

Comments on the Environmental Impact Assessment and Appropriate Assessment Reports

PA/04777/20

Proposed demolition of existing hotel at San Niklaw Bay and existing bungalows at Santa Marija Bay. The proposed development consists of part excavation and the construction of Class 3B Hotel (140 beds) at San Niklaw Bay area and individual serviced Bungalows (21 units) at Santa Marija Bay area with ancillary facilities and amenities including Spa (class 3C), bars/lounges (Class 4C) and restaurants (class 4D), upgrading the existing berthing facilities (class 3D); construction of swimming pools; reservoirs; complete upgrade of the infrastructure systems and back of house facilities. Upgrading and reinstatement of the natural ecological and existing disturbed terrain in both San Niklaw and Santa Marija areas in accordance with the Gozo and Comino Local Plan.

Site at Comino Hotel and Bungalows, Gżira ta' Kemmuna, Kemmuna, Għajnsielem

17 November 2021

1. Consultees' Comments on the EIA and AA Reports (23 September 2021 – 25 October 2021):

No.:	From	Comments
1	Environmental Health Directorate Dated 22/10/2021	With reference to the Environmental Impact Assessment dated 23rd September, 2021 regarding subject indicated in caption, please be informed that this Directorate would like to submit the following comments/recommendations regarding this proposal: • The area to be developed is located on the island of Comino, the applicant proposed the following: • Redevelopment of the site of the Comino Hotel at San Niklaw Bay to provide for a new hotel (71 bedrooms) and ancillary facilities including two pools, a Spa, restaurant and bars. Redevelopment of the bungalows site at Santa Marija, to provide for 21 new serviced bungalows and a restaurant, in an area to be known as 'the village': . • Reinstatement of the existing defective and derelict reservoir located at the rear of Comino Hotel (capacity of 1,300m³) and even of the existing reservoir at Santa Marija: • Installation of two piers- one at each Bay approximately 15 meters in length at San Niklaw and 15 meters at Santa Marija Bay. With this regard the Directorate has no objection since many of the existing structures on the Scheme site including the reservoir have deteriorated and some require demolition as they are structurally unsound. Since the area of the scheme is already built and with no intervention, its state will continue to deteriorate and will afford harbourage of rats and other pests that will be a nuisance to the public health Hence, the Zero Option (the do nothing scenario) should not be an option. Construction Phase Should this proposal be accepted, the applicant is to adopt best practice methods together with good site practices and ensure compliance with Environmental Management Construction Site Regulations during the construction phase. Moreover, applicant is to implement all proposed mitigation measures so as to cause least nuisance and mitigate adverse air (from dust dispersal and emissions from vehicles and machinery), noise and vibration impacts on sensitive receptors in the Area of Influence and on the general public. Hence the importance of drawing up and implementation of a Construction Management Plan to ensure adherence to proper site management practices so as

		to address sea water, groundwater and surface water pollution, to mitigate other adverse construction impacts, including construction traffic impacts and to ensure safety measures. Monitoring of construction works is also highly recommended so as to ensure implementation of all necessary mitigation measures and adherence to work practices throughout all the phases of the project. The use of water sprays to maintain dampness of the mineral can cause surface runoff on bathing area and thus this has to be mitigated. The creation of water aerosols from such activity should also be minimized as this may be of risk to employees, residents and visitors in area and hence it is recommended that said water is treated with chlorine prior use. Safe and proper handling of raw materials on site should also be ensured to reduce the risk of spillage that might lead to contamination of bathing area. Good practice and adequate preventive measures are to be taken for any accidental spillage of construction material and/or excavation waste, hazardous fluids, fuel and lubricants which are also to be well managed and adequately stored. The necessary arrangements for remedial and/or removal works affecting asbestos if and when appropriate are to be made. All proposed mitigation measures regarding adverse impacts arising from this development during the demolition, excavation, construction and operation phase are to be implemented by applicant to mitigate any significant adverse health effects and nuisances on sensitive receptors in the Area of Influence and the general public. The possible health effects of any residual impacts that cannot be mitigated and the overall cumulative impacts should also be taken into consideration. Official Bathing Areas The Environmental Health Directorate is particularly concerned with the fact that the Scheme falls within the two official bathing areas namely San Niklaw Bay (D22) and Santa Marija Bay (D23). All deliveries and transportation of the construction materials and labour in connection with the project are being proposed to be effected at San Niklaw Bay and Santa Marija Bay. Moreover, construction activities which will also include the interventions on the repairing and upgrading of the jetties and quays, the increase in marine traffic and the stormwater runoff during construction could result in increase in turbidity of the sea water and thus may cause adverse impacts on the bathing water quality of these official bathing sites. Hence it is essential that all necessary mitigation measures are to be adopted to prevent from any contamination of the sea water and surroundings. No works shall be carried out at San Niklaw Bay and Santa Marija during the official bathing season which is between the third week of May and the third week of October. If due to poor weather conditions and/or the time frame of the proposed project, works need to be carried out during the official bathing season, the applicant is to notify the Environmental Health Directorate within the Superintendence of Public Health prior to the commencement of works in order to avoid any infringements of the Bathing Water Directive. The notification is to reach the Water Regulation and Audit Unit within the EHD office till end of November of the preceding year. Any changes in the beach profile of San Niklaw Bay (D22) and Santa Marija Bay (D23) Comino Profile 29 published by the Environmental Health Directorate within the Superintendence of Public Health, is to be revised and updated at the expense of the applicant following the completion of the proposed project.
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It is recommended that the piping used for the discharge of saline water from both Reverse Osmosis plant and cooling water system of the Hotel must be placed at the bottom of the sea. Discharge of water at sea must be free from contaminants and chemicals.

Water

1st Class water

Cold water

For potable cold water system is being envisaged that a reverse-osmosis plant within the hotel precincts would be installed for the hotel. Said plant must be registered with the Environmental Health Directorate and follow L.N. 17 of 2009 Water Intended for Human Consumption Regulations as amended. No indication has been provided as to what type of Potable Cold Water System is to be used for the residential area. Construction of potable water tanks are to be made of material approved to be in contact with food. This reservoir for potable water has to be isolated from the other reservoirs used for second class water. Microbiological and chemical samples are to be taken in accordance with the standing legislation.

Hot water

Any boilers used to heat water must be maintained at temperature of 80 °C and that of the Calorifier and any other hot water holding tank must be of 60° Celsius, Hot water at the point of use is to be at a temperature between 50°C to 55°C withia hae minute running water

2nd Class water:

Water collected from rain water MUST NOT be used for human consumption. The overflow of reservoir used for the collection of rain water MUST NOT be connected to the drainage system but onto the street.

Grey Water:

Treated Grey water MUST NOT be used for human consumption. It can only be used on flushing apparatuses of WC and irrigation. Prior being used on flushing apparatuses it must be treated with chlorine. The overflow of said grey water should be discharge in the drainage water system and not onto the street.

It is recommended that instead of sprinkles for irrigation, drip irrigation is used to prevent that nerosol are distribute in the area that may be of risk for Legionnaire Diseases.

Swimming Pools:

Swimming pools used for public and commercial use must be registered with the Environmental Health Directorate as per LN 129 of 2005. On the other hand if the pool will be used for residents as being proposed in the Scheme that each serviced bungalow in the village will have a pool, the applicant has to follow LN 135 of 2008, Swimming Pool Regulations, paragraph 11(2 a&b), "It shall be duty of the responsible person to prove to the satisfaction of the competent authority that the pool is neither public nor commercial and to ensure that the swimming pool is kept in such a state as not to pose a risk to public health". Discharge of pool water can only be through the

	sewage system and must not reach the street or ground water. The necessary discharge permits are to be obtained from the relevant authorities. Water features are to be chlorinated on a regular basis and monitored for bacteria growth especially Legionella Air & Noise Pollution Since it is envisaged that regular movement of heavy vehicles on dusty roads is likely to increase dust generation along the routes between the hotel and the village' at Santa Marija area it is recommended that all necessary mitigation measures are to be implemented during the demolition, excavation and construction phases to reduce the level of air pollution. All mitigation measures to control dust must be carried out with caution to prevent that runoff ends in the bathing areas. Measures mentioned to ensure that surface run-off, water used for dust control, water used for wheel washing and general cleaning are to be adopted and maintained during construction and operational phase. It is also pertinent that during the operation of the scheme all proposed mitigation measures are strictly implemented so as to mitigate all environmental risks especially through underground, surface and airborne pollution. All the necessary mitigation measures during the construction and operation phase of the Scheme are to be implemented in order to prevent and/or reduce the level of noise pollution in the surrounding area. WHO states, that the threshold level for noise exposure which may have an effect on the human health range between 32-42db to the nearest bedroom at night. Waste Management Waste management strategy should be adopted and implemented during demolition/excavation/construction/dredging and operational phases so as that all generated waste streams will be contained, separated and disposed of safely through the appropriate facilities and according to the necessary permits/licences. With regards to removal and disposal of any hazardous waste, adherence to regulatory codes and procedure and the due diligence is important in view of the health and safety and any adverse impacts on nearby sensitive receptors. The necessary permits by competent personal authorities are to be obtained when construction waste is carried out by sea transport using barges or dumped at sea. The necessary mitigation measures are to be adopted when construction waste is transferred into the barges to limit the accidental or deliberate spillage into the sea. Generated wastes, cleaning chemicals etc. from any temporary sanitary facilities for on-site workers should be properly disposed of. Wastewater Treatment Plant All necessary mitigation measures regarding major impacts arising during the development and operational phases of the Wastewater treatment Plant (WWTP) are to be strictly implemented by applicant in order to mitigate any significant adverse health effects and nuisances on the Area of influence and the general public. The possible health effects of any residual impacts that cannot be mitigated should also be taken into consideration.
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	Sumps and biological treatment and sedimentation tanks within the WwTP are to be constructed in a way to prevent any contamination of the nearby area, ground water, sea water, surface water and the area where the RO system is located. All preventive measures are to be taken throughout the different phases of the construction works in order not to have any negative impacts on the bathing water quality of San Niklaw bathing site during the official bathing season i.e. between the third week of May and the third week of October. Once the WWTP is operational the quality of treated sewage effluent (TSE) that discharges into the sea should be strictly in conformity with the requirements of the European Urban Wastewater Directive. Restrooms Every restroom present in the premises should be supplied with a wash hand basin and adequate source of ventilation and light. The wash hand basin should be supplied with potable water. The wash hand basin must be connected to a waste water pipe that discharge on a gully trap situated in open area and connected with regular drains. Light The proposal that light dispersion will be controlled so as to avoid undesirable pollution effects on the neighbouring environment is highly recommended. The exterior lighting of the bungalows at the village in Santa Marija area should be retained as designed in the lighting plan and no additional exterior lighting shall be allowed to be added by the individual owners of the bungalows. Pest Control Pest control treatment is to be carried out during the operational phase especially in waste storage areas. Traffic Management It is recommended that construction traffic follows established specific routes and adequate site management together with other measures such as storing or transporting creed sand and other loose building materials in containers with suitable covers which effectively prevent dispersal of dusts. washing of wheels and other dust control measures are taken to mitigate adverse dust impacts and nuisances from heavy vehicles during transportation. All other mitigation measures which may be necessary to minimise nuisances and adverse health impacts from construction traffic are to be implemented. In view that there will be frequent manoeuvring of marine vessels throughout the construction works applicant is to implement all proposed mitigation measures so as to cause least nuisance and mitigate adverse effects on the sea water quality. Hence the importance of drawing up and implementation of an Environmental Management Plan to ensure adherence to proper site management practices so as to address sea water quality and water pollution, to mitigate other adverse deployment impacts, including potential oil pollution from maritime traffic. Monitoring is also highly recommended in order to ensure implementation of all necessary mitigation measures and adherence to work practices. Fuel and hazardous material storage
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		Any storage of fuel and hazards material must be place in sealed and leak proof containers to minimise the risk of contamination through leakages into the rock below. The site should be sealed with geotextile material and covered with an impermeable layer of concrete to cover all the plant. Legionella A risk assessment manual as per LN 5 of 2006 Control of Legionella, amended by LN 262 of 2006 must be carried out prior operational phase starts based on ECDC Legionella Guidelines. Furthermore swimming pools, water fountains and any other high risk water systems such as SPAs must be included. in the risk assessment manual for Legionella control. It is being recommended that the applicant should discuss the plan for distribution of water systems as highlighted in the project with the Environmental Health Directorate at the initial stage. Manual power washing equipment used for vehicles washing must be treated against Legionnaires disease. Second class water used for flushing apparatuses must also be treated with chlorine against Legionnaires disease. It is recommended that instead of sprinkles for irrigation, drip irrigation is used to prevent that aerosol are distribute in the area that may be of risk for Legionnaire Diseases. Moreover, any other unpredicted impacts and nuisances which may arise from this development and that may have a significant adverse effect on public health are to be immediately addressed by the applicant and the necessary mitigation measures taken. Complaints lodged by the public regarding any adverse impacts/nuisances should be immediately addressed by the applicant. All complaints lodged and actions taken are to be recorded and such records are to be readily available to the Competent Authorities when requested. A pollution incident control plan should also be in place. Records of all pollution incidents, especially regarding potential pollution of the surrounding environment, are also to be kept and reported to the respective authorities accordingly. Regarding any future plans for Scheme decommissioning, a full decommissioning plan should be prepared for approval by the relevant competent authorities. Risk of workers repeatedly exposed to dust particulates, noise and human exposure to vibration in buildings should be referred to OHSA.
2	Superintendent of Cultural Heritage Dated 22/10/2021	Cultural Heritage Context The site of the proposed development extends over a large area within the island of Comino, a relatively undeveloped island, which is immediately recognised for its iconic and scenic views reflecting the Maltese rural and cultural landscape. In particular, the site includes the existing bungalow area in Santa Maria Bay and the existing hotel area in San Niklaw Bay. Proposal

	The project entails the demolition of the existing hotel and bungalows and the construction of a replacement hotel and holiday villas on a footprint larger than the existing. The proposal also includes the construction of amenities and berthing facilities, excavation for swimming pools, sewage treatment plant and reservoirs, hard landscaping and the reinstatement of the natural terrain. Review of results identified in the Environment Impact Assessment The Superintendence assessed the data gathered and compiled in the reports entitled Environmental Impact Report and the Non-Technical Summary. Heritage Assessment The Superintendence notes that the EIA has identified a number of cultural heritage features that merit some degree of protection. These features range from the architectural, such as the Comino Hotel & Bungalows, to the vernacular, such as rubble walls. The Superintendence further notes that a previously unrecorded tomb has been discovered as part of this assessment, which if confirmed would merit a Class A degree of protection. The Superintendence notes and agrees with the recommend mitigation measure for the adequate recording and preservation of such features. While noting that the proposed development would not have a direct material impact on many of the existing cultural heritage features, the Superintendence urges their preservation during the course of all works, and even upon completion of works. The Superintendence however notes with concern that this EIA has identified two cultural heritage features that are located within the site footprint of the proposed bungalow area in Santa Marija Bay and that would be directly impacted by this development, effectively committing their demolition. These features, a Nissen hut and a mortuary room, are recommended for a Grade 2 level of protection and have not been identified throughout the process of the planning application. Therefore, while noting that the EIA proposes the possible integration of the mortuary room as a mitigation measure, the Superintendence may recommend the integration and retention of both cultural heritage features within the proposed development. The Superintendence thus requires drawings, historical information, and a complete photographic inventory of these features, in order to make its assessment. The Superintendence reserves comment on the treatment of these cultural heritage features pending further information. The Superintendence notes that this potential impact on cultural heritage features comes as a result of the proposed increase in the site footprint of the bungalow area in Santa Marija Bay, which would not only result in the physical removal of such features, but would also impact and alter views and perceptions of the cultural landscape, and even encroach upon the Chapel and its buffer zone (Kappella Wasla tal-Familja Mqaddsa), which is scheduled by the Planning Authority at Grade 1. The Superintendence therefore agrees with the concerns outlined in the EIA, as well as with the recommended mitigation of reducing the encroachment of the bungalows towards the buffer area of the scheduled Chapel, and the protection of the Chapel and its associated features during the course of works. Proposed use The Superintendence notes with concern the claim that the proposed bungalows will be put up for sale for residential use, while no specific analysis related to such proposal that would inform the
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		Superintendence of the long-term impact has been carried out. This EIA therefore also does not include possible mitigation measures for such designated use. The Superintendence is of the opinion that the proposed residential use and sale of the bungalows may necessitate further development on the island that would be linked with the day-to-day living amenities as well as more intensive infrastructure to support permanent residence on the island. The Superintendence expresses concern at the incremental impact that such cumulative development would have on the island, further altering and impinging on the rural and cultural landscape of Comino. The conservation of this cultural landscape is of cultural heritage concern. Attention is again drawn to the abovementioned cultural heritage features, which may become more vulnerable to impact caused by the increased activity generated through permanent residency. In the case that the bungalows are indeed intended for residential use, the Superintendence urges that the EIA is revised to include an analysis on the specific long-term impact of permanent residency on the island, as well as recommended mitigation measures that are to address the potential cumulative impact of such residential use, including the potential construction of amenities for residents, the perpetual alteration of the landscape as would be caused by such development, and the risk on cultural heritage features that have been identified through this EIA and which are currently not protected. Visual impact While noting that the proposed development is said to be contained to the footprint of the existing hotel and bungalows, the Superintendence draws attention to Table 3.1 of the EIA, which indicates an increase in footprint, particularly within the Santa Marija Bay area. The Superintendence has also reviewed the photomontages as included within the EIA, noting the various viewpoints, both long and short term, as well as the wireframe modelling. The Superintendence further notes the concluding remarks of the EIA, which notes that the “impact on landscape character is considered to be of no significance to major significance”. Of note, the Superintendence is in agreement with the EIA in regard to the prospective major impact on the visual amenity bearing onto the south of San Niklaw Bay, Santa Marija Bay and east of Santa Marija Bay (viewpoints 3, 4, and 5), as well as the moderate to major impact in changes to the views from inland, south of Santa Marija Bay (viewpoint 7). The Superintendence notes that the break-up of the existing volumes is being used to justify the increase in footprint of the proposed development. The photomontages show that the proposed development will create a very significant sprawl, creating conspicuous vertical planes in view of the terrain characteristics. The height of the proposed development is actually higher than that of the current hotel in relation to the terrain levels. The Superintendence therefore does not agree with the conclusions of the EIA, that imply that such development will not have an impact on the cultural landscape as long as it does not physically impact on known cultural heritage features. These conclusions do not recognise that this increase in site footprint contributes to a significant changing perception of Comino, which currently consists of a relatively barren landscape. In order to better assess this impact, the Superintendence will require a wireframe of the existing development superimposed on the proposed development from all viewpoints as included within this EIA. Maritime Archaeology
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		The Superintendence notes that the EIA recognises, on the basis of desktop studies and diver benthic surveys, that the seabed around Comino island is characterised by underwater cultural heritage (UCH) features, some of which may still lie undisturbed on the seabed. Nevertheless, the Superintendence notes with concern an apparent contradiction in the EIA which on one hand concludes that a Remote Sensing Survey (RSS) was not deemed necessary, while on the other hand recognises that propeller wash from vessels will be increased and may result in accidental discoveries. Therefore, the Superintendence finds the statement that the impact on UCH features is “uncertain” to be an unsatisfactory conclusion in the absence of the necessary studies. Recommendations and Conclusions The Superintendence’s concerns mainly revolve around the evident increase in site footprint, and the spreading out of development within the cultural landscape. The Superintendence therefore agrees with the results of the Environmental Impact Assessment that highlight substantial impact on established views of Comino and on the visual links between the island and the sea, and the potential loss of identified cultural heritage features (the Nissen hut and mortuary room), as a result of the proposed development. Nevertheless, the Superintendence expresses concern at the lack of attention being afforded to the proposed sale for residential use of the bungalows, which has not been included within the planning application and of which no details have been given. The Superintendence is therefore both unable to assess the holistic impact of such development, and is also bound to find the proposed use to be objectionable in principle in the light of the current information on Comino. The Superintendence further expresses concern at the lack of information being given on the existing Nissen hut and mortuary room that are located within the site footprint of the proposed bungalow area, noting that such potential removal of the cultural heritage is a direct result of the proposed increase in site footprint. The Superintendence is not generally favourable to the demolition of cultural heritage features, but reserves comment on the final position of the Superintendence pending a comprehensive survey of such features. An increase in site footprint is also very well evidenced by the photomontages and the wireframe images that have been included within this EIA. The Superintendence reiterates its concern that such development over a larger footprint gives the impression of an even more extensive vertical development than the existing, and that such a sprawl contributes to the rapidly changing perceptions of Comino as an island of low activity and development. The Superintendence requires a revision of the EIA to include a superimposition wireline image of the existing and proposed development from all viewpoints as included within this EIA. The Superintendence urges a revision of the EIA which is to address the above-mentioned concerns and also include the requests of this office, which have been requested to inform the Superintendence on the potential impact on the cultural heritage. Should the Superintendence be reconsulted on the planning application, the Superintendence will reiterate its concerns as outlined in this response and request the abovementioned information for assessment.
3	The Energy & Water Agency Dated 25/10/2021	Reference is made to EIA for PA/04777/20 with regards to Proposed demolition of existing hotel and bungalows, part excavation, and re-erection of Hotel Class 3B at the San Niklaw Bay area and Holiday Villas Class 1 at Santa Marija Bay area. The following are comments from The Energy and Water Agency divided by considerations which relate to specifically and solely to energy and water management. Energy: • We would like to reiterate the reply sent on 30th March 2021 on the EIA Terms of Reference Consultation for PA/04777/20 of the same proposal, for the project managers to please provide further information on any renewable energy generation technologies and

		energy storage that will be integrated in the project. This includes how much of their annual energy consumption they expect to cover using such technologies. • The Agency encourages the project managers to provide further information of any energy efficiency measures that will be implemented in the project in order for it to obtain an LEED Platinum rating as well as being “self-sufficient”. • The Agency also encourages the project managers to consider other renewable energy technologies not mentioned in the current EIA Report provided, such as solar photovoltaic systems. Water: The report refers to the use of geothermal boreholes as a renewable source for the use of Ground Source Heat Pump technology (Section 3.85). EWA notes that the proposed system will potentially result in the discharge of heat to the groundwater environment, and hence qualifies according to the EU Water Framework Directive (WFD) as an activity which may result in the discharge of pollutants to the environment. It is noted that the WFD under Article 2.33i defines heat as a pollutant. In this regard EWA has a strong concern on the application of this technique without the undertaking of the necessary environmental impact studies to assess the long-term viability and potential environmental impact arising from this system. The discharge of heat in the groundwater environment can result in the localized heating of the aquifer system altering local groundwater flow conditions. In as much, EWA recommends that the impact of the long-term operation of the 145 close loop boreholes drilled to a depth of 150-200m (Section 3.86) is modelled under the specific geological conditions in which this system will be installed. The results of this modelling exercise should specifically assess: (i) the projected long-term (over a period of 25 years) temperature increase within the different geological formations located within the footprint of the geothermal system, 2/2 (ii) the movement of the heat-plume from the geothermal system, in the different saturated zones (fresh and saline) encountered in the 150-200m bedrock profile; (iii) the potential impacts on the Comino Mean Sea-Level groundwater body; and (iv) the potential impacts on the immediate marine environment resulting from the discharge of heated groundwater along the coast. The results of this study should be included in the EIA to ensure that these considerations inform the eventual assessment of the Environmental Impact of the proposed development.
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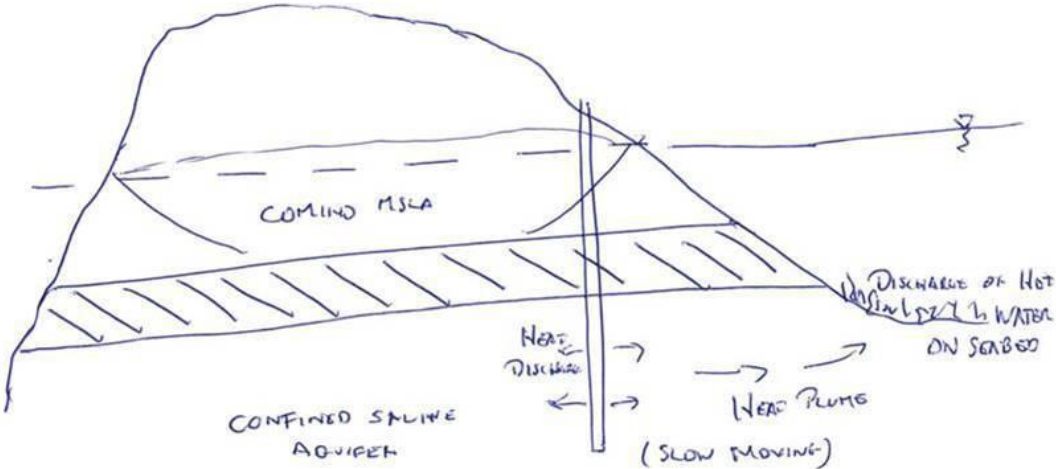
2. Public comments on the EIA and AA Reports (23 September 2021 – 25 October 2021):

No.:	From	Comments
1	Member of the public Dated 30/09/2021	Went through the EIA report and I feel the EIA report Failed to put in the Assessment of Alternatives, and Zero-option as per EIA terms of reference. The EIA report also Failed to tailor the proposal for the Natura 2000 site. 1. First Failure. The text in the report clearly shows some changes happened to the bungalows but no changes come out in the EIA report or PA, the public was not involved in the alternatives and expects to see all alternatives proposed and the impacts of each alternative, including all the plans and proposals. Consulting the PA and ERA is not enough; the EIA should involve the public in the discussions and proposals; the public should have access to all documents and plans on alternatives and impacts so an informed decision can be made, full transparency is needed. The Zero-option also does not provide any studies on the economics of the current site and the refurbishment of the existing site with all impacts and changes that will bring. As zero option is an option that needs to be considered. The EIA focuses only on the current proposal put forward and fails to consider and document other options as a member of the public this EIA report failed to keep to its terms of reference. 2. Second Failure The EIA report also states that the proposal has ZERO renewable electrical energy being proposed, and we are looking at 1.6 million tons of CO2 per year, I find this proposal terrible for a Natura 2000 site where carbon neutrality should be a requirement and this proposal should be dropped if this is not achieved. The applicant has ample space to propose solar panels on the roofs of the hotel at an angle that has no effect on the skyline or height of the buildings. There are also the reservoirs, pathways and other places where this can be done with low impact on the environment and views. Proper access to the shore and public paths are needed and the EIA report proposal should also put forward plans on how the existing paths will be arranged so no access is blocked and the paths maintained with low impact on the surrounding landscape. The current barge being proposed needs to be removed in the summer months and a proper silt curtain type 3 installed around the barge when in operation. The EIA fails to mention any recommendations on the mitigation measures to be done around the barge and the type of silt curtain that should be used to avoid contamination of the site. More studies are also needed on the noise level and how this noise can travel around comino, specific requirements on the machinery used needs to be put in place so any jack hammers or machinery that is used generate low noise to what is possible, and noise monitoring should be put around the site so quick action is taken if thresholds are reached and mitigation measures are put in place such as sound barriers and better equipment if the current equipment is not up to standard of the project. I hope my input will help make the proposal better.
2	Representative of Friends of the Earth and member of the public	I act on my own behalf and that of Friends of the Earth Malta. The following is the response to the EIA Report. 1. The development will have a significantly adverse effect on the Comino Natura 2000 site in that it extends beyond the established foot print, is introducing far more extensive urban development on a nature reserve. 2. The visual amenity and the impact on biodiversity will be negative.

	Dated 25/10/2021	3. The Multi-ownership scheme for the villas will make it very difficult to enforce any rules (Not that they are being enforced at the moment) 4. The increase in development will necessitate supporting infrastructure which will further impinge upon the value of the area.
3	Representative of Din L-Art Helwa Dated 25/10/2021	Reg. EA/00001/21, PA/04777/20 - Response on EIA as part of public consultation on behalf of Din L-Art Helwa VO/0008 1) Serious concern regarding evident significant visual impact of proposal The proposal is effectively one for the introduction of a new residential town at the bay of Santa Marija on the essentially uninhabited island of Comino with the existing relatively low-key structures being replaced by a sprawling settlement of 21 bungalows complete with ancillary facilities and the redevelopment of the existing distinct hotel (of architectural merit in its own right) into a luxury hotel of 140 beds. The proposed hotel complex would be setback from the coast and extend further into the Natura 2000 site. The development would lead to the introduction of a formal and uniform aesthetic that is completely alien to this natural setting. The 21 bungalows would sprawl further into the Natura 2000 site as the built footprint and extent of disturbed land, increase significantly. The sprouting structures, again completely alien to the existing lowkey setting, would completely change this natural landscape. The proposed stark change in the landscape of this Nature 2000 site to a formalised urban settlement is completely unacceptable. Furthermore contrarily to that concluded in the EIA, viewpoints 1, 6 and 10 are not being deemed to show a positive change. The hotel has heritage value. Its loss and replacement with one having more extensive coverage, an aesthetic completely dependent on the health of its vegetation, and a linear design alien to Comino, is not positive. 1) Serious concern regarding unprecedented take-up and formalisation of landscape forming part of Natura 2000 site, SAC It is being held that in both the case of the hotel and the 'village', the built volume would extend further into the Natura 2000 site as the proposed developments are setback away from the coast and further into the landscape, and onto land that although 'disturbed' as claimed by the applicant, is not developed and still in a relatively natural state.  The extent of land take-up and formalisation of this Natura 2000 site would have a major impact on the landscape and setting of both San Niklaw Bay and Santa Marija Bay and is of serious environmental concern.

	3) Increase in development density and intensification of uses will have detrimental impact on Comino, further exasperate current exceedance of both Santa Marija Bay's and San Niklaw Bay's carrying capacity The development would create an increase of 4,330sqm in the GFA, coupled with the introduction of ancillary facilities and of most concern, a sprawling residential village (with the possibility of permanent residency) on the essentially uninhabited island of Comino. The repercussions of such a proposal would not only negatively impact the site but have far reaching consequences on the island itself. It is alarming that a proposal for the introduction of 21 bungalows which would be so evidently contrary to the protection and conservation of this site, is not adequately highlighted as a major environmental concern that must be prevented at all costs. The EIA fails to adequately address the serious detrimental impact that the proposed increase in development density and intensification of use will have on this Natura 2000 site. 4) Permanent disfiguring of landscape through proposed rock-cutting and excavation The proposed disfigurement of this Natura 2000 site through rock-cutting and excavation is of serious concern. The impact would not be mitigated by reusing some of the excavated material as proposed in the EIA - the possibility to even do so is also being questioned. 5) Loss of 380 protected trees It is being held that especially on a site designated as a Special Area of Conservation and a Rural Conservation Area, the loss of protected trees cannot be justified through the planting of replacement saplings. Such an approach would render the designation of trees as protected and sites as conservation areas, completely meaningless. The EIA's conclusion that the loss of trees will be minor simply due to the proposed planting of new trees is completely unacceptable. 6) Impact on cultural heritage It is being held that the demolition of a building (the Comino hotel) that is believed to merit Grade 3 protection cannot be regarded as a minor impact. Scheduling would imply that the building has heritage value - its demolition would mean that the building believed to be of heritage value would be obliterated. The loss of a building of heritage value worthy of scheduling would be major. 5) Mitigation measures proposed are poorly considered and will not lead to the desirable improvement necessary to prevent the detrimental impact on the environment that the proposal as presented will have on this Natura 2000 site The mitigation measures proposed are ineffective with the focus being wrongly placed on those which can be carried out during the construction phase, as opposed to addressing the issue of greatest concern which is the extent of that being proposed. The proposal must be extensively reduced in footprint, volume and density, such that the development will not result in an increase in intensification of use. The possibility for any form of temporary or permanent residency must be eliminated. This would not only be in line with GZ-Ghjn-8 but would be the only way to ensure that any development on this site would not have a detrimental impact on the environment. We trust the above will be considered by the ERA.
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3. Comments received during the seven (7) days following the public hearing held on 04 November 2021

No.:	From	Comments
1	The Energy & Water Agency Dated 11/11/2021	Reference is made to EIA for PA/04777/20 with regards to Proposed demolition of existing hotel and bungalows, part excavation, and re-erection of Hotel Class 3B at the San Niklaw Bay area and Holiday Villas Class 1 at Santa Marija Bay area. The following are additional comments from The Energy and Water Agency related to the use of Groundwater Heat Pump Technology, further to those sent to ERA on the 22nd of October 2021. • Due to the geology of the area, the heat exchange wells will drill through the blue clay formation reaching the deep confined saline aquifer. Although this is saline this should still be considered as “groundwater” and considered in the EIA. • This confined aquifer has a very slow movement (slow moving groundwater), which most probably will result in a marked increase in temperature in the discharge wells themselves, requiring increased abstraction rates over time as the temperature of the water increases, putting at risk the feasibility of such a system. • ERA should also consider the potential impact of such a heat plume, which will be discharged diffusely through the seafloor, on the Posidonia beds and other marine vegetation at the outflow area.  Following these considerations we reiterate the comments submitted on the 22nd of October 2021: • The report refers to the use of geothermal boreholes as a renewable source for the use of Ground Source Heat Pump technology (Section 3.85). EWA notes that the proposed system will potentially result in the discharge of heat to the groundwater environment, and hence qualifies according to the EU Water Framework Directive (WFD) as an activity which may result in the discharge of pollutants to the environment. It is noted that the WFD under Article 2.33i defines heat as a pollutant. In this regard EWA has a strong concern on the application of this technique without the undertaking of the necessary environmental impact studies to assess the long-term viability and potential environmental impact arising from this system. The discharge of heat in the groundwater environment can result in the localized heating of the aquifer system altering local groundwater flow conditions. In as much, EWA recommends that the impact of the long-term operation of the 145 close loop boreholes drilled to a depth of 150-200m (Section 3.86) is modelled under the specific geological conditions in which this system will be installed. The results of this modelling exercise should specifically assess:

		i. the projected long-term (over a period of 25 years) temperature increase within the different geological formations located within the footprint of the geothermal system, ii. the movement of the heat-plume from the geothermal system, in the different saturated zones (fresh and saline) encountered in the 150-200m bedrock profile; iii. the potential impacts on the Comino Mean Sea-Level groundwater body; and iv. the potential impacts on the immediate marine environment resulting from the discharge of heated groundwater along the coast. The results of this study should be included in the EIA to ensure that these considerations inform the eventual assessment of the Environmental Impact of the proposed development.
2	BirdLife Malta Dated 11/11/2021	BirdLife Malta has been following closely the EIA process on the redevelopment of the Comino hotel complex stretching over both San Niklaw and Santa Marija Bays on Comino, providing its recommendations at scoping stage in April 2021¹. It has also attended various meetings organised by the developers and their consultants and also the public presentation of the EIA report more recently on the 4th November 2021. Having understood the complexities of the project and having also reviewed the documents presented for public consultation regarding the EIA and the AA, and its anticipated impacts and proposed mitigation measures, we would like to express our concerns with regards to the proposed development as follows. It has to be mentioned that the hotel does present an opportunity to re-establish a touristic amenity within a very particular location of the Maltese Islands. As such the location of the land which has been leased and passed over to the developers is to be considered a privilege and an opportunity to make amends on mistakes of the past carried out in this location. That Comino Island has potential for the restoration of its habitats to a pristine state or a favourable conservation status (as so demanded for Natura 2000 sites) cannot be stated enough, and therefore it goes without much pretence that such a development is expected to seek to lessen the impact exerted by its previous structure and aim towards a more sustainable approach to tourism on this island. <i>Hotel's increased footprint including a new 'village' at Santa Marija</i> However, we very much see that the development and the EIA afforded to it, do not delve much into the issue of carrying capacity for the island or how this can somehow be managed sustainably. Looking at the proposed capacity of the hotel, we note an increase in the capacity of guests to the main hotel complex (from 100 to 144), as well as an increase in the number of bungalows on the developed flank of Santa Marija Bay (from 13 to 21 bungalows), even proposing these to be privately owned thus essentially resulting in a potential residential population on the island (from 0 to a maximum capacity of 130 in the bungalow village), excluding the contingent of circa 140 employees to be running the hotel complex at its full capacity. Essentially the development shall be creating a village at Santa Marija Bay consisting of privatised residences, a restaurant, a store, etc.. The Santa Marija village shall also be serviced with a pier of its own which will inevitably bring more maritime traffic or even parked vessels to the bay to be accessed or service the residents in the area. Naturally such an expanded footprint shall exert a diffused and greater impact on the immediate and surrounding environment of Comino, and which ultimately exerts a huge residual impact along with all the associated impacts this will bring when the complex would be fully operational at its peak capacity (144 hotel guests + 130 residents in bungalows + 140 employees = 414 persons). We understand it is in the hotel's interest to maintain activity all year round as opposed to the last of the hotel's operations. The Gozo and Comino Local Plan explicitly states in policy GZ-Ghjn-8 that "There shall be a general presumption against the further development of built facilities on Comino which entail additions in height, extent or intensity of use of existing or proposed facilities". We

¹ https://birdlifemalta.org/wp-content/uploads/2021/09/Comino-hotel-comments-scoping-stage_BirdLife-Malta.pdf

have noted that **the footprint of bungalows will increase by as much as 3,697 sqm. This** does not only contradict with the Local Plan, the Management Plan for the Comino SAC/SPA and the undeveloped nature of the island, but also will put an additional anthropogenic pressure on vulnerable habitats. Associated impacts thus concern lighting, noise, transportation, waste, energy use and all other impacts one would expect by introducing human activity at a larger scale than what Comino has experienced in recent years. **We have our doubts that the proposed use for the area is within the carrying capacity of the island and strongly recommend to withdraw the existing plan on expanding the “Village” and propose a solution which would not compromise the conservation status of Comino.**

Hotel’s increased and unquantified visitors

Apart from the guests, employees and proposed residents to Santa Marija ‘village’, the complex shall inevitably attract an unknown potential number of day-visitors which might make use of the hotel’s services (restaurant, pool, etc) to which no figures or estimates can be found in the studies presented, despite the hotel being proposed within what is essentially a nature reserve. Will the hotel complex attract a spill-over of day-visitors from Blue Lagoon (estimated up to 5,000 persons a day during the summer peak) or shall it attract further more visitors to the area, given the increased accessibility being proposed through the construction of piers at both Santa Marija and San Niklaw Bays. The piers may automatically act as anchor or parking points to an ever increasing contingent of privately owned vessels by the general public, and thus there is a real risk that the piers themselves bring in an even higher number of visitors to the area.

It appears the EIA does not delve into quantifying the visitors that will utilise the area, or project how this might influence the carrying capacity of the island or particular areas of the complex as a result of this development. Such estimations are crucial in determining the impacts during the operational phase of the development, especially to sensitive receptors within proximity of the complex (such as seabird colonies, Santa Marija beach, Santa Marija wetland, etc).

With certainty, footfall is expected to increase in the area. The impact on sensitive habitats due to **trampling** from the hotel guests is assessed as minor to insignificant which we believe requires reevaluation, with special attention paid to such vulnerable habitats as *West Mediterranean clifftop phryganas* and *Thermo-Mediterranean and pre-desert scrub* which tend to recover slowly after damaging. The impact on the sand dune of Santa Marija bay which is a rare habitat in Malta has not been thoroughly assessed either.

Impacts on Santa Marija Bay wetland

Incidentally the hotel complex is proposing an expanded footprint within proximity of the Santa Marija wetland, a coastal wetland with great restoration potential which is currently the subject of applied measures by ERA and Ambjent Malta in line with the Natura 2000 Management Plan for Comino. While works on the restoration of the wetland in Santa Marija are in their initial phases, the proposed development is expanding its footprint with additional bungalows to a number and configuration which shall establish a residential population to a previously uninhabited site.

The privatisation scheme proposed by the developers adds insult to injury in this regard as rather than keeping the responsibilities of any would-be compliance to a sole lessee, this could potentially be increasing such 21-fold, with buyers potentially having various entertainment or land-use interests than the developers behind the proposed planning application. The mitigation measures proposed in relation to noise and light pollution impacts on shearwater populations at Santa Marija caves, and other impacts associated with an unknown number and intensity of visitors to the area, and their potential spill-over to the beach and wetland area; are therefore rather unpredictable in such a context and should be considered as being potentially major negative.

Therefore, it is vital to reconsider the expansion and design of the “Village” and reduce its impact on the vulnerable surrounding environment. The ‘village’ should not occupy any larger footprint than what it currently occupies, and it should definitely not expand in the direction of the wetland area, which shall compromise the restoration potential of this wetland.

Beyond the impacts expected from the expanding footprint of the bungalows, other impacts are evident and not stressed enough in the EIA:

- a. The development shall have a concrete batching plant and possible storage areas for soil and other materials close to the wetland area. Such should be avoided at all costs as any movement of such materials and the risk of spill over of such materials into adjacent area is too great.
- b. Excessive rainfall, wind and other elements will inevitably cause run-off or transportation of such materials to the wetland which is the subject of restoration efforts. The siting of such materials should therefore be located on already committed or impacted areas as far away as possible from the wetland area or any sensitive habitats.

Ecological impact of the development

Whereas the possible impacts on the ecological assets of the area are assessed, the resulting impact is classified as being lower than anticipated on the basis of a suggested reduction in the footprint of the development and strict adherence to a construction management plan. The effectiveness of CMPs depend on the tenacity of enforcement efforts on the construction company and diligent monitoring of permit conditions. While situations at other major development sites prove that such measures do not strictly materialise, the sensitivity of Comino and its ecological importance are too high for risking the basis of such impact assessment on the assumption that such will be implemented. The developers have so far not committed to reducing the footprint of the site. Accordingly, we suggest that the EIA takes a more conservative approach on what would be the real impacts and what is at risk with such a scale of development on Comino.

Transport and transportation of waste and other materials between San Niklaw and Santa Marija Bay

The proposed use of the dirt road linking both sites for the movement of machinery and materials between the two sites will cause an increased impact and effect to surrounding habitats, which is already experienced from traffic experienced especially in the summer months. This includes dust, noise, disturbance to fauna, scouring of road and runoff of dust and other transported materials, etc. There is a risk that heavy vehicles overspill from the construction areas causing damage to adjacent habitats as has been the case with recent works commissioned by the Ministry for Gozo to service the Blue Lagoon area. The impact of having heavy machinery moving around Comino during possibly sensitive periods for fauna is not delved enough in the EIA. The cumulative impact of such activities needs to be included and considered in the overall temporary/residual impacts, including areas which will potentially be used to house such machinery off the site.

Excavation of boreholes for geothermal energy

We note that the geological assessment of the site is limited to coring done for up to 3m depths, whereas the proposed boreholes to provide geothermal energy may go up to 150m depth. It is unclear whether the EIA has based its predicted impact on the geology and hydrogeology of the site on the bases of the rock profiles or predicted geological profile under the hotel's footprint. Given that up to 145 boreholes of such a depth are proposed for the area, any hydrogeological impacts should be ascertained including any changes that might influence the hydrodynamics of Santa Marija wetland.

Removal of public amenities

Public toilets, located within the boundaries of the site at Santa Marija Bay are planned to be removed. The removal of such a convenience will indirectly cause an impact on the nearby habitats including the wetland area, as is evident from the current operational camp site which is surrounded by human waste all around it.

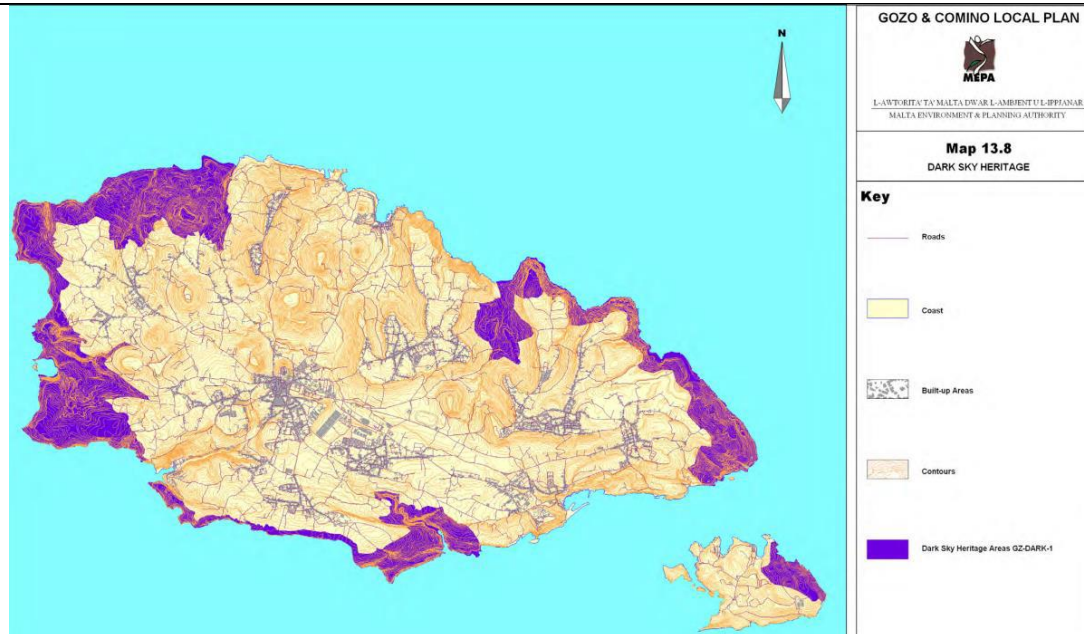
		The developer should not cut the provision of such services even if these are currently located within the leased premises, but should ensure such basic amenities continue to be provided, without the need to impact any more footprint than what is currently utilised. Impact on marine ecology As mentioned previously the nature and siting of the different parts of the development plus the improved access/parking via piers risks bringing increased pressure from visitors to both San Niklaw and Santa Marija bays, with the latter already experiencing an unsustainable amount of maritime traffic and parking in the summer months. Increasing amenities at Santa Marija Bay which will be accessible to the public will only accentuate the impact maritime traffic has on the bay, and in particular one cannot underestimate the resulting impact marine vessels may have on benthic communities as a result of anchoring at the bay. With the hotel generating and causing a further concentration of human activity in these areas, the long-term impacts on such important habitats such as Posidonia meadows may become evident in later years during the operational phase of the hotel and its bungalow village. Light pollution impact Although the developer is proposing an ambitious and environmentally friendly external lighting plan, some concerns relating to light pollution remain, such as: - the absence of envisaged measures to reduce light spill from the windows - this is especially concerning in relation to the "Village" where windows are facing the coast and the sea. The breeding colonies of Yelkouan Shearwater (<i>Puffinus yelkouan</i>) are located at close distance from the proposed bungalow area and can be negatively impacted by the light spill. Same concern applies to the proposed glass lifts and open staircases. The reference in the EIA report to previous "coexistence of the hotel and the seabird colonies" (7.24) as an excuse to favour the existing level of lighting is considered to be inadequate - on the contrary, the developer should be strongly encouraged to reduce light pollution below previously experienced levels; - in addition, the developer is proposing the construction of two piers in San Niklaw and Santa Marija bays - extending 15m and 16.5m into the sea accordingly. The presence of piers in the area means an additional source of light which is inevitable due to safety and navigation reasons. We would like to stress that any obtrusive light should be avoided to safeguard seabird colonies and prevent the piers from becoming disorientation points. The impact of light pollution should be assessed for the areas in close proximity to the development such as shearwater colonies at Santa Marija caves, to seabird colonies further afar that utilize the marine SPA as well as nest at colonies as far as Ta' Cenc cliffs. Disturbance to seabird colonies We have noticed that the key issues addressed within the EIA with regards to avifauna do not include disturbance due to increased human presence, especially given the location of the site. The expansion of the bungalows shall bring residential units closer to sensitive seabird colonies at Santa Marija caves. The predicted noise impact is once again depending on the implementation of a construction management plan which is not yet defined and which is prone to be not adhered to as what happens in development sites elsewhere. The proximity of increased human activity to seabird colonies can be seen in Map 1.
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Map 1. Location of seabird colonies on Comino

Protection of Dark Sky Heritage

Under the Policy GZ-DARK-1, the Local Plan also establishes the **Dark Sky Heritage** sites on Comino and Gozo. The impact of the development on these sites has not been assessed neither within the EIA nor the AA. The map below shows the Dark Sky Heritage sites, and at least 2 of the scheduled sites can be directly affected by the light pollution from the hotel and bungalows: one on Comino and one on Gozo - across the Gozo Channel as seen on the map. This cannot be ignored and requires special attention in the EIA.



Map 1. Dark Sky Heritage sites on Gozo and Comino. Source: GCLP

At this stage of the impact assessment and permitting process, the proposed redevelopment of the Comino hotel and bungalows appears to be causing a significant impact to the ecological integrity of the Comino Natura 2000 sites impacting efforts to obtain a favourable conservation status for this Natura 2000 site during the construction phase but especially also on a longer term with evident residual impacts, during the operational phase of the project.

The project's dimensions should be revised to lessen the impact of the development and more importantly cap the number of visitors/site users/human presence to a more manageable and sustainable number. In essence we recommend that:

- a. The hotel and bungalow complex do not overstep their footprint to what is already committed and built up – and therefore use such sites as an opportunity to develop a more eco-friendly hotel.
- b. Visitor numbers to and from Comino are re-assessed and the number of visitors anticipated to be attracted by the hotel complex are projected and planned for. Much like a traffic impact assessment quantifies the increase in traffic from a road network a similar approach should be partaken for Comino – given this is a nature reserve with a limited carrying capacity and with a great potential that if uncontrolled an increased human presence along with the means of transportation will simply spill-over and accentuate any impacts of the hotel itself. All impact assessments in the EIA should be revised accordingly where relevant to those impacts brought about by increased human presence.
- c. To not privatise the bungalow complex at Santa Marija Bay such that the mitigation measures in place during the operation part of the development remain truly and effectively manageable.
- d. To not expand the bungalow complex towards the Santa Marija wetland area as this compromises the restoration potential and ecological value of the wetland itself including issues related to disturbance, transport, noise and light from human activity brought to the area.

		e. To make all necessary adjustments to ensure there is no light spill on the surrounding environment at all times, especially from piers, windows and open/glass structures (lift, staircases); And assess the impact of additional light source (the hotel itself and the proposed piers) on the Dark Sky Heritage sites; f. To reconsider the value and impact of having piers accessing the hotel site during the operational phase of the development which piers will bring added maritime traffic (possible added impact on benthic habitats such as Posidonia meadows. g. To ensure the provision of geothermal energy does not compromise the hydrogeological characteristics and potential of area especially the Santa Marija wetland. h. To keep available public conveniences such as public toilet facilities at Santa Marija Bay so as to prevent fouling and waste at sensitive habitats around Santa Marija Bay. ENDS BirdLife Malta reserves its right to make further comments, recommendations, and observations during the EIA process of such a development.
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4. Comments received on 17 November 2021

No.:	From	Comment
1	Superintendent of Cultural Heritage Dated 17/11/2021	Ref. Cultural Heritage Act 2019 (CAP 445) PA/04777/20 - Comino Hotel and Bungalows, Gzira ta' Kemmuna, Kemmuna, Ghajnsielem Further to the Superintendence's comments in response to the EIA forwarded to this office pertaining to PA/04777/20, the Superintendence has continued to review its internal resources and would like to add an addendum to its previous comments. Following an internal audit of archaeological discoveries, the Superintendence notes a discovery of human remains made by the Superintendence of Cultural Heritage in 2018 at Santa Maria Bay. This discovery further strengthens the requirement for careful consideration of the archaeological and cultural heritage sensitivity of the site prior to any works at this location. The Superintendence reiterates that any works as may be approved at this location are to be subject to archaeological monitoring conditions.

