

██████████
Manager II (Implementation)
Ministry for the Environment, Climate Change and Planning

1st December 2020

Dear ██████████

**Malta's Waste Management Plan 2021-2030 (October 2020)
Consultation in terms of Regulation 6(4) of S.L. 549.61 (Strategic Environmental Assessment
Regulations)**

Reference is made to the Ministry for the Environment, Climate Change and Planning's (MECP) SEA scoping consultation on Malta's Waste Management Plan 2021-2030, dated October 2020, which the Environment and Resources Authority (ERA) received by email on 24th November 2020.

I am enclosing ERA's comments on the potential significant environmental impacts of the proposed Waste Management Plan, with the intention of ensuring that implementation of this plan avoids major environmental impacts on the rural environment.

Yours sincerely,



Perit Michelle Piccinino
Chief Executive Officer
Environment and Resources Authority



ERA's comments on the Strategic Environmental Assessment (SEA) Scoping Report for Malta's Waste Management Plan 2021-2030

1st December 2020

1. Introduction

- 1.1 Reference is made to the Initial Strategic Environmental Assessment (SEA) scoping report in relation to Malta's Waste Management Plan 2021-2030. The Ministry for the Environment, Climate Change and Planning (MECP) has already identified that the Waste Management Plan could have potential significant effects on the environment and therefore, intends to carry out an SEA on such plan. ERA agrees with such approach and welcomes the preparation of this scoping document.
- 1.2 The scoping report is an important step in the SEA process, as it provides a good overview of the scope and parameters for the environmental assessment of the plan and the preparation of the SEA Environmental Report (ER). In the next phase of consultation, ERA looks forward to be given an adequate opportunity to be able to review the consultation documents and express its opinion on both the draft plan and the SEA Environmental Report.
- 1.3 The following comments are provided without prejudice to ERA's comments on the Strategic Environmental Assessment (SEA) study, any required plan revisions and any eventual future proposals emerging from or connected to the implementation of the Waste Management Plan at project stage, when more detailed environmental screening and/or permitting will be required. Depending on their nature, scale and context, proposed projects may also require different types of environmental assessments or other related screenings including Environmental Impact Assessment (EIA) and/or Appropriate Assessment (AA), as relevant. ERA considers that the following issues should be addressed in the following stages of the SEA process, in order to ensure that all possible significant environmental impacts are addressed at an early stage.

2. General Comments

- 2.1 The SEA Screening Template, which was made available together with the scoping report, highlights that the new Waste Management Plan will contain proposals regarding the development of specific waste management infrastructure. These include the Material Recovery Facility and the Waste-to-Energy facility. ERA would like to emphasise that waste minimisation at source remains the main priority for addressing various issues relating to waste management, as such strategy minimises pressures for additional infrastructural projects and the potential take up of additional rural land for development and other relevant environmental impacts. In this regard, ERA recommends that sites already committed for such use/development are always given priority for proposals involving development and infrastructure.
- 2.2 The proposed infrastructural projects highlighted in the SEA Screening Template include: (i) a Material Recovery Facility; (ii) an Organic Processing Plant; (iii) a Waste-to-Energy facility; (iv) the relocation of the Marsa Thermal Treatment Facility; (v) increasing remaining landfill void space through the adoption of specialised engineering technique; and (vi) developing the support infrastructure required to support waste

management operations. ERA is already engaged in the environmental assessment processing of various projects mentioned in the Screening Template, some of which are still undergoing review by ERA. Particular projects also underwent screening for more detailed environmental studies such as Environmental Impact Assessment and Appropriate Assessment under Article 6 of the Habitats Directive, such as the Waste-to-Energy facility. ERA recommends that the SEA for the Waste Management Plan should provide an updated holistic picture of these projects together with information on their current status and which projects were subjected to (or are currently undergoing) more detailed environmental studies.

- 2.3 The SEA Screening Template highlights that *'The proponent has already earmarked a site for the relevant infrastructural development under the PP [plan] and has carried out alternative site assessment studies.'* It is unclear as to whether the area earmarked for such infrastructural development refers to the Maghtab Environmental Complex. The same text states that *'An Environmental Impact Assessment for the infrastructural projects has started.'* ERA recommends that the SEA should provide an updated situation of the affected area/s where waste management infrastructure is being planned.

Appropriate Assessment

- 2.4 The SEA Screening Template indicates that the plan will have potential impacts on Natura 2000 sites and therefore, will require an assessment under Article 6 or 7 of the Habitats Directive. However, at this stage, it is not possible for ERA to determine or confirm whether the emerging plan will require an Appropriate Assessment in view of its potential impacts on Special Areas of Conservation (SACs) and Special Protected Areas (SPAs), in line with Regulation 19 of the Flora, Fauna and Natural Habitats Protection Regulations of 2006 (as amended), due to the lack of details that have been made available at this stage. ERA will re-consider this issue throughout the SEA process once that additional information becomes available.

3. Detailed comments

- 3.1 The following comments are presented according to the order of the respective section in the consultant's initial SEA scoping report. ERA considers that the SEA Environmental Report (ER) should also address the following issues:

Section 2.0 Strategic Environmental Assessment

Section 2.3. The SEA process

- 3.2 Whilst the SEA scoping report identifies that the first stage of the ER is to establish the present conditions (i.e. the baseline) and trends of each of the environmental factors, no clear information has been provided on the type of information and relevant data sources that will be used. In addition to the evaluation of the environmental effects of the plan, the ER should analyse the evolution of the environment without the implementation of the measures forming part of the plan and how the plan is likely to change such scenario as a result of its implementation.

Section 4.0 Methodology

Section 4.1.1 Environmental Baseline and the Impacts of WMP measures

3.3 The list of environmental themes presented in this section does not seem to take into account all issues highlighted in Schedule 1(f) of the SEA Regulations (S.L.549.61). It must be ensured that the impact assessment should take into consideration all the environmental themes listed in Schedule 1(f) of the SEA Regulations (S.L.549.61). In particular, the ER should also consider other important environmental factors such as flora, fauna and soil.

3.4 With reference to Table 2 of the initial SEA scoping report, ERA has the following comments:

- The SEA study aims to minimise potential adverse effects on the environment from the proposed plan, therefore the SEA objectives should be worded positively to highlight what the plan should be achieving in terms of environmental goals. For example, the SEA objective for air quality should be revised to read 'Improve air quality' rather than to 'Minimise adverse effects on air quality'. The other SEA objectives should follow the same style of wording.
- The SEA objective for waste and resource management should first focus on 'Minimisation of waste at source' with its own criteria and indicators, as this is the most important objective for better waste management. The other waste management objectives, which involve or rely on the provision of physical infrastructure, should follow.
- The assessment should also take into account land as a resource, and thus should address potential issues related to land uptake. This is already partly reflected in the indicator for the landscape theme, but should also be reflected more comprehensively as a cross-cutting consideration in the assessment.
- The assessment should take into account other important aspects of the relevant environmental themes to ensure that environmental impacts are addressed comprehensively. ERA considers that soil needs to be assessed as a standalone parameter, having its own criteria and indicators. It is also recommended that the section on energy and water is separated, with each environmental theme being assessed on its own merit. With respect to the latter, the SEA should address potential impacts on water quality from waste management facilities in order to reduce groundwater and surface water contamination. The assessment of impacts on biodiversity must take into account potential impacts on flora and fauna and their habitats.
- ERA considers that the following indicators should be included in the assessment:
 - (i) *Cultural heritage*: to include indicators regarding the number of cultural heritage sites and/or features effected by disposal of waste. With respect to data sources, ERA recommends that the Superintendence of Cultural Heritage is also involved;
 - (ii) *Biodiversity and landscape*: to include indicators regarding illegal dumping activities;
 - (iii) *Transport and infrastructure*: to include Local Councils as data sources, as they may provide useful information on the issue.

Section 4.2.2 Methodology

- 3.5 The relationship between the proposed Waste Management Plan and the relevant environmental plans, programmes and policies should be examined and addressed in the ER, to ensure the protection of the environment in a comprehensive and holistic manner. The scoping report already highlights the requirements of EU and national environmental legislation on waste. ERA considers that in addition to the list of relevant environmental plans and policies already mentioned in the scoping report, the SEA and ER should also have regard to other environmentally relevant plans, programmes and policies which may be affected by, or which may influence the preparation of the plan and/or the implementation of proposals emerging from such plan. The ER should consider all relevant environmental legislation including but not limited to the following:
- State of the Environment Reports;
 - Agreements between ERA and third parties for the management of protected sites;
 - the National Climate Change Adaptation Strategy (2012);
 - the 2030 National Energy and Climate Plan (2019);
 - the 2nd Water Catchment Management Plan for the Malta Water Catchment District (2016);
 - Noise Action Plan (2013) and strategic noise maps;

Various environmental information mentioned above is also available from ERA's website at <https://era.org.mt/legislation-policy/> or from other Competent Authorities as relevant.

