

**Reference:** EA/00002/22 - Amended application to propose an iconic Tourism Complex to the already approved full permit PA 2478/16. Complete regeneration of the already operational tourism facilities. Site at, Villa Rosa, Cresta Quay, Dolphin House, Moynihan House, Ix-Xatt Ta' San Ġorġ, San Giljan, Malta.

**Subject:** Comments received by ERA during the 30-day public consultation period for Terms of Reference

**Consultation period:** 25 February 2022 – 27 March 2022

### 1) Government Entities

- Malta Tourism Authority (dated 2 March 2022)

Below please find issues to be addressed in the drafting of the EIA:

- Shadowing study – effects of project on sun and light on St George's Bay and the surrounding promenade.
- Tourist impact statement – effects of the project on other tourism accommodation establishments during construction including noise pollution and traffic management.
- Visual impact effects of the project on other tourism related establishments.

- Malta Resources Authority (dated 9 March 2022)

We would like to know if any part of any excavations are to be carried out within the saturated zone, and what are the plans for use of water abstracted from sources in the site.

- Environmental Health Directorate (dated 18 March 2022)

Please be informed that we would like to have the following issues related to public health included in the Terms of Reference for this proposed development:

1. Air pollution impacts assessment
  - Emissions from heavy vehicles
  - Transports, storage, and handling of waste materials
  - Operational traffic
  - And their effects on the area of influence taking into consideration the fields used to grow crops.

Necessary monitoring and mitigating measures must be clearly stated.

2. Noise and vibration impacts including construction activities, operational traffic and from other operational activities including underground parking facilities. Monitoring and mitigating measures must be clearly stated.
3. Traffic impact assessment and mitigation measures.
4. Light pollution impact and mitigation measures.

5. Waste Management Plan shall be implemented which should include the impacts from waste generated both during the construction (demolishing, excavated and construction material) and the operational phase. Hence the importance of a detailed Construction and Waste Management Plan, which should be enforced by the site project manager. Details of monitoring and feedback mechanisms must be clearly stated and adhered to.
6. Adverse impacts caused by heavy machinery used for this project. Necessary monitoring and mitigation measures are to be clearly stated and adhered to. These should include the method used for the refueling of said machinery.
7. Adverse impacts caused by unsafe, inadequate storage and improper handling of raw materials on site and from potential accidental spillage of hazardous fluids, fuel, and lubricants. Necessary monitoring and mitigation measures are to be clearly stated and adhered to.
8. Monitoring and mitigation measures in case of rain, heavy winds and storms that may affect the works and might cause undesired spillage at sea and/ or land during the project should be clearly identified.
9. A hydrology assessment should be made available. Such assessment must include but not limit:
  - a. Details for the supply, distribution, and storage of potable water.
  - b. Details of collection, storage, overflow and use of rainwater.
  - c. Ground water, surface water and bathing water in terms of water quality including run-off management.
10. Impact assessment, monitoring, and mitigation measures to prevent any contamination on the coastal water from the proposed project especial for the official bathing sites, B03 and B04, are to be identified. No work shall be carried out during the official bathing season starting on the 3rd week of May till the 4th week of October, that will have an impact of the bathing water quality.
11. The monitoring and mitigation measures to prevent nuisance on the drainage system including the pumping station in proximity of the proposed project are to be identified as any damages to mentioned system may have an adverse effect on the official bathing sites, B03 & B04.
12. A full evaluation report on the increase in volume of sewage in the public sewerage system from this development should be carried out. The study should clearly state if the present infrastructure would cope with this increase and that it would not cause any overflows and/or blockages which may be of health hazard and nuisance to the nearby residents, commercial premises, bathing sites and general public. This is a very important issue that needs to be studied holistically for the area in view of all the major projects in this area.
13. Pest control management on site and surroundings.
14. Details of proposed sanitary facilities for workers during construction phase.
15. Details of the proposed air conditioning system.

16. Pools are to be registered with the Environmental Health Directorate as per L.N. 135 of 2008, Amendment to Swimming Pool Regulations.
17. The discharge point from swimming pools that will be present on site is to be clearly indicated.
18. The overall cumulative impacts of the development and operation on the public should be identified.
19. Details of measures proposed to be taken to prevent nuisances at all stages of the project on the Area of Influence should be clearly stated.

The EIA should also include a detailed description of the measures envisaged to prevent, minimise and where possible offset any significant temporary or permanent adverse health effects and nuisances on the Area of Influence and to the public. This should include details regarding monitoring programmes that may be proposed. The EIA should also identify, describe, and discuss in detail the possible health effects of any residual impacts that cannot be mitigated.

Applicants are also requested to carry out specific discussions with the various Units within the Environmental Health Directorate once the detailed plans for the public areas, catering establishments, food outlets and other facilities (such as water distribution, water features, etc.) are prepared in view of specific regulations under the Food Safety Act, the Public Health Act, and the Control of Legionella.

- Superintendence of Cultural Heritage (dated 23 March 2022)

In response to your email of the 25th of February 2022, please find recommended Terms of Reference for a Cultural Heritage Assessment i.c.w. the Environmental Impact Assessment (EIA).

#### 1.0 Preamble

The current EIA (EA/00002/22) covers a proposal, submitted prior to application, that will amend the previously approved application PA/02478/16. This amended application involves large-scale development within the site of Villa Rosa and Cresta Quay, an area wherein several cultural heritage assets are located. Likewise, the site is partly situated within an Area of Ecological Importance (Wied Harq Hammiem: GN 370/08). Potential impacts may occur within the project's site footprint and may include direct impacts on the existing historical structures, as well as visual impacts on the landscape.

The Superintendence notes that this proposal reflects the validity of the earlier permit PA/02478/16. The Superintendence further notes that PA/02478/16 had been subject to EIA assessment EA/00038/16, which included a section on the cultural heritage assets, covering even Villa Rosa, Dolphin House and Moynihan House, and Ghar Harq Hammiem Cave.

The Superintendence takes cognisance of existing planning commitments reflected in PA/02478/16, including the demolition of structures with a degree of cultural heritage value, including Moynihan House. Nevertheless, the Superintendence, noting that the permit has not to date been actualised,

asks that these structures, as well as other structures as may have cultural heritage value are to be included in this study, with appropriate assessment of their value and of the impact and with recommendations for mitigation of said impact.

The Superintendence notes that this current proposal is effectively an amendment to the approved development footprint, with a new design of the tourism complex, with new volumes and a new disposition of structures and interventions. Whilst the interventions on cultural heritage assets such as Villa Rosa (to be restored), Dolphin House and Moynihan House are set to remain as approved, the new proposed footprint, extends well into the buffer zone of Ghar Harq Hammiem, proposing excavation and other interventions closer to the upper chamber of the scheduled cave system. Furthermore, the amendment proposes several high-rise buildings, which will increase massing significantly, impacting the perceptions of the area and the surrounding landscape.

The above is expressed without prejudice to concerns and recommendations as had been expressed by the Superintendence in its response to PA/02478/16 and without prejudice to its position and recommendations as may eventually be expressed in connection with the amended application once it is submitted.

## 2.0 Scope and Definitions of the EIA

For the purposes of this document, cultural heritage is defined by Article 2 of the Cultural Heritage Act (2019). This includes movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological, and geological importance.

The Cultural Heritage Act (Art. 2) specifically includes the landscape within the definition of cultural heritage.

### 2.1 The study area will include:

- a) Immediate environs of the development site, with the site as viewed from approach roads and Il-Bajja ta' San Gorg.
- b) Viewshed of the development site as viewed from, with views of the site as visible from within the valley and from other vantage points, including vantage points from within the bay and the seaward side

### 2.2 In the context of this application, cultural heritage considerations would include:

- Villa Rosa.
- Dolphin House.
- Moynihan House.
- Any other structures of evident antiquity or architectural value within the footprint, including vernacular or military structures.
- Ghar Harq Hammiem.

The above cultural heritage definitions and considerations are not to be considered as exhaustive. The EIA must consider all other forms of cultural heritage, both known and unknown.

### 2.3 The Environmental Impact assessment will:

- With regards to structures having cultural heritage value, these are to be described and assessed. Impact is to be identified and mitigation measures recommended
- Identify and determine whether the proposed interventions are likely to cause any adverse effects on the stability and integrity of the Ghar Harq Hammiem Cave System.
- Identify impact of development on the visual value of the environs.
- Assess the impact on the visual values of the environs.
- Propose appropriate mitigation to lessen impact on the visual value of the environs.

### 3.0 Methodology

In quantifying the cultural heritage assets within the study area, and assessing the impacts of the proposed development, the EIA will undertake:

- A study on impact on cultural heritage structures and recommended mitigation in keeping with their value.
- A study of the possible negative effects the proposed interventions will have on the Ghar Harq Hammiem Cave System.
- A study of the visual amenity of the area, including photomontages from significant viewpoints.

### 4.0 Authorisation by the Superintendence of Cultural Heritage

As per Cultural Heritage Act 2019, any form of investigation or prospection required for the identification of cultural heritage (including excavation, field walking, topographic survey and remote sensing) may only be undertaken by the Superintendence of Cultural Heritage or with its written approval.

- Environmental Health Directorate (dated 28 March 2022)

The following are comments for The Energy and Water Agency divided by considerations which relate to specifically and solely to energy and water management.

Energy:

- With reference to the PDS document Section 7.2 *Energy Requirements*, it is being proposed that the project developers consider the installation of heat pump water heaters to reduce the electricity consumption for water heating purposes.
- With reference to the PDS document Section 11.1, we applaud and encourage the project developer's consideration of installing solar photovoltaic systems on the available roof space.
- To minimize the project's heating/cooling electricity consumption, it is being suggested that the project developers consider the installation of renewable technologies such as; ground source heat pumps, water source heat pumps or a combination thereof.

Water:

- Paragraph 4.15 of the PDS is technically and legally wrong, in as much as the main receptor of groundwater in the site-area is not drinking water (hence the reference to salinity) but the "Groundwater Dependent Terrestrial Ecosystems - GDTE" present within Ghar Harq Hammiem – which are protected under the EU Water Framework Directive. Reference in this regard is made to Article

1(a) and Annex V Section 2.3 of the Water Framework Directive. In as much – the EIA needs to undertake a survey of the baseline conditions to identify any GDTEs present within the freshwater at Ghar Harq Hamiem, and present the measures necessary for the habitat necessary to protect these GDTEs to be maintained. This includes the hydromorphological restoration of the valley system impacting Ghar Harq Hamiem (including the protection of water quality in the cave from the ingress of contaminants and surface waters from the development). Furthermore, as a permit condition, access to the cave from the site needs to be maintained for both ERA and EWA, and developer will need to allow undisputed access to representatives of both entities to undertake surveys and studies of GDTEs within the cave system.

- The EIA should clearly define the amounts of water which will be utilised by the development, broken down by first- and second-class quality requirements, the source of water planned to satisfy these demands and the availability of black and greywaters generated for reclamation. Due to the scale of the development, the design for water services should ensure that sufficient water resources should be planned to cover the full water requirement of the development without the consideration of external water inputs for second class purposes such as trucked water supplies.
- Landscaping should respect the Mediterranean character of the Maltese Islands and be compatible with the surrounding environment by utilising native species of trees, shrubs and plants which do not require excess amounts of irrigation water. Water efficient irrigation systems should be included.

## 2) NGOs

- BirdLife Malta (dated 25 March 2022)

BirdLife Malta have reviewed the PDS for the aforementioned development and we would like to contribute with our feedback below.

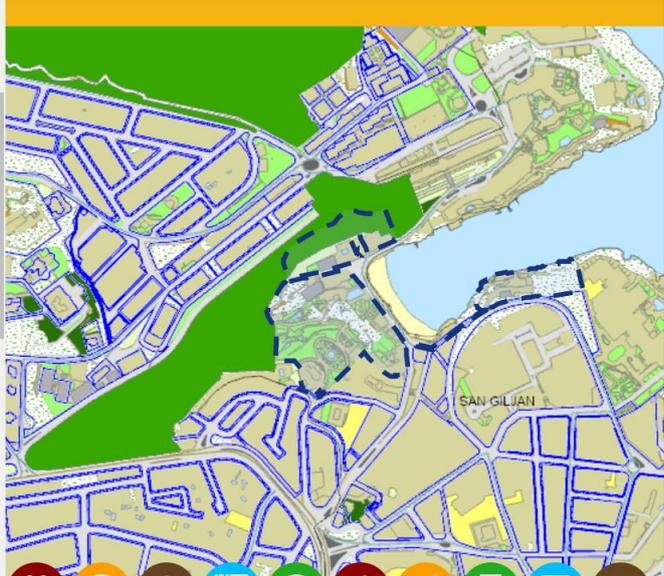
The proposed development in question is to occupy 237,316m<sup>2</sup> which is about 100,000 m<sup>2</sup> more than the area of the approved project. Although we appreciate that the developer included in the PDS a number of environmental considerations, including a wide public green space, we would like to express our concern with regards to such a massive construction proposed just at the side of and partly overlapping the Area of Ecological Importance and Site of Scientific Interest (AEI/SSI): *Wied Harq Hamiem u l-Għar ta' Harq Hamiem* which is hosting a number of typical habitats, and the site itself (namely, the gardens around Villa Rosa) is a habitat for various fauna species. We also would like to emphasise that the fact that the area is heavily disturbed by various developments should not be used as a justification to not take all possible measures to avoid or minimise anthropogenic pressure on the surrounding natural environment.

PLANNING AUTHORITY
Search

**Site Details**

### Protected Areas | National Level

OBJECTID_1	7
LOCALID	14779
NAMESPAC	EIONET.ENVIRONMENT.PS.CDDA.MT
VERSIOD	19.0
LEGFDATE	1996
LEGFDOCU	Published under G.N. 583 of 1996, available at [https://era.org.mt/wp-content/uploads/2019/10/GN_583_of_1996.pdf]
DESSCHEM	Area of Ecological Importance and Site of Scientific Importance
DESVALUE	habitat species management area
SITENAME	Wied Ħarq Ħamiem u l-Għar ta' Ħarq Ħamiem, limiti ta' San Ġiljan u Pembroke



The PDS though states that “the area is of limited ecological value” and no significant negative impact is envisaged from the development. In our opinion, this conclusion is to be drawn by ERA and exclusively after thorough evaluation of environmental impacts and mitigation measures proposed. Particularly, we would suggest including the following in the EIA:

- The height of some newly proposed buildings are of major concern (27 and 34 storeys), especially taking into consideration that those are to be erected close to the boundary with the AEI/SSI to the south. The impacts arising from this should be evaluated thoroughly and should include light pollution, shadowing, trampling, geomorphological and ecological considerations, impact on hydrological features specific to the valley, etc.
- External lighting scheme should be assessed separately, paying attention to the specifics of the sensitive natural surroundings (Marine Protected Area bordering the site from the north and the adjacent AEI/SSI to the south). At the moment, the PDS focuses mostly on landscaping lighting which we have noted, yet would like to stress on the need to develop an appropriate external lighting design and scheme, using suitable guidelines (such as Guidelines for Ecologically Responsible Lighting<sup>1</sup>) to avoid light spill on the protected areas.

1 <https://birdlifemalta.org/wp-content/uploads/2020/07/Guidelines-for-Ecologically-Responsible-Lighting.pdf>

- The excavation on the site of Cresta Quay with the subsequent creation of an outdoor pool and other facilities should be assessed in terms of sustainability, given the proximity of the sea. In addition, the proposed works in the Cresta Quay area need to be analysed from the point of view of integrity of the site and sustainability of the proposed development extension onto the undeveloped natural area.

- Although the PDS states the dust generation and the relating impact on air quality (namely, during the construction and demolition) is of no concern since the dust shall remain within the site perimeter, we strongly suggest including the assessment of impact caused by dust generation during the demolition and construction phase, with special attention paid to negative environmental impact on air and water quality, including the possible influence to other areas through run-off given the development is sited within a valley. The marine area in immediate proximity to the site is a Natura 2000 site Special Area of Conservation *Żona fil-Baħar bejn il-Ponta ta' San Dimitri (Għawdex) u Il-Qaliet* which hosts valuable and sensitive *Posidonia oceanica* meadows including just in the harbour, therefore we specifically ask for an impact assessment with regards to this.
- Given the extensive excavation works on the site, appreciating the presence of Ħarq Ħammiem cave system as well as protected Wied Ħarq Ħammiem both bordering the site, we see the need to include the assessment of impact on geomorphology, geology and hydrology since there might be certain risk of obliteration or permanent damage to the cave system caused by the demolition and excavation works, as well as the loading of these developments on the bedrock.
- In the context of the above, we also suggest assessing the impact from vibrations, especially during the active excavation and demolition phase to evaluate potential adverse impact with regards to the cave system and valley slopes stability.
- It is absolutely vital to assess the ecological impact arising from major shrinking of the ecological corridor connecting the valley and the cave due to the development, with the area of influence extending to the whole area of ecological importance of Wied Harq Hamiem.
- In line with the PDS, the amount of demolition and excavation waste shall stand for around 16,000 tonnes, and most of the excavated material is said to be reused on site. The waste management plan should be assessed, including the proposed routes for the transportation of construction waste to the approved sites. A waste management plan during operational phase of the project needs to be assessed separately, with special focus on any possible discharges to the sea (which should not be accepted) and organic waste treatment.
- According to the PDS, the development is to make a positive impact on ecology through increased landscaping. Any area would rather benefit from remaining in a natural state than being extensively landscaped, however the analysis of a detailed Landscaping plan is needed before raising any statements.
- The development shall undoubtedly generate an increased occupancy of the area, and as a consequence vehicular traffic. A Traffic Impact Statement should be prepared for the development, to include both construction and operational phases of the development, and should consider whether and if any existing or proposed road infrastructure would be able to cater for such or otherwise.
- The cumulative impact of this development vis a vis other already approved developments in

the area should be assessed for all categories of the EIA. The area of St George’s Bay is subject to massive development proposals which could already potentially compromise the state of geology and geomorphology rendering this development even potentially unfeasible considering all.

**3) Members of the Public**

Dr. John Seychell Navarro (email dated 27 February 2022)

Whatever development occurs one must ensure:

1. Villa Rosa majestic tower remains overlooking the steeped valley like a castle at the top, ensuring that it is visible from below from all sides.
2. The formal gardens as shown below are scheduled and opened to the public to ensure a green lung in the area.



3. All fountains, statues and man made historical duck pond are also scheduled and fully restored for future generations to enjoy.

Formal gardens, like San Anton gardens and Villa Rosa gardens are party of our history and if the latter gardens are private, owners should be helped by the issuing of an emergency conservation order and given government assistance so they are kept in the best possible way. An example is Villa Frere gardens where a lot of damage happened due to years of neglect, not to mention the fact that huge areas were lost.