

Director General
Strategy & Implementation Division
Parliamentary Secretariat for European Funds

1st February 2022

Dear [REDACTED]

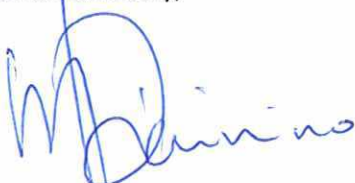
**Scoping Report on the Common Agricultural Policy (CAP) Strategic Plan for Malta 2023-2027
Consultation in terms of Regulation 6(4) of the Strategic Environmental Assessment
Regulations (S.L. 549.61)**

Reference is made to the OPM's SEA scoping consultation on the above-mentioned Plan for 2023-2027, which ERA received by email on 19th January 2022.

Various proposals in the draft Plan are environmentally relevant, particularly those involving infrastructure and development projects. Therefore, ERA welcomes the decision to subject the Common Agricultural Policy (CAP) Strategic Plan for the period 2023-2027 to an SEA study. ERA looks forward to being consulted on the SEA Environmental Report.

ERA's comments on the SEA scoping report are provided below. It is recommended that these comments are taken into consideration in the preparation of the SEA Environmental Report (ER), with the intention of ensuring that the 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 the Common Agricultural Policy (CAP) Strategic Plan for Malta for 2023-2027

1st February 2022

1. Introduction

- 1.1 Reference is made to OPM's public consultation document on the Common Agricultural Policy Strategic Plan for Malta for the programming period 2023-2027, and the associated SEA scoping report prepared by Adi Associates.
- 1.2 The following comments are provided without prejudice to ERA's review and comments on the SEA ER and on any development projects that may emerge from this programme, when more detailed environmental assessment may 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.

2. General comments

- 2.1 The CAP Strategic Plan outlines the main priorities and scale of funding for the agricultural sector for the period 2023-2027, and will support measures under three general objectives. ERA has a direct interest in the proposed Plan in view of the strong interactions between agriculture, rural development and the environmental qualities of the countryside and the landscape, therefore, it recommends that the following considerations should be taken into account in the preparation of the ER:
 - prevention of further urban sprawl at the expense of open/undeveloped countryside;
 - avoidance of new development commitments/pressures scattered in the countryside, particularly those under the pretext of agriculture;
 - protection of other important aspects of the natural/rural environment (e.g. site topography, natural physical features, valleys and watercourses, cliff/escarpment, old rubble walls, traditional terraced fields, mature trees (e.g. carobs) scattered within/alongside agricultural parcels, areas of garrigue (*xaghri*), maquis or mosaic landscapes (made up of a mix of patches of arable land and patches of garrigue/maquis, and/or characterised by non-trivial rock outcrops, etc.); and
 - preventing adverse environmental impacts that may arise from indirect and consequential implications of development, such as impacts associated with widening of rural roads, introducing ancillary infrastructure ODZ, etc.

3. Appropriate Assessment Screening

- 3.1 Particular proposals in the Plan are intended to support the restoration and protection of the natural environment and therefore, are expected to have an environmental benefit. These include the efficient management of natural resources (including by reducing chemical dependency); restoration of key geographical and landscape features; organic farming, etc. Such proposals could also result in an improvement of the rural landscape and the conservation state of the countryside, including protected sites such as Special Areas of Conservation (SACs) and Special Protected Areas (SPAs).
- 3.2 Certain proposals are intended to support additional infrastructure on farms, such as waste management interventions and the use of renewable energy sources. Other

initiatives do not promote development directly, but may still result in specific projects, such as afforestation or creation of new open spaces. However, other proposals focus on more tangible interventions in the rural area, which, depending on their proposed details, could end up having both localised and cumulative impacts on the rural environment. The upgrading of rural roads and road infrastructure is an example. Depending on the site context, topographical constraints and the types of works envisaged, such proposals could result in considerable take-up of undeveloped rural land, scarring of the rural landscape, uprooting of trees, damage to site topography and rubble walls, etc. The details and location of the above-mentioned projects are not available at this stage, however, the negative impacts associated with some of these projects (e.g. upgrading/hard surfacing of rural roads and tracks; new or altered vehicular access; introduction or extension of infrastructure services; demolition/construction of rubble walls; clearing of wild vegetation; reclamation of non-agricultural land for cultivation; construction of built structures) could also end up adversely affecting SACs and SPAs.

- 3.3 In view of the above, it is not possible for ERA to determine or confirm whether certain aspects/proposals in the Plan will have a significant impact on SACs and SPAs. **ERA will re-consider the need for an Appropriate Assessment once that more details and information come forward throughout the SEA process.**

4. Considerations for the SEA Environmental Report

- 4.1 The main objectives which are of most strategic relevance to the environment are **General Objectives 2 and 3**. ERA's comments on the proposals in the Plan are highlighted below:

General Objective 2 - The CAP Strategic plan will offer funding to help protect and enhance Malta's natural environment and address the need to achieve significant climate mitigation and adaptation

- 4.2 Various proposals under this objective involve the provision of new or upgraded infrastructure, such as renewable energy, roads, water and waste management and treated wastewater. **It is recommended that the SEA study should at least consider two scenarios, one focusing on the environmental impacts of providing new or upgraded infrastructure, and another focusing on avoiding major environmental impacts (such as avoiding important natural areas) when planning and implementing such infrastructure.**
- 4.3 Generally, proposals for renewable energy infrastructure in appropriate locations (such as urban areas and other committed sites) are welcomed. **In rural locations, such facilities should be promoted away from remote rural locations, natural sites and landscapes, and be directed towards existing committed large-scale developments (e.g. livestock farms). The SEA needs to consider the most appropriate locations where such facilities should be accommodated, in order to avoid adverse impacts. With respect to the upgrading of rural roads, it must be ensured that the SEA considers the potential environmental impacts associated with this proposal, particularly in problematic environmental areas such as valleys, watercourses, ridge-edges, garrigue, maquis, protected areas, etc. Road works that are limited to the existing footprint of existing roads and do not significantly alter the nature of the land surface are generally considered to be the least environmentally damaging.**

Whilst in principle the utilisation of animal and agricultural waste and residues for energy production is agreed to, this will require provision of large-scale facilities which may result in land take-up and impacts on the landscape and rural environment. **These environmental impacts could be mitigated by accommodating such facilities on suitable already committed sites.**

4.4 ERA notes the proposals in the Plan regarding the restoration and protection of the natural environment. **The environmental benefits of important environmental measures together with the considerations highlighted below are expected to be covered in the SEA study.**

- Certain valleys may need to be restored to continue supporting both their ecological function and their natural hydrological function or rehabilitated to continue assisting genuine agricultural activities through rainwater storage. However, certain interventions, such as the construction of new dams, excessive dredging of watercourses, etc. should be avoided in the first instance, in view of their adverse environmental impacts. Natural habitats and features should be effectively conserved and restored to their pristine state for their ecological natural and landscape value.
- Restoration of rubble walls is to be carried out in traditional methods (using traditional material) and are to retain their original height to ensure compatibility with the rural character and surrounding context. Retaining walls along field terraces should not be raised higher than the upper soil level. New/reconstructed/re-developed rubble walls should respect the natural topography and the height of traditional rubble walls in the surrounding context, without obstructing rural views.
- Generally, proposals for afforestation projects are welcomed, as long as these are located within suitable site contexts.
- The proposed initiatives for the reclamation and restoration of marginal or derelict land should be approached with caution, since certain interventions could end up damaging ecosystems, natural habitats and the rural landscape, such as deposition of inert material and soil onto natural sites (e.g. garrigue) under the pretext of reclaiming or restoring of marginal or derelict land. Such proposals should only be considered on legitimate agricultural land.

General Objective 3 – Support will also be available for businesses and social and community groups in rural areas, to enhance the quality of life and sustainability of rural communities and to promote the rural economy and the circular economy (re-use, restore, re-cycle) in Malta

4.5 At present, development pressures in rural areas is ending up utilising a substantial amount of rural land (cumulatively) to accommodate urban-type built development or ancillary facilities, with consequential impacts in terms of land take-up, formalisation of the countryside and adverse impacts on the landscape and rural character. Moreover, if not properly managed, rural recreation and tourism tend to lead to additional pressures for further development and ancillary facilities in the countryside, such as buildings, provision of new access, widened roads, new or formalised car parks, formal belvederes, hard surfacing, etc. Other trivial interventions such as signs and panels, street furniture, CCTV camera poles, etc., may also be problematic, particularly if

excessive in quantity or poorly designed/located. Therefore, the location, frequency, design and materials of such facilities are important to avoid unacceptable environmental impacts (e.g. site formalisation). Whilst ERA is in favour of stimulating new business activities (e.g. environmental labelling), as well as in the promotion of the circular economy, **ERA is concerned that proposals for new business activities in rural areas (e.g. tourism) will end up promoting additional development pressures in the rural environment. Therefore, the assessment of environmental impacts of this proposed initiative should be thoroughly explored through the SEA study.**

- 4.6 With regards to tourism, it is also recommended that the proposed measures in the Plan are directed towards increasing further the valorisation of Malta's touristic product as well as the promotion of sustainable tourism which integrate environmental conservation actions. This could include renovation of cultural assets and upgrading of historic buildings, which apart from creating a niche market will also contribute towards the amelioration of the social environment. The proper restoration and reuse of historic buildings and spaces, instead of more permissive approaches to the construction or extension of buildings in the countryside, will help achieve multiple objectives, including environmental ones.
- 4.7 In this regard, towns and villages which are either located in a predominantly rural context or have maintained a rural function (e.g. Baħrija, Mgarr, various settlements in Gozo) are the preferred locations for rural-themed tourism accommodation. **Therefore, it is recommended that the environmental benefits of this initiative, as opposed to current pressures for permitting tourism accommodation ODZ, is thoroughly explored further through the SEA study.**
- 4.8 The Plan's proposal to facilitate land consolidation is welcomed, however, should be approached with caution. In practice, such interventions may entail relatively drastic re-profiling/alteration of land and topography as well as obliteration of existing site features including terracing, rubble walls, mature trees, green corridors, areas of scenic and landscape value, etc. **These environmental considerations should be duly taken into account in the emerging SEA study.**
- 4.9 Proposals for the creation of new open spaces and/or enhancement of existing ones, is welcomed. Generally, informal public recreation in the countryside should be encouraged through the designation of ODZ areas as 'informal roaming space' where the people can rediscover their connection with nature through low-key informal recreational enjoyment (e.g. picnicking, walking). Therefore, the creation of informal recreational spaces (i.e. no hard landscaping, street furniture, infrastructural requirements, etc.) should be the preferred strategy as opposed to formalised ones.

5. Detailed Comments

SEA Objectives

- 5.1 In addition to the assessment of the likely significant effects of the proposed measures on the environmental factors listed in Schedule I (f) of the SEA Regulations (S.L. 549.61), the SEA ER should also assess the inter-relationships between such factors, as well as secondary, cumulative, synergistic, short, medium and long-term, permanent and temporary, positive and negative impacts of the Plan

5.2 With regards to Table 1 of the SEA scoping report, it is recommended that the following are considered as relevant baseline data, in addition to those already provided in the SEA scoping report:

- Emissions to air and climate change: *Air emissions inventory*;
- Biodiversity / fauna and flora: Areas known to support priority Annex I habitats *and/ or Annex II species*; *Overall conservation status and trends of habitats and species of importance*;
- Water: Freshwater *and marine* ecosystems; *Water exploitation. To also include ERA and the Energy and Water Agency (EWA) as data sources*;
- Soil: *Land productivity*; *Soil loss*; Contamination of soil (*including salinity*);
- Landscape: *Sources of light and noise pollution*; *Landscape fragmentation*;
- Human health: *Air pollutants*; *Freshwater and marine water contamination*; *Maintaining access to open areas*; *Preserving mental health and wellbeing*; and
- Material assets and population: *Urban land take up*; *Population density*

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

- The ER needs to take into account other important aspects of the relevant environmental themes so as to ensure that environmental impacts are addressed comprehensively, as follows:
 - The section on biodiversity must take into consideration potential impacts on other important habitats, which are not necessarily officially protected as yet (such as valleys and watercourses);
 - The assessment of impacts on landscape should also take into account impacts on landform and topography, landscape, the natural beauty and scenic amenity of the landscape, the rural character, etc;
 - The SEA objective for emissions to air should focus on air pollutant emissions rather than to odours emissions, such as emissions from the use of farm machinery or livestock waste;
 - The section on water should consider how the proposed measures will affect the chemical status (not limited to ecology) of inland surface waters. Both the chemical and ecological status of coastal waters and freshwaters needs to be considered in the SEA study. The chemical analysis of water should be clearly linked to the WFD; and
 - The assessment should also take into account land as a resource, and thus should address potential issues related to land take-up (e.g. from rural road upgrading works), land degradation (including deposition of soil material on natural sites), development pressures, etc. This should be reflected more comprehensively as a cross-cutting consideration in the assessment.
- It is recommended that the indicator to assess the impacts of the Plan on biodiversity, flora and fauna should also take into account the status of other natural habitats and features in the rural area, which are not protected as yet. Similarly, the indicators for emissions to air needs to ensure compliance with the emission ceilings for 2025 and 2030 arising from obligations present in the National Emission Ceilings Directive 2016/2284 and the Gothenburg Protocol of the Convention of Long Range Transboundary Air Pollution (CLRTAP).
- The scoping report highlights that 'environmental monitoring as part of permit' will be used as a data source for soil. ERA would like to clarify that monitoring through ERA permits is only required for installations falling within the scope of the IPPC Regulations (S.L. 549.77), which requirement is dependent on whether the installation handles and/or releases any hazardous substances, on the basis of a risk

assessment. The scope of such monitoring is to determine the state of the soil and groundwater prior to start of operations for comparison upon cessation.

Alternatives

- The Plan highlights that feasible alternatives will be assessed during the development of the CAP Strategic Plan. The ER should clearly highlight the suitable alternatives that have been taken into consideration and together with the likely environmental impacts associated with such alternatives. The reasoning behind the selection of any particular alternatives needs to be clearly highlighted and explained.

Appendix I: Analysis of Related Plans, Programmes, and Legislation

- It is recommended that the following legislation are included as part of Appendix I in the SEA scoping report and taken into considering in the ER:
 - the National Emission Ceilings Directive 2016/2284, in particular Article 6 and Part 2 of Annex III;
 - the Gothenburg Protocol of the Convention of Long Range Transboundary Air Pollution (CLRTAP);
 - the National Strategy for the Environment for 2050;
 - the analysis on the Convention on Biological Diversity (1992) should not be limited to the marine environment;
 - the Strategic Plan for Biodiversity 2011-2020 have to take into account the new goals, milestones and targets of the [first draft of the post-2020 global biodiversity framework](#), which will replace the Aichi Targets;
 - the CAP should also favourably contribute to the achievement of the NBSAP (2012-2020) objectives; and
 - the [EU Pollinators Initiative](#) and [Natura 2000 Management Planning for Terrestrial Sites in Malta & Gozo](#)

