ERA's comments on the Strategic Environmental Assessment (SEA) Scoping Report for the National Policy for the Deployment of Offshore Renewable Energy (PORE), in terms of Regulation 6(4) of S.L. 549.61 (SEA Regulations)
ERA's Appropriate Assessment screening determination, in terms of Regulation 19 of S.L. 549.44 (Flora, Fauna and Natural Habitats Protection Regulations)

1st November 2023

1. Introduction

1.1 Reference is made to the consultation with ERA on the SEA scoping report prepared by AIS Environment, which ERA received on 23rd October 2023, and the associated public consultation on the draft National Policy for the Deployment of Offshore Renewable Energy (PORE).

1.2 ERA welcomes the SEA scoping report for the PORE and looks forward to its further engagement in the SEA process. The PORE sets the framework for offshore renewable energy, mainly wind and solar, in areas lying beyond the territorial waters and within Malta's potential Exclusive Economic Zone (EEZ). ERA acknowledges that the main purpose of the policy is beneficial to the environment, intended to support Malta in meeting its objectives for renewable energy.

1.3 The following comments are provided without prejudice to ERA's review and comments on the SEA Environment Report (ER) and any other required plan-level studies.

2. Appropriate Assessment (Habitats Directive) screening

2.1 ERA will also be providing an Appropriate Assessment screening determination in terms of Regulation 19 of S.L. 549.44 (Flora, Fauna and Natural Habitats Protection Regulations). The PORE policy is being screened in view of its potential impacts on Special Areas of Conservation (SACs) and Special Protected Areas (SPAs) and to determine whether a separate Appropriate Assessment study is needed. ERA will be providing the Appropriate Assessment screening determination separately.

3. General comments (SEA scoping)

3.1 The proper siting of renewable energy infrastructure and other related ancillary facilities (including the routing/laying of submarine cables, connection to the grid, etc.), both offshore and onshore, is of outmost importance to avoid major environmental impacts. Adequate plan-level assessments help making critical strategic decisions, choosing suitable alternatives and identifying area-level mitigation, in order to avoid potential significant impacts *a priori*, thereby also facilitating project-level permitting and assessment processes. Priority should be given to low impact options.

4. Detailed comments (SEA scoping)

4.1 Further to the proposals in the SEA scoping report, ERA considers that the SEA Environment Report should also address the following issues:

Section 4.2: SEA Legislation

4.2 Reference to the transposition of the SEA Regulations into Maltese Legislation should be revised to read S.L. 549.61.

Section 5.1.1: Environmental Baseline and the Impacts of Policies and Measures (PaMs)

4.3 In addition to the proposals in the scoping report, the Environment Report also needs to take into consideration other important aspects of the relevant environmental themes, as follows:

- The SEA study should also include an evaluation of how the coastal and terrestrial environments may be impacted by the PORE policy, in view of other associated infrastructure and interventions on land (e.g. grid connection points, new or upgraded land/coastal facility, etc.). Section 5.1.1 of the SEA scoping report should be updated and revised accordingly in the emerging Environment Report.

- The SEA should also consider impacts on aspects of the natural environment, including flora and fauna, whether protected or otherwise. The possible loss and/or disturbance of habitats and species, as well as impacts on migratory species and their habitats, including cetaceans, marine reptiles (e.g. turtles), chiroptera species, avifuana, breeding sites, migratory routes, rafting zones, etc., should be considered in the study. Moreover, it is important to ensure that the study covers both marine and terrestrial areas wherever relevant.

- The policy highlights that '*No subsoil rights will be granted under the EEZ Act apart from any rights required to secure (moor) the floating installations in case the moorings will be drilled into the subsoil'.* As part of the assessment related to geology, geomorphology and hydrography, the study should analyse different options of mooring/anchoring methods as well as their potential cumulative impacts.

- In paragraph 22.2 of the PORE, regarding grid connection points, the policy highlights that '*there would be multiple installations at any single site during the first years of development. It is therefore likely that at first, each project would require a dedicated grid connection facility. However, depending on the overall interest expressed as well as planned deployment capacity, shared connections should be an option.'* The scale, number and location of such possible multiple installations (e.g. number of cables per area, different routes, number of connection points, etc.), as well as the type of impacted site (e.g. seabed, marine/terrestrial habitats, natural coast, etc.) will determine the significance of the potential environmental impacts.

- The SEA study needs to consider the WFD and MSFD objectives and related aspects. SEA objectives and criteria related to the achievement of Good Environmental Status in the marine environment, on the basis of the eleven MSFD descriptors, needs to be elaborated in the SEA Environment Report. This would allow for a more comprehensive assessment of the pressures on marine biodiversity as a result of the implementation of the PORE (e.g. underwater noise, hydrological changes, nutrient levels, etc.).

- The study should also address potential issues related to land take-up, land degradation, development pressures, etc. as a result of the potential infrastructural works, including possible upgrades, which may be needed on land to facilitate grid connection and distribution.

- The draft policy makes reference that elements of dredging, spoil and disposal areas may be assessed in the SEA (as per para. 15.4). ERA's Terms of Reference for the Management and Disposal of Dredged Material may provide useful information for the assessment.

Moreover, the potential waste generated as a result of drilling in the subsoil should also be taken into consideration in the SEA study.

- The SEA study should also assess the potential impacts of the PORE policy during all phases including construction/installation, operation and decommissioning.

Section 5.1.2: SEA Alternatives

4.4 The alternative scenarios, which consist of clusters composed of multiple proposed areas, are welcomed. It is recommended that the Environment Report should also consider assessing each proposed area individually, taking also into account the need to connect each of these areas to the grid. The environmental justification for selecting particular alternative/s should be explained in the Environment Report.

Section 5.2.1: Structure of the report

4.5 The Environment Report for PORE should consider how the policy aligns with and is influenced by various environmental legislation, including potential cumulative impacts. ERA's relevant environmental plans, programmes and policies are available from the following links:

- https://era.org.mt/legislation-policy/; and
- https://era.org.mt/era-topic-categories/my-environment/

Section 5.2.2: Methodology

4.6 Suitable pre-emptive and mitigatory measures are to be considered after the assessment of environmental impacts. The Environment Report needs to describe how the foreseen impacts will be avoided or reduced through the proposed measures and whether any residual impacts will remain. The SEA is to evaluate whether the policy measures are expected to be effective or whether the residual impact would remain significant.