

**TO:** Perit Vincent Cassar – Chairman

**FROM:** Christine Tanti – Unit Manager – Regulatory Affairs Directorate

**THRU:** Kevin Mercieca - CEO

**DATE:** October 2023

**SUBJECT:** GF/00150/06 - PA/01398/23 - Amendments to PA 1191/05 including: increase in number of apartments from 159 to 234; reconfiguration of parking levels to increase number of parking spaces from 600+ to 850+; introduction of a green parking area for alternative mode of transport including cycling, scooters, and taxis; removal of vehicular access to the car park from Hughes Hallet street level; introduction of hotel (Class 3B) to also serve apartments (Class 1); addition of amenities level within double height level in tower; conversion of recessed level of tower into full floor and conversion of second recessed level of tower housing core into recessed level; removal of the Pavilion building; introduction of office levels within double height areas in lower buildings; internal reconfiguration of office spaces; internal reconfiguration and subdivision of retail and food and beverage outlets, increasing the total number of Class 4B units, changing the use of Class 4C outlets to Class 4D and increasing the number of Class 4D units; inclusion of external areas to cater for the use of tables and chairs.

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## **1. Introduction and Case Background**

The proposal in caption involves amendments to the approved Townsquare development (PA/01191/05) at the former Union Club Site in Sliema. The permit comprises a mixed development with retail, offices, food and beverage outlets, a 28-storey residential tower, underground parking and service facilities, and had been subject to an Environmental Impact Assessment (EIA) in 2007 and EIA Updates in 2010, 2012, 2015 and 2019. ERA had communicated its latest positions in April 2019 as per Eapps documents PA/01191/05 – 1333a-c.

Due to an estimated increase in operational traffic generation (from 2,526 to 3,188 daily vehicle trips), as a result of the proposed changes to the approved development, ERA had requested the updating of the Air Quality study and its submission as an Addendum to the previous EIA Report, for further assessment, in accordance with Regulation 24(3) of S.L. 549.46.

The Addendum was submitted to ERA on 21 August 2023 and uploaded on the ERA website (<https://era.org.mt/era-project/pa01191-05/>). The Addendum was subject to review, including

a 30-day public consultation (covering the period 03 September 2023 – 03 October 2023). Following conclusion of the review, the final consolidated version of the Addendum (including feedback received during the consultation and the responses by the EIA Coordinator thereon) was submitted to ERA on 11 October 2023. A summary of the EIA process is being annexed to this document (Annex I).

## **2. Outcome of the EIA Coordinator Statement and Addendum to the EIA Report (updated Air Quality study)**

Impacts in relation to cultural heritage, noise, visual amenity and effects on human populations were not expected to differ from those assessed in the previous EIA, notably noise generation (*moderate to major adverse* during works, and *minor adverse* during operations), visual amenity (*major adverse* from various viewpoints), and effects on human populations resulting from the afore-mentioned impacts.

The updated air quality study indicated impacts from the release of particulate matter (PM<sub>10</sub>) by vehicular traffic, whereby the revised project would adversely affect the number of exceedances of the daily limit value for PM<sub>10</sub> (impact up to *moderate* significant), as well as the annual average limit values (up to *minor/moderate* significant). On the other hand, the consultants also noted that PM<sub>10</sub> daily limit values would be exceeded at all locations considered, as well as the annual limit value at multiple locations, even without the development in place, i.e. in the baseline scenario. Impacts in terms of nitrogen dioxide (NO<sub>2</sub>) emissions were assessed as *not* significant.

Compared to the previous air quality study, *moderate* adverse impacts in terms of exceedances of daily PM<sub>10</sub> limit values remain along ix-Xatt ta' Tigne (though extending along Sliema Ferries up to Triq Bouverie) and have shifted from Triq it-Torri to Ix-Xatt ta' Qui-Si-Sana. These impacts are no longer limited to the years of commencement of operations but will continue to prevail after five years. In addition, *minor to moderate* adverse impacts in relation to changes to PM<sub>10</sub> annual average values have arisen for locations along Ix-Xatt ta' Qui-Si-Sana and Ix-Xatt ta' Tigne (Sliema Ferries up to Triq Censu Xerri).

## **3. The Directorate's assessment and recommended way-forward**

The proposal was considered in the light of the already approved development, notably the development commitment established through PA/01191/05. The most significant impacts related to this project had already been taken into consideration during ERA's assessment of the 2018 EIA Update, namely dust and noise emissions during the excavation and construction phases and the changes to the visual amenity in the surrounding area.

According to the Addendum to the EIA Report, the traffic-related impacts remain moderately significant, though Ix-Xatt ta' Qui-Si-Sana would also be affected by increased traffic

emissions and the affected area along Sliema Ferries would be extended. During assessment and interpretation of the air quality study and its modelling exercise, a degree of uncertainty was indicated with regard to the contribution of non-exhaust fractions of particulate matter. Considering this, a precautionary approach is to be adopted when designing further mitigation measures aimed at further attenuating the moderate impact predicted by this development.

The previous no-objection from an environmental point of view, as communicated for PA/01191/05 in April 2019, remains valid vis-à-vis the current application, subject to the conditions listed in Section 4 below. ERA also recommends that additional measures be explored to further reduce traffic generation and the resulting emissions.

ERA also notes that, in the absence of a comprehensive plan-level picture of the overall development capacity of the surrounding area, case-by-case assessment through the EIA process has limitations vis-a-vis proper evaluation of cumulative impact, such as on air quality.

#### **4. Recommended conditions**

##### Notification of commencement of works

- (a) Prior to the commencement of works on site, ERA's Compliance and Enforcement unit is to be formally notified at least five (5) days ahead on: [ced.consult.era@era.org.mt](mailto:ced.consult.era@era.org.mt).

##### Reserved matters

- (b) An improved Green Travel Plan (and/or other appropriate measures as may be agreed to by ERA) shall be submitted to address adverse air quality impacts from increased operational traffic. The plan shall identify additional measures to reduce traffic generation whilst avoiding other environmental impact, and shall include a quantification of the expected reduction in emissions, showing the effectiveness of such additional measures. The development shall not be put to use until such time that the improved Green Travel Plan has been submitted to and cleared by ERA.

##### Environmental Permitting

- (c) Should any combustion plants such as generators and boilers be present on site exceeding the rated thermal input of 1 MWth applicant is to apply for an Environmental permit in line with S.L.549.122. Such combustion plants are to comply with the respective emission limit values set out in Schedule 2 of the aforementioned subsidiary legislation. Application forms can be found on <https://eris.eraportal.org.mt>.

#### Waste management

- (d) All operations concerning the management of waste are subject to all relevant regulations, including the Waste Regulations (S.L.549.63) and the Waste Management (Activity Registration) Regulations (S.L.549.45).
- (e) All wastes shall be separated according to the different waste streams as per EWC codes as defined in Commission Decision 2000/532/EC and deposited in sites permitted by ERA to accept such wastes.
- (f) All storage of waste, including waste oils, required for or generated from the project shall take place only in locations where thorough clean-up and site reinstatement can be readily undertaken. Waste oils generated during all phases of the project must be stored in a secure leakproof container and may only be disposed of through a facility authorised for the collection of waste oils or at an authorised site as per the legal provisions of the Waste Regulations (S.L.549.63).

#### Runoff and effluent management

- (g) The development shall not result in any intended or unintended discharge of wash waters, operational effluents or overflows, sewage, spillages, seepages or leakages from the development site into the ground or onto any surrounding lands.
- (h) Rainwater or wastewater other than sewage shall not be discharged into the domestic sewer. Foul sewer drains must be strictly segregated from storm water drains. Rainwater shall be collected in a reservoir for reuse on site.
- (i) Rainwater shall be segregated from all process areas that are potentially contaminated with raw materials, intermediates and/or products. Wherever this is not possible, rainwater from areas where contamination by oil or fuel is likely (such as loading/unloading and bunded areas) shall pass through an adequately sized interceptor.

#### Subterranean features

- (j) Any fissures (dagħbien), caves, caverns, hollows, geological faults, Quaternary deposits or other features of potential geological, geomorphological and/or palaeontological interest which are discovered must be reported immediately to ERA. No further workings or activity which would disturb or damage these features must take place until the respective investigations have been completed, and thereafter works shall proceed strictly in line with the terms established by ERA. The approved development may need to be amended so as to accommodate in situ preservation of the discovered features.

*Mitigating light pollution*

- (k) To reduce the effects of light pollution, the following specifications shall be adhered to:
- (i) The height and orientation of lighting on site shall be designed in a manner that does not cause illumination beyond the site;
  - (ii) all exterior lighting installed on site shall be horizontally aligned, downward-pointing, fully-shielded and full cut-off. No luminaire globes, uplighters and/or high-level floodlighting are allowed;
  - (iii) all exterior lighting, except for safety purposes in case of navigation, shall be switched off or at least dimmed to 50% after 11pm; and
  - (iv) all exterior lighting shall be of low intensity 'warm light' colour with a correlated colour temperature not exceeding 3000K.