

ERA Report on the Environmental Impact Assessment

PA 06955/17: Amendments to PA6042/08 (renewed by PA660/17) comprising redesign of the iconic building concept to induce an elegant and contemporary architectural statement. The proposed amendments consist of reorganisation of already approved land uses within the new concept and introduce residential and tourist accommodation. Amendments to the building footprint and height to achieve a coherent and unified urban design combined with a balanced layout of the building and increased public open space at ground floor level. Proposal also includes the alterations to the underground parking layout. Restoration of Mercury House. Introduce a new access to the underground 'cold war vaults', at, Mercury House Project, Triq San Gorg, Triq Sant Andrija, Triq Elija Zammit and Triq Gdida fi, Triq Sant Andrija, Swieqi, Malta.

1.0 Procedural aspects following proposed modifications to the approved development

The original proposal for the Pender Place and Mercury House development had been subject to an Environmental Planning Statement (EPS), covering both the outline and full development stages (PA 5804/05, PA 5805/05 and PA 2036/06), and was certified in March 2007. An update to the EPS, following changes to the original Master Plan, in terms of land uses and amendments to the proposal was also carried out. In March 2010, a second update to the EPS was carried out in relation to PA 6042/08, in relation to changes in the gross floor areas and land-uses associated with this development. This update focused on the following issues:

- (1) Impacts on air quality and traffic flows;
- (2) Visual amenity and landscape assessment;
- (3) Wind studies, in view of the changes on the Mercury House site;
- (4) Impacts on cultural heritage and cultural landscape; and,
- (5) Other environmental considerations.

Following the approval of the abovementioned development permit applications, ERA was informed through the PA consultation process for PA 06955/17, that a number of amendments were being proposed to the Mercury House area, which include an increase to the building height of approximately 10 storeys and a change from the approved use of the proposed tower, i.e. from the approved office space to residential use through serviced apartments, which also include retail facilities.

Following ERA's preliminary assessment of the proposed development, it was noted that the following impacts may be of significance in terms of material considerations:

- (1) Impacts on landscape amenity and visual impacts, in view of increase in building height of the tower;
- (2) Impacts on air quality (including the likely impact of the proposed high-rise building on pollution levels in the immediate surroundings of the site) and traffic flows during operations;
- (3) Impacts on noise amenity during operations;
- (4) Impacts on cultural heritage and cultural landscape in view of the increased impact on the Mercury House site; and,
- (5) Any other environmental considerations.

In this regard, ERA requested applicant to submit an Addendum to the EPS to discuss these modifications to the proposed development. The Addendum to the EPS was submitted to ERA on the

23rd November 2017 and issued for a three-week public consultation, with a deadline for comments being the 15th December 2017. Comments were received by: (1) the Agricultural Directorate, received on 1st December 2017; (2) is-Swieqi Local Council, received on 18th December 2017 and (3) the late submission from the Environmental Health Directorate, received on the 20th December 2017. A copy of these comments and respective replies from the EIA Coordinator has been included as an Appendix to this document.

2.0 The 2017 Addendum to the Environmental Planning Statement

The EIA Addendum submitted in 2017 provided an update with respect to the following environmental aspects as follows:

- (i) **Air quality**
In terms of air quality, the EIA Consultant notes that in the case of the current proposal, traffic generation is expected to decrease as a result of the replacement of office space by residential units and a hotel, both of which are relatively low-traffic generators. In this regard, the proposed land-uses will lead to a substantial decrease in both peak hours and daily average traffic and therefore no additional mitigation measures in this regard are envisaged.
- (ii) **Landscape and visual amenity**
The EIA Addendum notes that the current proposal is evidently expected to have an impact of higher adverse significance in terms of landscape quality and visual amenity. The height of the tower and the design of the tower are expected to have impacts would be more significant than the approved ones. In terms of sensitive receptors, receptors would experience a moderate to high significance, particularly in short-distance viewpoints, in terms of visual impacts. In terms of shadowing, no significant impacts are envisaged.
- (iii) **Cultural heritage**
The EIA Consultant notes that the impact of the proposed modifications on the terrestrial cultural heritage aspects is not considered to be any different to what was anticipated in the EIS; therefore no additional assessment was carried out.
- (iv) **Wind Climate**
The EIA Consultant notes that: (i) ground-level wind microclimate is expected to be acceptable; therefore no mitigation measures are required; (ii) at the entrance of the proposed development, mitigation measures include the installation of a canopy along the north-facing facade and soft landscaping elements to breakdown accelerated wind flow; and (iii) in the plaza area, possible mitigation measures towards the east of the site would be landscaping or the use of porous screens or similar. No further additional assessment is required.

3.0 Environmental assessment of the proposed development and ERA position

As discussed in the above sections, the Addendum to the EPS concluded that no new significant environmental impacts are envisaged following the modifications and amendments to the development other than those already identified in the previous EPS. In terms of the impact on landscape and visual amenity, the increase in height of the tower would lead to an impact of high significance, as already determined in the original EPS.

In this regard, the ERA is in agreement with the said conclusions of the EIA Addendum and has no further comments to add. No additional conditions are being proposed from an EIA point of view, other than those already included in the previously approved development planning permissions.

Appendix

Consultee	Date of Submission	Comment	Responses 22 December 2017
<p><i>Juliette Vella obo Agriculture Directorate</i></p>	<p>01/12/2017 (via email)</p>	<p>With reference to the email below, the Agricultural Directorate is pointing out that for any movement of soil, it is very important that the necessary permits are in place as per Chapter 236 of the Laws of Malta.</p>	<p>There is no soil clearance involved in the proposed development.</p>
<p><i>Vince Tanti obo Executive Secretary Is-Swieqi Local Council</i></p>	<p>18/12/2017 (via email)</p>	<p>Dear Sir/ Madam,</p> <p>Reference is being made to the Mercury House Environmental Planning Statement, as requested in the e-mail from the ERA. Below are the comments submitted by the Council:</p> <ol style="list-style-type: none"> 1. The site in question is not in Swieqi but in Paceville (as shown on the PA Local Plan PV1), even though the proposal statement in the application PA 6955/17 gives the address as Swieqi. This has possibly led to lack of input from the Local Councils involved --- Paceville (St Julians) directly, but also Swieqi and Pembroke. I do not recall having received notice from the PA of the publication of this application, and therefore the Swieqi Local Council did not have an opportunity to consider the proposal and to comment as necessary. I wonder if even the two other Councils were informed, since no Council has sent representations to the PA on this case (the only objectors were Fimbank, Fimbank Property Investments Ltd, St George’s Park Co. Ltd, and Din I-Art Helwa --- the former three clearly are located close to the site and therefore saw the PA site notice). The final date for submission of representations has now elapsed on the 24th November, and I recommend that the Council should check the list of PA applications sent to us since the 25th October; if it is found that this application (6955/17) was not published under “Swieqi” or “St Julians” then we should ask the PA to re-publish, in order to give us time to object and if necessary to call for a residents’ meeting, since this proposal will clearly affect Swieqi. 2. Application PA 6955/17 basically is for amending permits which were approved in the past for the Mercury House site, following a Government brief of 2005: Outline Permit PA 5804/05 and Permit PA 6042/08 (issued 2012). The latter was for 2 towers of office buildings, 18 stories and 19 stories tall. The current application PA 6995/17 is for the replacement of the two towers by one “iconic” residential tower of 31 floors plus a small hotel. In detail, whilst the original approval was for 23,244 square metres of office space plus 6168 square metres of retail space, the new proposal is for 275 luxury apartments, a hotel containing 48 suites, and 3240 square metres of retail space. Therefore the original “business centre” has now been replaced by a residential tower. 3. The Environmental Planning Statement which the ERA has asked us to comment upon was produced by a well-respected planner Dr Paul Gauci, and I would not even think of challenging his methodology or conclusions. What I would challenge however is the brief which Dr Gauci was given, or rather what was left out, as well as the Planning Authority parking standards (here we go again!) which he was obviously asked to work to. 4. There has been absolutely no reference to important questions like: <ol style="list-style-type: none"> 4.1 Drainage: will the existing system cope? Will the developer be responsible for upgrading as necessary? 4.2 Safety are Malta’s fire fighting and other emergency services capable of coping with a fire or some other serious event in a 31 storey tower? 4.3 Traffic Generation where are the studies which establish the amount of traffic which will be generated by the proposal, and the impact on flows in streets around the site and out of the area? Where are the studies which show how this traffic can be 	<p>Preamble</p> <p>PA 06955/17 proposes amendments to an existing permit. The considerations of the PA, including the requirements of ERA were made known to the applicant in the PA Screening Letter dated 19th September 2017. In addition to the addendum to the existing EIA, the applicant has submitted other studies referred to in the Screening Letter.</p> <p>Notification of full development application</p> <p>The application and all submissions by the applicant and its consultants correctly refer to the Locality as San Ġiljan. We also note that the Government Notice dated 25th October accessible at http://gov.mt/en/Government/Government%20Gazette/pa/Documents/Gaz%2025.10%20PA%20notices.pdf – relevant extract below) correctly gazettes the application with applications in San Ġiljan.</p> <p>Change of use to Hotel / Residential.</p> <p>The change of use from the approved predominantly office use, to a predominantly residential use, is considered to provide an improved contribution to the regeneration of the area. Submissions to the PA include further detail in this regard.</p> <p>The terms of reference</p> <p>The terms of reference were issued by ERA to the PA on the 6th September. The applicant notes that other issues, including some of the matters raised by the Local Council were the subject of information requested by the PA, or by other regulatory agencies, and duly submitted for their consideration.</p> <p>Other matters</p> <p>Sewage: the change of use is not expected to have a significant impact on the sewage infrastructure over the previous approved development.</p> <p>The applicant has provided an Energy, Utility and Stormwater management plan as required by the PA.</p> <p>Fire and Emergency Services: a Fire Safety and ventilation report has been submitted to the PA and discussed with the CPD for their clearance in accordance with standard practice.</p> <p>Traffic impact: the current development was subject to an extensive Traffic Impact Assessment which addresses the detail referred to. In addition, a statement on the specifics of the proposal in PA 06955/17 has been submitted to ERA and the PA. This statement provides the references for underlying trip attraction rates.</p> <p>Parking: the parking provisions correspond to those set out in DC 2015 (The residential units are small units with a requirement of 1space /unit). The relevant details have been submitted to the PA and cleared by Transport Malta.</p> <p>Visual impact: the visual impact assessment utilises standard methodologies and descriptors which are detailed in the EPS for the current approved development.</p>

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		<p>managed so as not to impact on the quality of life of the surrounding residential areas, namely in Swieqi and Paceville?</p> <p>4.4 Parking provision the amount of parking being provided is being judged by reference to the standards arbitrarily adopted by the Planning Authority many years ago regarding parking provision to be provided for developments, which in effect asked for 1 car space per dwelling, including apartments, and 1 car space per 50 square metres of shop. Anyone with any sense of observation will know that these standards are way out of line, and that the absolutely minimum standards to be applied are those published in Annex 1 of the DC 15 document, which ask for 2 spaces per dwelling, and for shops 1 space per 50 square metres for customers plus 0.33 spaces per employee. The standards used in the EPS are totally unreasonable, and should be revised according to the PA's latest document. The statement in para 3.1.1 that traffic generation is expected to decrease when offices are replaced by residences and a hotel should be questioned, with particular reference to the peak time traffic.</p> <p>4.5 Paragraph 3.2.3 uses subjective terms, such as one that says that the visual impact of the tower will be of "moderate significance". What does this mean? We expect a more articulate and defined explanation of this point.</p> <p>In view of the above we kindly ask you to consider these points.</p>	
<i>Health Directorate Services</i>	04 December 2017 (ref: DH 54/20171107)	Overleaf	Noted