

ERA's comments on the Plan Level Appropriate Assessment (AA) for Malta's Solar Farm Policy (October 2017)

6th April 2021

1. Introduction

- 1.1 ERA welcomes the opportunity to comment on the updated plan-level Appropriate Assessment (AA) Report in relation to the Planning Authority's Solar Farm Policy. The assessment was requested by ERA in line with the Flora, Fauna and Natural Habitats Protection Regulations (S.L.549.44) and in conformity with paragraph 5.4 of the Solar Farm Policy, which states that: *"preferred locations for solar farm installations for all quarries within, partly within or adjacent to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) shall be considered following the completion of a plan-level Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA) procedure concluding that the SOLAR FARM POLICY does not have a significant environmental impact, including on SACs and SPAs."*
- 1.2 The following comments are provided without prejudice to ERA's review and additional comments on any eventual development projects that may emerge from the policy, when more detailed environmental assessment will be required. These projects may require different types of environmental assessments or other related screenings, including Environmental Impact Assessment (EIA) and/or project-level Appropriate Assessment.

2. Strategic issues

- 2.1 ERA welcomes the improvements in the updated Appropriate Assessment (AA) report, including the improved measures for mitigating impacts from trenching works, light pollution, water runoff, shading and geotechnical instability. ERA also acknowledges the revisions that were carried out with respect to:
- provision of a complete list of protected areas that are located in proximity of quarry clusters, and a technical justification for the exclusion of certain protected sites from the assessment of impacts;
 - elaboration of the technical assessment of the impacts on terrestrial habitats;
 - an integrated impact assessment of quarry clusters on terrestrial habitats and species in light of the conservation status of each protected site; and
 - a final classification of quarry clusters into High Risk or Low Risk groups.
- 2.2 Generally, ERA concurs with the findings of the updated AA study, regarding the adverse impacts of the Solar Farm Policy on designated Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) (Natura 2000 sites). The AA study concluded the assessment by classifying the quarry clusters for solar farms into two groups: those that pose a High Risk to Natura 2000 sites and those that pose a Low Risk. ERA agrees that

most of the quarry clusters studied in the AA pose a High Risk to Natura 2000 sites mainly due to their environmentally sensitive location (such as in proximity to caves or cliffs). Certain important impacts, such as accidental collisions of bats and birds with PV panels, could not be excluded. Clearly, the reason for such a high percentage of High Risk clusters, is the fact that various other quarries and sites eligible for solar farms, which ERA did not consider to be problematic in view of their impacts on Natura 2000 sites, did not require studying as part of the plan-level AA for the Solar Farm Policy. The latter sites were already available for solar farm development when the Solar Farm Policy was approved in 2017. Therefore, the AA study only focused on quarry sites which were considered to have a potential impact on Natura 2000 sites.

3 Detailed comments

- 3.1 ERA notes that **cluster 11 (Nigret, Zurrieq)** has been classified as Low risk in the final classification system. This cluster abuts an SAC (MT0000024) and is in proximity of an SPA (MT0000031). Furthermore, the AA study confirms its importance for *Calonectris diomedea*, *Puffinus yelkouan* and *Hydrobates pelagicus* during the breeding season. In fact, the importance of this cluster is discussed on page 120 of the report. Since the consultants have admitted that this site is 'on the fence' when considering whether it is 'High' or 'Low' risk, the precautionary principle should come into effect, concluding that this site should be placed with the 'High' risk group of sites.
- 3.2 Generally, ERA concurs with the updated mitigation measures, design criteria and monitoring requirements, as outlined in the report. These measures address some of ERA's concerns regarding the prevention of particular impacts on the SACs and SPAs.
- 3.3 Following the finalisation of the Appropriate Assessment and a meeting with ERA, the PA have indicated that paragraph 5.4 will be revised. However, after further review and internal discussion regarding the revised paragraph, ERA requests further revisions to paragraph 5.4 as per the following track changes:

'Following the completion of the plan-level Appropriate Assessment (AA) and Strategic Environmental Assessment (SEA) procedure in January 2021, proposals for the development of solar farm installations in quarries which are located within, or partly within or adjacent to Special Areas of Conservation (SACs) and Special Protection Areas (SPAs) will be subject to the requirements of this policy and in addition will be **assessed in more detail considered** on a case-by case basis, **in accordance with the findings and recommendations of the Appropriate Assessment (AA) and the Strategic Environment Assessment (SEA)**, ~~and guided by the specific recommendations resulting from the Strategic Environment Assessment (SEA) and Appropriate Assessment (AA)~~ that addressed these locations.'

ERA is recommending the suggested text revision to ensure that design and mitigation measures recommended within these studies will be duly taken into consideration at project level.

- 3.4 Furthermore, paragraph 5.4 of the policy document is also to include statements that:
- (i) ensure that solar farm installations at these particular quarries only take up the footprint of the quarry void that is physically existing and covered by permits;
and,
 - (ii) specify that the landscaping scheme at these particular quarry sites should only use species that already occur naturally or semi-naturally in the surrounding area.