

Environmental Impact Assessment

Schedule III

(Screening according to S.L. 549.46)

ERA Reference no.: GF/00153/08
PA Reference no.: PA/05212/08
Project Title: To sanction extension of existing quarry, to extend quarrying vertically and to restore quarry.
Location: Site at, Tal-Misrah, I/o, San Lawrenz
Screening date: April 2021

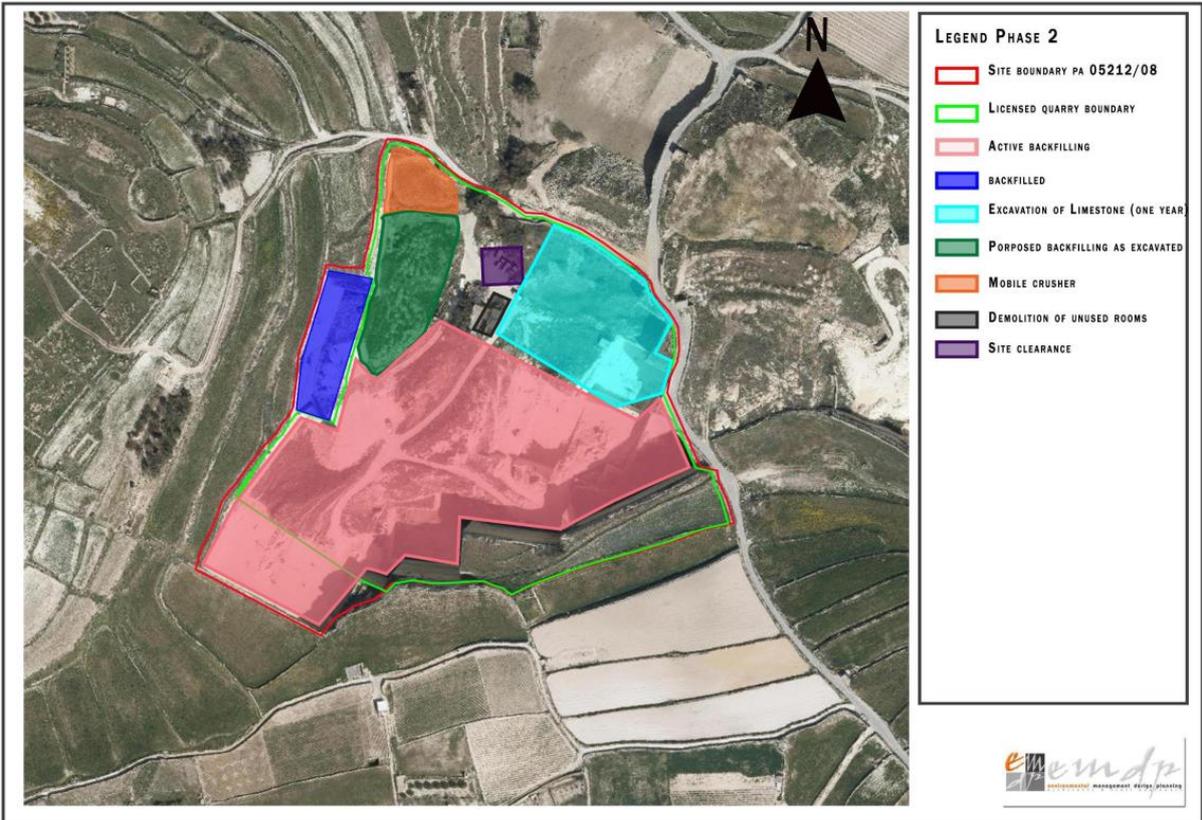
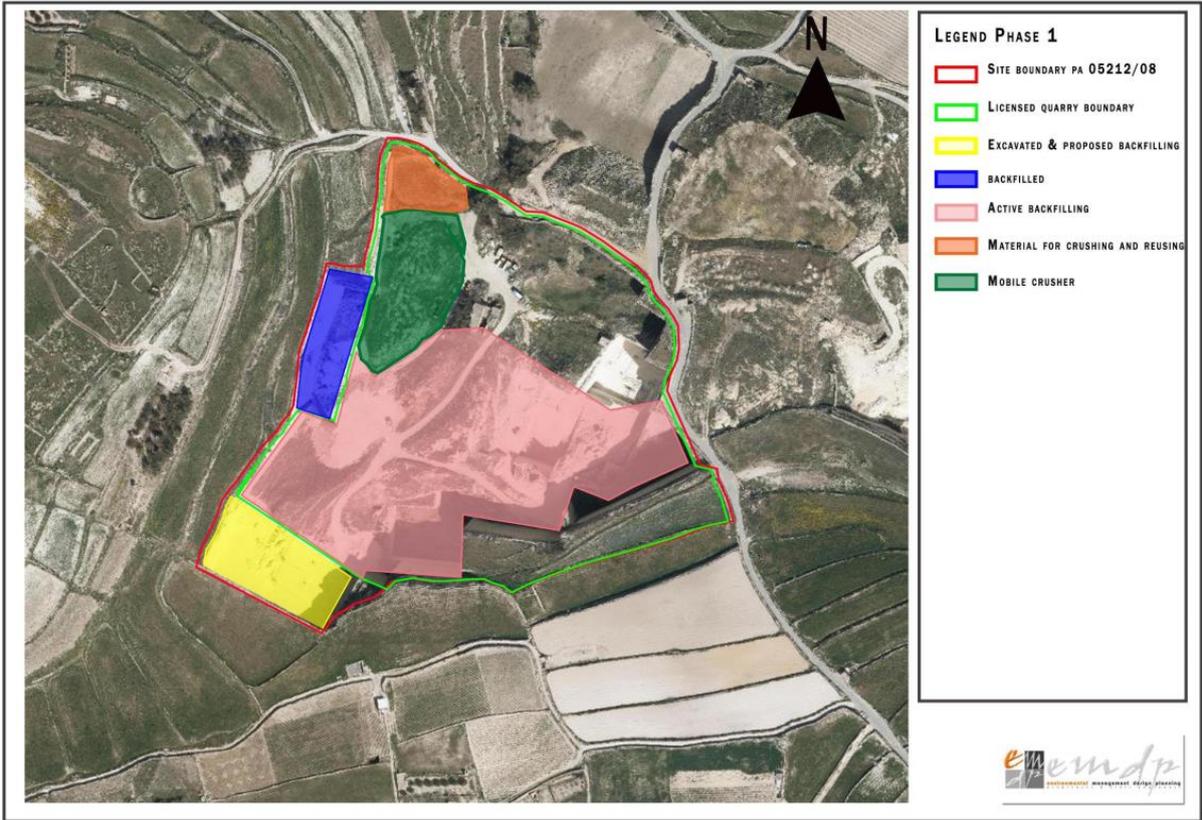
I. BACKGROUND

1. Outline of proposal

The proposal involves the sanctioning of illegal extensions carried out in the southern and western part of the quarry, sanctioning of illegal backfilling, vertical extension of the quarry for extraction of mineral resources (within the licensed quarry boundary) and the restoration of the quarry void once exhausted (see Figure 1).

In view that the illegal extension in the western part (area marked in blue in Figure 1) of the quarry has already been exhausted and backfilled, only restoration is being proposed for this area. The other illegal extension, in the southern part of the site (area marked in yellow in Figure 1), has already been excavated, however, not yet backfilled. The area within the licensed quarry boundary has been excavated and whilst backfilling is proposed, the PDS also makes reference to further extraction of rock in certain areas in order to fully exhaust the quarry prior to backfilling. The proposed phasing of works in Figure 1 outlines how excavation and backfilling are proposed to take place concurrently.

The proposed restoration of the quarry void involves backfilling with inert material, which will be compacted to ensure stability of the backfilled area. The void will be infilled up to the original site levels, in order to reinstate the pre-existing valley topography with terraced fields, in accordance with the 1957 aerial photo and 1968 contour map, as shown in figure 33 of the Restoration Method Statement) (see Figure 2).



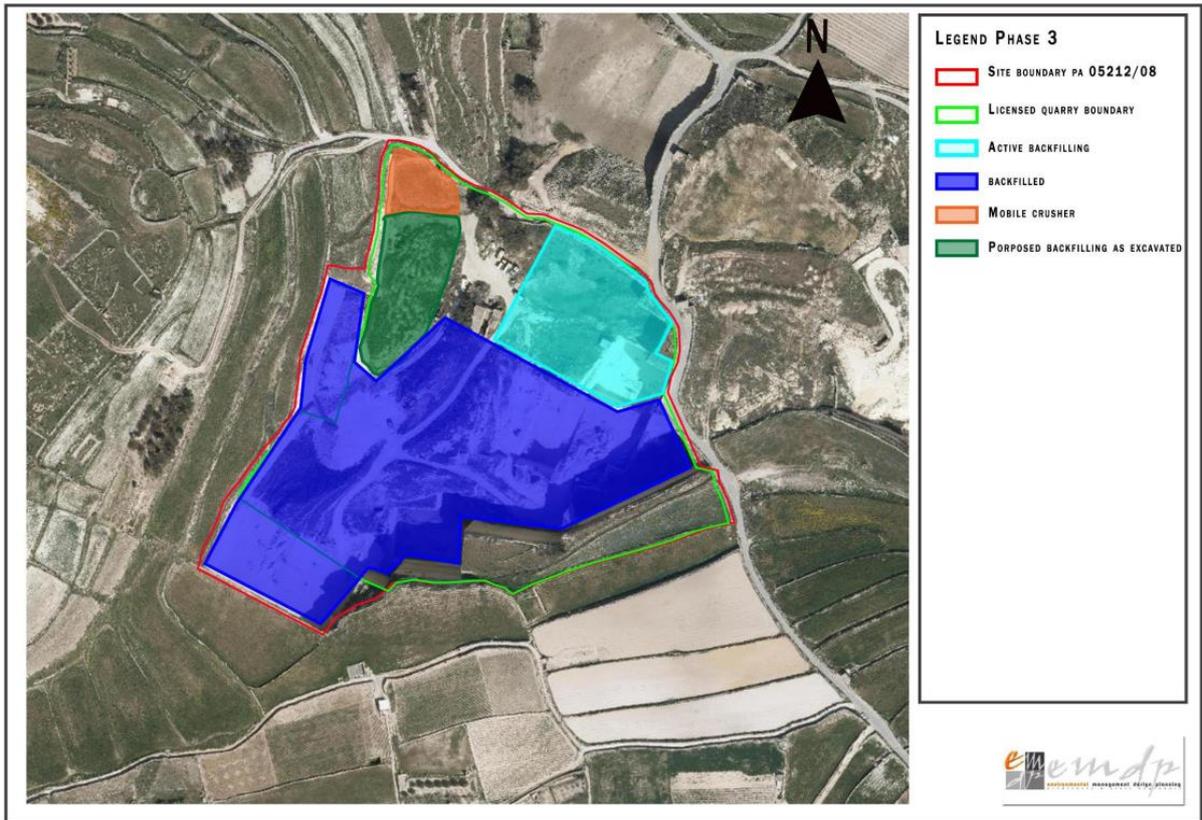


Figure 1 – Proposed phasing, outlining areas subject to quarrying, backfilling, placement of mobile crusher (Source: PDS and Restoration Method Statement)

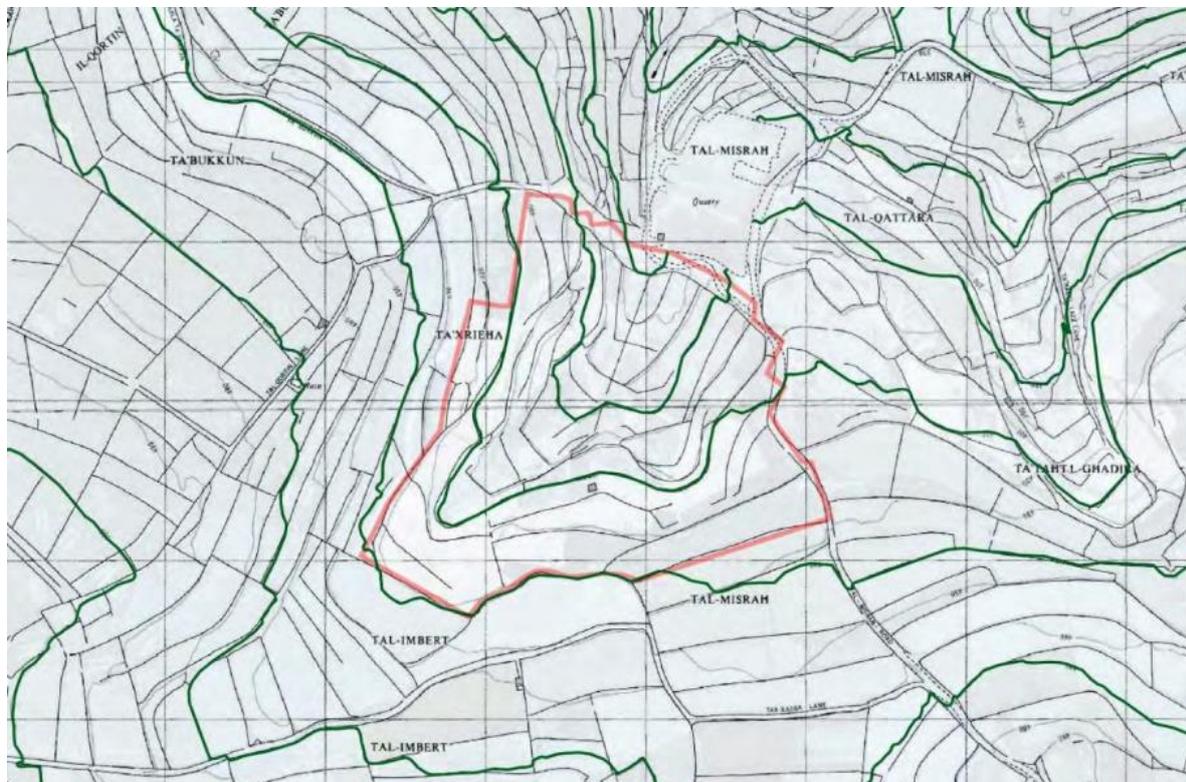


Figure 2 – Restoration of the quarry to the pre-existing topography, in accordance with the 1957 aerial photo and 1968 contour map (Source: Restoration Method Statement)

2. Site context

The site of the proposal is soft stone quarry SG7, at the edge of San Lawrenz, bordering Ta' Kercem. The quarry is a Lower Globigerina Limestone quarry, with a total site area of approx. 42,000 m² (see Figure 3).

The immediate surroundings are characterised by agriculture and abandoned fields, with the latter being concentrated closer to the coastal area. In the immediate vicinity, two other soft stone quarries are located, being SG1 and SG3. The site overlies the Gozo Mean Sea Level Aquifer.

The site falls within the Qawra/Dwejra Heritage Park Action Plan, 2005 and borders to the north a level 3 Area of Ecological Importance (AEI) due to the present valley systems and an Area of High Landscape Value (AHLV) due to the rural and coastal area (both designated by virtue of Govt. Notice 37 of 2001).

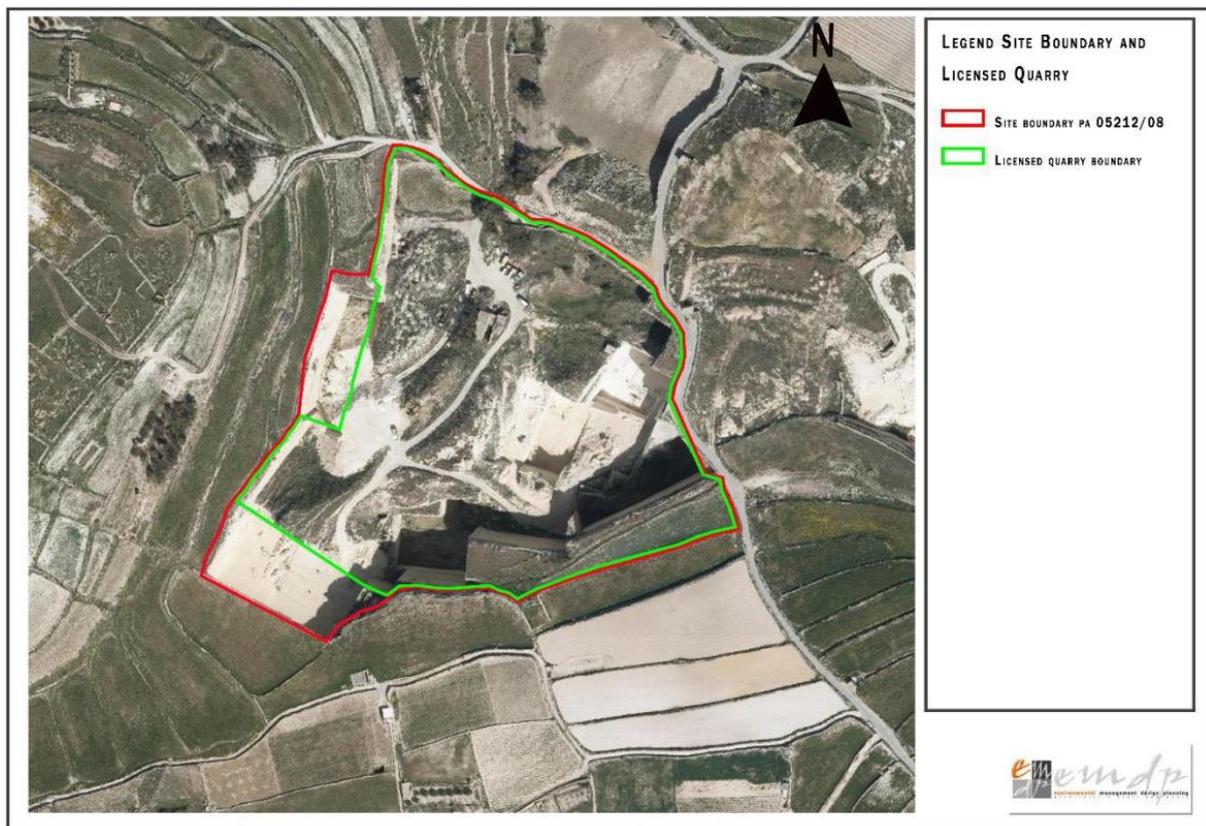


Figure 3: Site boundary (red) and licensed quarry boundary (green) shown on orthophoto (Source: PDS)

3. Case history

The site was previously subject to the following Planning Applications:

- PA/05493/00 - Extension of existing soft stone quarry including sanctioning of part area. Site at, Tal-Misrah, I/o, San Lawrenz. (Withdrawn)
- PA/07339/06 - To sanction extension of existing stone quarry and propose downward quarrying. Site at, Tal-Misrah, I/o, San Lawrenz (Withdrawn)

In addition, the site has been subject to the following PA Enforcement Notices and ERA Stop and Compliance Notices:

- EC/00458/98 - Deposit of inert material and extension to soft-stone quarry without permit. Site at Tal-Misrah, I/o San Lawrenz, Gozo. (Planning Authority decision reviewed by Appeals Board / EPRT)
- EC/00714/02 - Scrapyard without permit. Site At:, Tal-Misrah, I/o, San Lawrenz. (Enforcement Action Closed - Owner/Occupier removed the illegal development)
- EC/00007/04 - Construction of a store which is being used for sand blasting without permit. Site at Ta' Xrieħa, Tal-Misrah, I/o, San Lawrenz (Enforcement Action Closed - Owner/Occupier removed the illegal development)
- OWK/0065/19 - Tfiiegħ ta' radam fil-barriera mingħajr permiss bi ksur tar-Regolamenti dwar Maniġġar ta' Skart (Maniġġar ta' Skart mill-Industriji ta' Estrazzjoni u Rdim) (L.S. 549.50); Dħul ta' materjal jew skart inert minn barra l-barriera għat-tkissir ta' l-istess materjal bi ksur tar- Regolamenti dwar l-iskart (L.S. 549.63); Tfiiegħ u ħruq ta' skart mhux inert bi ksur tar-Regolamenti dwar l-iskart (L.S. 549.63); (Active)

4. Screening Criteria

4.1. EIA screening

(citations refer to S.L 549.46, except where otherwise specified)

ERA notes that the vertical continuation of quarrying within the licensed quarry boundary does not fall within the scope of the Environmental Impact Assessment Regulations (S.L. 549.46), however, in view that the proposed sanctioning of the illegal horizontal extension to the quarry covers an area of approximately 4,500 m², the proposed development falls within the scope Schedule I, Category II, Section 9.0.2.1 of the EIA Regulations (S.L. 549.46). Therefore, the proposal was screening in terms of the EIA Regulations.

5. Documents used for screening

- Project Description Statement (PDS), at doc PA/05212/08 – 95b, referred to ERA on 19 July 2019;
- Restoration Method Statement (RMS), at doc PA/05212/08 – 101a, referred to ERA on 22 November 2019;
- ERA's previous correspondence, including ERA's overall assessment, at document PA/05212/08 – 103a, dated 20 December 2019;
- Updated Project Description Statement, at doc PA/05212/08 – 106b, referred to ERA on 11 March 2020; and
- Updated Restoration Method Statement, at doc PA/05212/08 – 106c-d, referred to ERA on 11 March 2020.

II. ASSESSMENT OF PROPOSAL

6. Overall Assessment

- 6.1. The proposal involves the continued quarrying within the licensed boundary and the sanctioning of illegal horizontal extensions beyond such licensed boundary. With respect to the former, ERA has no specific concern regarding such continuation as long as the quarrying is restricted to the licensed boundaries only. However, with respect to the latter, ERA has noted that these extensions have not only been quarried illegally, but one of these two areas has been backfilled as well, without a valid environmental permit. This concern is further compounded by extensive backfilling activities that have taken place in the rest of the quarry as well, also in the absence of a valid environmental permit.
- 6.2. With respect to the illegal horizontal extensions, ERA notes that such extensions have further intensified the already significant scar in the landscape, and the permanent damage to the area in terms of geology, geomorphology and hydromorphology. ERA had indicated in its previous correspondence (at document PA/05212/08 – 103a) that the proposal cannot be considered further in view that the horizontal extensions have only been proposed to ERA as a *fait accompli* and the retroactive sanctioning of such grave illegalities is considered objectionable. ERA notes that the only way to effectively mitigate the significant damage is through the immediate restoration of the site back to its original state. However, in order for ERA to re-evaluate its position and consider the proposal further, the applicant shall obtain an environmental permit granted by the Authority, which will impose a contribution to the Environmental Fund, to be used for environmental gain.

7. Screening in terms of Schedule III of the EIA Regulations (S.L. 549.46)

- 7.1. With respect to land use, the proposed further quarrying is not considered to be significant in view that such operations fall within the licensed boundaries of the quarry and is thus already designated for such use. With respect to the illegal extensions, such actions have negatively altered these areas through the obliteration of their original landforms (agricultural and natural land), however, the reinstatement of the original topography and reversion to the pre-existing land uses is envisaged to offset such impact, in terms of land use *per se*, to a certain extent.
- 7.2. In terms of other detailed impacts, with respect to noise generation, ERA notes that this area is characterised by similar activities and no human sensitive receptors are present within the immediate vicinity. Therefore, noise generation from the operations is not envisaged to be significant. With respect to emissions to air, no significant effects are envisaged as long as suitable dust mitigation measures, as outlined in the PDS (proper covering of stockpiles, sprinkling with water in dry weather conditions, etc.) are duly implemented.
- 7.3. With respect to waste generation, no significant impacts are envisaged as long as the backfilling operations and associated restoration processes adhere to the provisions of the Waste Regulations, S.L. 549.63 and the Waste Management (Management of Waste from Extractive Industries and Backfilling) Regulations, S.L. 549.50.
- 7.4. In terms of landscape character, the present quarry already forms a significant scar in the rural landscape, designated as an Area of High Landscape Value (AHLV). Such scar was further intensified by the illegal lateral extensions. Subject that the proposal will see the full restoration of the site back to its original levels, topography and land cover, such significant impacts on the landscape are envisaged to be offset.
- 7.5. The above assessment concludes that impacts of the proposal are already fairly evident from the onset and are such that these cannot be addressed through targeted studies. Therefore, the

proposal does not require an EIA, in accordance with the EIA Regulations (S.L. 549.46), subject to the proper restoration of the quarry in line with the restoration method statement and the granting of an environmental permit by the Authority, which will impose a contribution to the Environmental Fund, to be used for environmental gain.

8. Environmental Permitting

8.1. The proposal qualifies for an Environmental Permit. In this regard, ERA notes that the Applicant has already submitted an application for an Environmental Permit, with reference number EP/1069/21, which is currently being processed.

III. ERA CONCLUSION AND RECOMMENDED WAY FORWARD

With respect to further quarrying and subsequent restoration of the quarry void, ERA has no specific concerns in principle, as long as such quarrying activities are restricted to the licensed boundaries only, and the quarry is restored back to its original levels and valley topography, with the reinstatement of terraced agricultural land as outlined in the restoration method statement. In fact, such restoration of the quarry back to its pristine state is recommended favourably by ERA and should take place imminently.

On the other hand, ERA reiterates that the retroactive sanctioning of the horizontal extensions to the quarry is concerning due to the illegality and extent of damage it has inflicted on the rural land. This concern is further compounded by the backfilling activities that have already taken place on site without a valid environmental permit.

In order for ERA to reconsider its previously communicated position (refer to document PA/05212/08 – 103a) and consider the proposal further, the Applicant needs to obtain an environmental permit from the Authority, through which a contribution to the Environmental Fund will be imposed, to be used for environmental gain.

In terms of the EIA Regulations (S.L. 549.46), given that the impacts of the proposal are already fairly evident from the onset and are such that these cannot be addressed through targeted studies, no further assessment in terms of Regulation 15 of the EIA Regulations (S.L. 549.46) is required as long as the quarry is restored to its pre-existing valley topography with terraced fields for agricultural use only (in line with the restoration method statement), the aforementioned environmental permit is obtained, and all works are carried out properly such that environmental damage/impact is pre-empted at source through stringent good practice.

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.