuel servicing stations, including petrol stations and gas distribution stations) of the EIA Regulations, 2017 (S.L. 549.46).

6.2 In this regard, the environmental concerns identified in section 5 above are also relevant in terms of EIA screening. In this regard, the key impacts of the proposed development relate to direct uptake of open rural land, in-principle conflicts with the site's ODZ zoning and related environmental provisions in the Local Plan, and contribution to cumulative urban sprawl onto the rural area. These concerns, as already summarised in section 5 above, cannot be addressed properly through detailed studies.

7. ERA Conclusion and Recommended Way forward

- a. Whilst ERA is not opposed to the relocation of the existing kerb side fuel servicing station at Birkirakara, ERA considers that there is no valid justification for the loss of the undeveloped rural land at Ħaż-Żabbar and the associated environmental impacts to accommodate even further development of petrol stations beyond the development zone boundary. There is also concern regarding the cumulative environmental impact caused by the numerous ad hoc proposals for petrol stations currently being proposed on ODZ land. Whilst the proposed development would qualify for an EIA as per the EIA Regulations, 2017 (S.L. 549.46), this proposal *per se* would still leave this strategic-level environmental concern unresolved. In this regard, ERA's comments (PA/05917/18/62a) are being reiterated.
- b. In view of the above, ERA continues to consider the proposal as being objectionable from an environmental point of view. ERA recommends that the site is restored to its former agricultural state through the removal of the list of illegalities as mentioned in Paragraph 5.1.
- c. Based on grounds of the soon to be announced cut-off date for Internal Combustion Engine (ICE) vehicles, from a but not limited to environmental point of view, it is groundless to burden the Island with petrol stations, when plans for the near future are to ban importation of the ICE vehicles running on fuels.

- d. Given that the new draft Fuel Service Station Policy (20/09/2019-01/11/2019) is currently undergoing public consultation, the proposal is also considered premature pending the coming into force of the final Fuel Service Station Policy.
- e. Without prejudice to the above, should the proposal be considered favourably by the Planning Authority against ERA's objection, the applicant is to be informed that:
 - i. The proposed development would qualify for an EIA, however such EIA studies would still leave the critical environmental concerns indicated in Section 5 unresolved;
 - ii. The proposal would qualify for an Environmental Permit from ERA;
 - iii. In view that the proposal involves interventions on protected trees, the proposed operation or activity would required to be permitted in line with the Trees and Woodlands Protection Regulations, 2018 (S.L. 549.123);
 - iv. 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.