

Environmental Planning Statement

**Comprehensive development of site B
as per approved Planning Policy for Ta' Masrija Mellieha**

**To construct four apartment blocks to include in total
48 residential units and 48 basement garages, and a public area**

**Outline development for the
construction of maisonettes, apartments, penthouses and underlying garages**

Appendix Six
Reviewers' Comments and Consultants' Responses

12 January 2010



Comments
on the
Environmental Planning Statement
for the

Redevelopment of Ta' Masrija (GF 83/06)
I/o Mellieħa
that includes

PA/02761/06

The comprehensive development of Site B as per approved 'Ta' Masrija Planning Policy'
This includes approximately 300 units with underground parking and tunnel, open spaces, public promenade and neighbourhood centre

PA/01927/06

The construction of four apartment blocks to include in total 48 residential units and 48 basement garages and a public area

PA/01302/06

The outline development for the construction of maisonettes, apartments, penthouses and underlying garages

MEPA Comments		Responses : EIA Coordinator	
Page	Section	Reviewers' Comments	
/	General Comments	In accordance with provision 28 of the EIA Regulations, all consultants and contributors employed in the environmental impact assessment shall sign a declaration stating that the particular study (or part thereof) was solely carried out by them. This signed declaration shall be included with each environmental survey report included with the environmental impact statement. The said declarations have not yet been submitted. Kindly provide. In accordance with provision 29 of the EIA Regulations, in the interest of fairness, objectivity and the avoidance of bias, all consultants shall required to sign and abide by a declaration that they have no personal or financial interest in the proposed development. The said declarations in accordance with provision 29(1) have not yet been submitted. Kindly provide.	1. Will be done.
/		In view of the latest discussions with the Planning Directorate on the revised design of the proposal, kindly update EPS in accordance with the latest designs and proposals.	2. A second draft of the EPS shall be submitted
/	Ecology	Chapter 4 does not assess the impacts of the proposed development on the ecology described in detail in Chapter 2. Consequently, Chapter 5 does not address any mitigation in this respect either. In spite of the fact that effects on ecology were not included as a separate section in the Terms of Reference, these should have been discussed by the EIA Coordinator in the EPS since the proposed development lies immediately north of the boundary of the Wied il-Mizieb SAC.	3. Why does the MEPA issue Terms of Reference?
/	Utilities and Infrastructure	Kindly note that since the application is at outline stage, the architectural details, which have a fundamental bearing on the energy performance of the buildings, are not available. Should the outline application be approved, a detailed Utilities (Energy & Water) Management Plan - according to ToRs provided by MEPA - will need to be submitted with the full development application. The plan will build on the water and energy management measures and recommendations outlined in the EPS and detail the expected energy and water use of the complex and the measures employed (architectural and services) to reduce/offset the intrinsic demand of the development and the pressures on the national infrastructure.	4. Agreed. The second draft of the EPA shall make this point clear.

MEPA Comments			Responses : EIA Coordinator
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Technical Report : Coordinated Assessment			
Chapter 0 - Introduction			
14	Table 2	It seems that Dr. Louis Cassar in the said table is mentioned twice. Kindly amend. Also, the table fails to mention Mr. Sandro Lanfranco and Dr. Patrick Schembri as consultants for the ecological study. Kindly include, given that they were approved to carry out the study as per email to your goodself dated 2nd March 2007.	5. This matter will be seen to in the second draft of the EPS.
Chapter 1 – Description of the proposed development			
19	1.1.1.1	Policy and Design Guidance 2005 was superseded by Policy and Design Guidance 2007. Kindly amend.	6. The approved <i>Planning Policy for Ta' Masrija Mellieħa</i> (hereinafter, PPMM) refers to the Policy and Design Guidance 2005 (hereinafter, DC2005). In this particular page of the Coordinated Assessment, reference is made to the contents of the PPMM, hence DC2005 had to be mentioned. Indeed, earlier in the same Coordinated Assessment, that is in footnote 1 in page 13 it is stated that the DC2005 document had been superseded by Policy and Design Guidance 2007 (hereinafter, DC2007).

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22	1.1.1.11	<p>The text states that 'the proposed development will seek to improve the residential quality of the Ta' Masrija area, through the provision of public spaces, which may serve as a recreational purpose...' With an afforested area such as Mizieb in close proximity to the Ta' Masrija area, such justification is not deemed relevant. Kindly address.</p>
		<p>Responses : EIA Coordinator</p> <p>7.</p> <p>The statement the which the Reviewer refers to is based on statements in the PPMM such as the one quoted below:</p> <p><i>A quality, residential neighbourhood, with its distinctive character and identity, which supports the formation of a community can be achieved by including the appropriate number (around 500) and mix (terraced houses, maisonettes and apartments) of dwelling units, supporting facilities such as shops, offices, leisure uses, and a kindergarten focused around a neighbourhood centre and a public plaza, car-parking facilities, and amenity open and play spaces for passive recreation. The thresholds for residential floor space and public open space/play spaces indicated by this policy have been derived by taking into account the amount of floor space which would have been achieved had the current TPS been implemented under current policy guidance in Policy and Design Guidance 2005 and the need to compensate land owners for loss of developable land towards highway improvements.</i></p> <p>Given that the Development Planning Act makes clear the fact that statutory Development Plans and Planning Policies are Government policies, this EIA Consultant fails to understand how a public officer (i.e. the Reviewer) questions an approved Government policy statement, namely the PPMM.</p> <p>This being said, it is well known that urban recreational areas are as important for urban communities as recreational areas located in the countryside. Indeed, the former are more useful than the latter because they can be accessed by more people without much difficulty (mainly because of their proximity to residential areas).</p> <p>Furthermore, such areas serve to reduce pressures on countryside recreational areas.</p> <p>Finally, in the place of the mentioned recreational areas, one can consider three options:</p> <p>continued in next row</p>

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Page	Section	Reviewers' Comments	Responses : EIA Coordinator
			<p>8.</p> <ol style="list-style-type: none"> 1. the replacement of the recreational areas by buildings. 2. the zero-option, which would leave the Site in its current state. 3. the compulsory purchase by the Government of the Site (or a part of the Site) in order to transform it into a Green Area. One cannot expect the private sector to develop property which has been earmarked for development for at least 20 years, through a project that is not commercially viable. <p>The first two options are evidently unacceptable, whereas the third one would be costly for the Maltese [not simply the Ta' Masrija] tax-payer. Ultimately the responsibility, under the Development Planning Act, for the making of such optional proposals lies with the MEPA not with this EIA Coordinator.</p>
24	1.2.1.3	The text refers to a master plan that was formulated on the basis of the approved Policy. Was this master plan ever submitted to MEPA? Kindly clarify.	<p>9.</p> <p>The Applicants submitted separate development-permission applications, and where subsequently (and justifiably) asked to commission this joint-EIA, as is provided for in the EIA Regulations.</p> <p>In order to ensure the attainment of the objectives of the PPMM in the most aesthetically and environmentally feasible of ways, it was essential for this EIA to consider the three projects as one. For this reason, reference has had to be made to a Master Plan.</p> <p>The Master Plan therefore ensures that the separate projects (on Sites B, C, and D) read as one development instead of a piecemeal summation of three disparate projects.</p> <p>The Master Plan would also assist the evaluators of the three applications in a manner that is relevant to the objectives of the PPMM.</p>
29	1.3.1.1	It seems that the impacts of this newly proposed road were not assessed in the EPS. Kindly clarify.	<p>10.</p> <p>In the opinion of this EIA Coordinator, this road would have undermined the quality of the proposed development as a pedestrian friendly neighbourhood.</p> <p>Indeed, this road has been removed from the scheme which shall be considered in the second draft of the EPS.</p>
29, 34, 38	1.3.2.1, 1.3.3.2, 1.3.4.2	Will these permits for alignment obtained through separate planning applications? Kindly clarify.	<p>11.</p> <p>Alignments will be issued following the issue of full development permissions, in the event that the applied-for outline development permissions are issued.</p> <p>Decisions on how alignments are issued are within the domain of the MEPA. The EIA Coordinator has nothing to do with the making of such decisions.</p>

MEPA Comments		Reviewers' Comments	Responses : EIA Coordinator
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30	1.3.2.5	The geological baseline study in this EPS states that the rock formations preserved in the AoS are: Upper Coralline Limestone, Greensand and Blue Clay. Why will excavation techniques include those used for 'stable globigerina conditions'? Kindly clarify.	12. The geology study also states that the geo-technical examination of the cores extracted from the Site are very weak and the material to be excavated has no commercial value. In other words, the approach to excavation to which this EPS refers, is correct. Pneumatic excavators are used for rock which are much harder than what shall be excavated. In order to avoid unnecessary confusion, the reference to globigerina limestone will be removed in the second draft.
31	1.3.2.9	Kindly amend numbering for this paragraph.	13. Agreed
32	1.3.2.14	What is meant by RC?	14. Reinforced Concrete. This terms should have been included in the Glossary.
60	1.6.2	Text refers to Plan 13 (Landscaping Scheme) which is missing from Appendix 3. Kindly provide.	15. In the second draft of this EPS, reference will only be made to the species recommended by Dr Cassar, rather than a drawing. Given that the Applicants have applied for outline development permissions, the architectural drawings do not include sufficient detail regarding the overall layout.
60	1.6.2	Kindly include common names for the species listed in this section.	16. Agreed.
66	1.7.2.19	The white water (rainwater) reservoir is to double up as a reservoir for treated second class water during the summer months. Shall the overflow be discharged into the valley (as shall be the case with rain water during the winter months)? Will surface <u>road</u> runoff from the site be collected and discharged in this way as well? Kindly clarify.	17. Please find the following extract from the EPS regarding the discharge of the grey water and grey water permeate for your perusal <i>Any overflow of the grey water shall be discharged in to the main sewer.</i> In view of the fact that the grey water would have been discharged into the main sewer anyway if it had not been treated, this method of disposing excess grey water permeate is acceptable. No grey water permeate shall be discharged outside the development such that it could find its way into the valley. Separate reservoirs shall be constructed for the storing of white water as well as grey water permeate such that these shall not be mixed. In this way overflow from the white water reservoir shall be discharged as per policy design guidelines 2007 and the excess grey water permeate shall be discharged to the sewers. (Camilleri & Cuschieri) At the moment there are no plans to collect storm water from the roads. Under the Code of Police Laws (Cap 10) the management of rainwater in public areas is the responsibility of the Government. (EIA Coordinator)

MEPA Comments			Reviewers' Comments	Responses : EIA Coordinator
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70	1.7.3.7		Shall the BMS control these systems in public/common areas, or shall it be more extensive?	18. The BMS shall be used in the public/common areas.
76	1.8		With reference to section B (1.8.2.3) page 89 of the WMP and Section 1.4.2 of the TORs namely that concerning Site Clearance and Demolition, has not been addressed and the information requested there under is still pending.	19. This matter will be seen to in the second draft of the EPS.
76	1.8.1		Last bullet point. Disposal of waste in the appropriate waste facilities is to be approved by MEPA and not by WasteServ Malta Ltd. Kindly note.	20. Point taken.
76	1.8.2		As stated in the TORs, information for the Demolition phase, the Excavation phase, the Construction phase and the Operational phase, had to be given separately and not as presented under section 1.8.2. Kindly resubmit the information in the format requested in the Terms of Reference.	21. This matter will be seen to in the second draft of the EPS.
77	Table 11		Kindly submit information requested in the TORs for EWC 17 01 02: Details of waste management facilities and waste contractors/operators proposed shall be provided.	22. This matter will be seen to in the second draft of the EPS.
78	Table 11		At present, Sant' Antnin is not accepting any wastes due to refurbishment works. Please identify other permitted sites where the waste can be managed.	23. The Sant' Antnin facility is now operational. At the time of the writing up of the first draft of this EPS, it was realistically assumed that in the event that the applied-for permissions are issued, the Sant' Antnin facility would be operational by the time that it was to be needed for the disposal of wastes generated in this development. The same thinking is now applied to the Għallis hazardous waste facility. The proposed developments will be operational when this facility is completed. If not (say, because of delays in the Għallis works), the hazardous wastes generated during operations will have to be exported or incinerated (after the required analyses are carried out).
79	Table 11		Kindly submit the actual percentages of the volumes of inert waste to be used as backfill and to be sent for disposal. Please note that other reuse or recycling options should be explored, other than disposal of the inert waste which cannot be used as backfill on site.	24. The material does not have any use except for backfill. There is nothing to be explored. Given that it is not wise to store dust laden material on site, this EIA coordinator submits that all the excavated material should be removed from the Site, as the excavated material will have to be stored on site for too long. This being said, at the outline development permissions stage it is impossible for the requested proportions to be calculated accurately. At best such figures would be arbitrary estimations.

MEPA Comments			Responses : EIA Coordinator
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80	Table 11	<p>Kindly note that with respect to EWC 13 02 04, 13 02 05 and 13 02 06, waste oil storage infrastructure, should be marked on block plans requested in the TORs.</p> <p>Kindly note that with respect to EWC 13 05 01, sludge cannot be disposed of at the Ghallis landfill as per Landfill Regulations requirements; kindly clarify.</p>	<p>25. This matter will be seen to in the second draft of the EPS.</p>
82	Table 11	<p>With respect to wastes falling under Category EWC 15 01 as stated under page 81 of the WMP, please note that Sant' Antnin is currently not accepting any wastes due to refurbishment works. Please identify other permitted site where the waste can be managed.</p>	<p>26. The Sant' Antnin facility is now operational.</p>
83	Table 11	<p>With respect to the containers of paints and varnishes, hazardous waste disposed of at the Ghallis Hazardous waste cell should comply with the criteria set under Council Decision 33/2003/EC. Kindly note.</p>	<p>27. Point taken</p>
84	Table 11	<p>With respect to EWC 15 02 02, movement and disposal of hazardous waste requires a permit from the Waste Management Team, MEPA and should follow the Hazardous Waste Consignment note system. Kindly note.</p>	<p>28. Point taken.</p>
85	Table 11	<p>With respect to EWC 17 01 02, the information as requested in the TORs is to be submitted for the details of waste management facilities and waste contractors/operators proposed should be provided. Kindly note.</p>	<p>29. This matter will be seen to in the second draft of the EPS. It should be noted that it is not ethical to submit the names of waste contractors/operators at this stage. The Applicants should be permitted to keep their options open.</p>
86	Table 11	<p>With respect to EWC 17 01 03: Information as requested in the TORs are to be submitted for namely: Details of waste management facilities and waste contractors/operators proposed shall be provided.</p> <p>With respect to EWC 17 02 03 please note that Sant' Antnin is currently not accepting any wastes due to refurbishment works. Please identify other permitted site where the waste can be managed.</p>	<p>30. It is not ethical to submit the names of waste contractors/operators at this stage. The Applicants should be permitted to keep their options open. The Sant' Antnin facility is now operational.</p>

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87	Table 11	<p>With respect to EWC 17 03 01, hazardous waste disposed of at the Ghallis Hazardous waste cell should comply with the criteria set under Council Decision 33/2003/EC. Kindly note.</p> <p>With respect to EWC 17 04 11, kindly note that Sant' Antnin is currently not accepting any wastes due to refurbishment works. Please identify other permitted sites where the waste can be managed.</p>	<p>31.</p> <p>Point taken The Sant' Antnin facility is now operational.</p>
88	Table 11	<p>With respect to EWC 20 03 01, please note that Sant Antnin is currently no accepting any wastes due to currently refurbishment works. Kindly identify other permitted sites where the waste can be managed.</p> <p>Non-recyclable municipal solid waste is to be disposed of at the Ghallis landfill. Kindly note.</p>	<p>32.</p> <p>The Sant' Antnin facility is now operational.</p>
89	1.8.2.7	Kindly indicate the flow of waste water and the settling ponds on a block plan (to scale) as requested in the TORs.	<p>33.</p> <p>This matter will be seen to in the second draft of the EPS.</p>
92	Sections 1.8.2.31, 1.8.2.32, 1.8.2.33 and Table 12	Kindly show on a block plan and a cross-section (to scale) the areas to be used to store hazardous waste (including the sealable containers) and the Municipal Waste (including the respectacles) as requested in the TORs.	<p>34.</p> <p>This matter will be seen to in the second draft of the EPS.</p>
96	Table 13	<p>The WMP is stating that a number of waste streams listed in Table 13 will be stored on site of the scheme, therefore Block Plans for the design of the project have to include areas designated for this waste storage (the area of which should be worked upon the waste figures provided for waste storage at any one time).</p> <p>Kindly provide clarification as to whether quantities provided are based on a yearly basis or waste storage at any one time.</p>	<p>35.</p> <p>This matter will be seen to in the second draft of the EPS.</p>
99	Table 13	With respect to EWC 20 01 08, the WMP states that biodegradable waste is to be stored in a cold room prior to its importation to a waste management facility. The cold room should be clearly indicated on block plan and included into the design of the project.	<p>36.</p> <p>This matter will be seen to in the second draft of the EPS.</p>

MEPA Comments			
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100	Table 13	Solvents cannot be disposed of at the Ghallis Landfill. Kindly clarify.	37. In the case of hazardous materials, each single material to be treated has to undergo a waste acceptance procedure which involves the physical and chemical analyses of the waste. Once results are issued, it will be determined whether the waste can be incinerated at the Marsa Thermal Plant. If the waste is not acceptable at the plant, then the contractors may consider export of the said waste. (Maria Conrad)
/	Table 13	This section of the WMP states that the complex will provide an appropriate collection system for hazardous waste, and that it will have a cold room as well as a waste storage area. The complex will also apply for permits for the disposal of hazardous waste. Kindly provide a clarification on who would be responsible for the collection system, the management of the waste storage area as well as the cold room as well as for applying for the necessary disposal permits. Please note that Sant' Antnin Plant is currently not accepting any wastes due to refurbishment works. Therefore for waste which the WMP states that it will be transported to the Sant' Antnin Plant, consultant is requested to identify other permitted sites where the waste can be managed.	38. This matter will be seen to in the second draft of the EPS.
126	1.9.2	The section discussing the alternative layouts for the proposed development should discuss in more detail the alternative as proposed in the Planning Policy for Ta' Masrija, Mellieha (MEPA, 2006). Given that the two proposals differ significantly in terms of building heights, due to the adoption and implementation of the FAR for the current proposal, these should be discussed in detail and the justification for the adoption of the current layout and structure of the proposal discussed at this stage. Furthermore, any other alternative layouts and designs, with particular reference to building heights, should also be discussed.	39. There is absolutely no difference between the building heights limitations in the PPM and the Applicants' proposals. The PPM promotes the application of the FAR principle. Ultimately, the issue that needs to be resolved refers to the manner in which the FAR is implemented. One may disagree with the manner in which the FAR principle has been applied but one cannot argue that its application is a departure from policy. It should be noted that a comparison between the low-rise and the FAR options of the PPM was presented in <ul style="list-style-type: none"> ■ the first draft of the EPS in the Shadow Study (Coordinated Assessment), and ■ discussed in the sections of the same Coordinated Assessment, which are concerned with Social Impact.

MEPA Comments		Responses : EIA Coordinator	
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Chapter 2: Description of Proposed Site and Surroundings			
136	2.1.4.2	The general ecological evaluation in the EPS states that "the AoS overlooks the ecologically significant Wied tal-Mistra and includes a small tributary valley, il-Wied tal-Mizieb, which is probably the most ecologically important feature within the AoS." Given this statement and given that the social impact study has revealed that one of the concerns is the adverse impact on the valley ecology, the impacts of the proposal on the ecology are to be assessed.	40. This matter will be seen to in the second draft of the EPS.
157	2.4.7.10	It must be ensured that no surface water run-off reaches the valley during construction works since such water may be dust-laden or contaminated and may thus have negative impacts on the vegetation communities of the valley system (also through scouring). Therefore it must be ensured that during construction works any surface run-off through the site is intercepted prior to reaching Wied tal-Mistra and Wied il-Mizieb. On the other hand, the ecological implications of such interception should also be assessed. Kindly address.	41. This matter will be seen to in the second draft of the EPS.
164	2.5.3.10	The criteria used to assess the landscape value are not clear. Kindly clarify.	42. Criteria used in character assessments and aesthetics can never be tangible; hence the apparent lack of clarity.
172	2.7.1.3	What is the justification for the inclusion of an additional sampling point from those agreed to with MEPA? Kindly provide.	43. There is no particular reason, except a communication issue. This EIA Coordinator has checked this matter with Dr Peplow who could not recall the reason for the decision.
184	2.7.5.6, 2.7.5.12	The text states that in the case of SO _x and NO _x 'further tests would be needed to determine whether the ambient air quality falls within the accepted levels for ecosystem protection'. Kindly clarify what these tests are.	44. The text referred to annual accepted levels for ecosystem protection. It therefore follows that the further tests of the same type would be ones over a longer period of time to give these values. In other words, the term 'further tests' refers to long term monitoring. (Maria Conrad)
185	2.7.5.18	The text states that in the case of PM ₁₀ 'further tests would be required for firm conclusions' on the allowed annual limits. Kindly clarify what these tests are.	45. Ditto.
Chapter 3: Policy and Legislative Context			
192	3.1.2.13	The text makes reference to an EIS. Kindly amend to EPS.	Noted.

MEPA Comments			
Page	Section	Reviewers' Comments	Responses : EIA Coordinator
211	3.1.3.12, 3.1.3.13	<p>EPD does not agree with the argument in the EPS supporting the application of the FAR on this site. The site is located on a ridge; hence the proposal would run counter the FAR policy.</p> <p>The provision of more public space can be achieved without resorting to the construction of tall buildings.</p> <p>Furthermore the construction of a building which may constitute a landmark in the future would not apply in all locations throughout the Maltese Islands, particularly since this site is located on a ridge.</p> <p>Therefore these particular reasons put forward by the EPS for applying the FAR on this site are not necessarily applicable to the site in question, especially when compared to the visual impact that the proposal will have on the surroundings.</p>	<p>46.</p> <p>The FAR is an integral part of the PPMM, which is a Government approved document under the Development Planning Act.</p> <p>In other words, the disagreement of the EPD with respect to the FAR is irrelevant.</p>
215	3.2.1.7	<p>The EPS should also refer to Article 6 of the Habitats Directive which requires the assessment of impacts of plans/projects on SACs. Kindly include.</p> <p>It should be noted that the location of the development does not matter. Therefore any development, even if located outside SACs, but that may affect the habitats and species within, should be assessed in terms of Article 6 of the Habitats Directive. The proposal can affect the SAC through (i) changes in the hydrodynamics of the valley system; (ii) the generation of dust during construction works; (iii) increase in anthropogenic disturbance. All these aspects should be assessed.</p>	<p>47.</p> <p>This matter will be seen to in the second draft of the EPS.</p>
215	/	<p>The Trees and Woodlands (Protection) Regulations, 2001 - Legal Notice 12 of 2001 – do not transpose Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna [Habitats Directive]. Reference beneath the heading should be removed.</p>	<p>48.</p> <p>Agreed.</p>
233	3.2.3.12	<p>The text makes reference to an EIS. Kindly amend to EPS.</p>	<p>49.</p> <p>Will do.</p>
Chapter 4: Assessment of Environmental Impacts and Risks of the Proposed Development			
237	4.1.1	<p>The effects on ecology were not mentioned in this section in spite of the fact that a detailed ecological study was carried out. Impacts on the nearby ecology should be assessed.</p>	<p>50.</p> <p>This matter will be seen to in the second draft of the EPS.</p>

MEPA Comments			
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250	4.4.3.2 – 4.4.3.4	The possible decline or increase in runoff should be assessed in terms of its ecological impacts on Wied il-Mizieb. Kindly assess.	51. This matter will be seen to in the second draft of the EPS.
250	4.4.3.4	The authors recommend that the proposed measure of directing overflow from the reservoirs to the valley be evaluated in detail due to potential impacts on valley ecology. However, the authors indicate that the likelihood of such overflow occurring, as well as the amounts of water involved, should be established at the full development permission stage. This is not agreed to since once outline permission is granted there would already be approval in principle, despite potential adverse and irreversible impacts on the valley ecology.	52. The recommendation was not made by the a member of the EIA Team but by the consultant building services engineer who is responsible for the design of the mechanical and electrical engineering systems of the proposed developments. This EIA Coordinator notes the Code of Police Laws (Cap 10) specifies that overflows from the cisterns in which rain water is harvested cannot be disposed of in a sewage treatment plant or in the municipal sewerage network (see Article 97(1)(f)(i)). In other words, this would have to be disposed into a public road or a municipal storm-water drainage system. This is confirmed in the Government-approved DC2007. This document establishes in Policy 13.4 that such overflows shall be led to the streets or the nearest storm water drain. In other words, the responsibility for the management of storm water shifts from the owner/occupier of a property to the Government once such overflow reaches the street or the drains. In the case of this project, the Government decided that this Site was to be developed at least 20 years ago when the Temporary Provisions Schemes (TPSs) were approved in the House of Representatives. In other words, through the Parliamentary decision which approved the TPSs, the Government assumed responsibility for the management of the run-off from from properties which could be developed. In the light of the changes in the requirements of the Terms of Reference of this EPS, regarding the assessment of impacts on ecology, this matter will be seen to in the second draft of this EPS.

MEPA Comments			Responses : EIA Coordinator
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252	4.6.1.2	<p>Reference is made to the viewpoints chosen for the proposed development. It is understood that the EA Team was never involved in the discussions between the architects and MEPA, and thus communication sent to your good selves on the matter (emails dated 27th and 28th March 2007) still stands, requesting the short-distance viewpoints for the proposed development.</p> <p>Also, please note that the viewpoint locations presented in Figure 51 do not tally with the ones presented in the said email communications and approved by MEPA. Kindly clarify both issues.</p>	<p>53.</p> <p>The level of detail available at the <i>outline-development-permission-application</i> stage is not sufficient for the preparation of close-ups (i.e. short-distance views). This is because such close-ups require the definition of the architectural detailing and such detail is not available at this stage in the design development.</p> <p>A close-up of a building based on massing only (i.e. blocks) serves to provide an inaccurate depiction of the proposed development, which can only misinform the public and the decision-makers. Ultimately, it is the quality of architectural design that makes or breaks a building.</p> <p>In order for such views to be made available, the MEPA should ask the architects to prepare and submit drawings which are normally submitted in applications for full development permissions.</p> <p>Accurate photomontages showing short-distance views will then be worked out on the basis of these detailed drawings.</p> <p>Otherwise, the MEPA could establish that the assessment of close-ups be considered a reserved matter in the event that the applied for outline development permissions are issued.</p>
253	Viewpoints	<p>Kindly provide Viewpoints and Photomontages in A3 format.</p> <p>Furthermore, kindly note that the said photomontages should reflect the latest designs discussed with the Planning Directorate. In this regard, kindly provide revised photomontages.</p>	<p>54.</p> <p>This matter will be seen to in the second draft of the EPS.</p>
253-260	Figures 52 – 59	<p>Kindly include a description of each of the photomontages presented, together with a discussion of the impact significance.</p>	<p>55.</p> <p>This matter will be seen to in the second draft of the EPS.</p>
261	4.6.3.2	<p>The text states that 'the short-distance changes in the landscape and visual scene occurring due to the proposed development will be substantial. This is especially the case given that the site is at present not built up, and given that the development will obstruct the views from a number of residences.' Given that EPS states that the changes in the landscape from a short-distance will be substantial, it is important that these viewpoints are included in the visual assessment.</p>	<p>56.</p> <p>The residents in the Ta' Masrija area do not enjoy any legal rights with respect to the views that some of them currently enjoy from their dwellings.</p> <p>There is no need for short-distance views to be drawn up in order for one to conclude that the short-distance views of a large development will appear to be of high significance, once this is established in the medium distance views. Ultimately, the significance of the visual impact of any building (including a small house) is indirectly proportional with the distance of the view point.</p> <p>Please refer to the response in Row 53.</p>

MEPA Comments		
Page	Section	Responses : EIA Coordinator
261	/	<p>57.</p> <p>The Reviewer is mistaken – ‘blending’ is not simply a function of scale; it has much more to do with what receptors are used to and how much change to what they would have grown used to, that they are, for whatever reason, prepared to accept.</p> <p>The dome of the Carmelite Church in Valletta, for example, was a highly controversial issue in the 1960s (when it was being constructed) and many heritage-protection activists opposed it in the most vociferous of ways. The current generations of Maltese who were not exposed to what existed in the site that is now occupied by the Carmelite Church, accept this dome unquestioningly as an integral part of the landscape; even though the tutored student of architectural history would argue that this dome has nothing to do with the domes of the earlier Baroque Churches of Valletta. On paper, therefore this dome should have been refused by the Aesthetics Board, because it grossly undermined the Baroque character of Valletta. The same can be said for the equally controversial (but much older) spire of the Anglican Cathedral. Nowadays, these two structures appear in the majority of photographs of the Valletta skyline, and no one would dare say that these structures are ‘out of character’.</p> <p>As the aspect highlighted by the Reviewer (i.e. height of the building) is shown in the photomontages, it has been taken into consideration in the landscape assessment. The photomontages are an integral part of the assessment and they speak for themselves. Graphic communications are as valid as, and in certain cases more than words.</p> <p>In any case, the second draft of the EPS shall present a verbal discussion of the views and the montages.</p>
261	/	<p>58.</p> <p>This is the problem with respect to the making of judgments regarding the impact of an artefact on the character and the visual integrity of a landscape; different observers have different opinions regarding the same artefact[s].</p>
		<p>The text states that ‘The site is located on the perimeter of the urban area and will hence make the development visible from surrounding rural areas. However, its location within an urban area will also serve to make it blend in better, particularly from a distance.’</p> <p>It should be noted that blending also depends on the height of the building when compared to adjacent buildings. The proposal is much higher than adjacent buildings; hence the structure itself does not blend with the existing urban area. To the contrary, it creates a very prominent building that dominates the adjacent urban area and towers over the surrounding rural area. This should be taken into consideration in the landscape assessment.</p> <p>With respect to the creation of a landmark feature, this is not deemed to apply for this location: the location of the site on a ridge is not deemed appropriate for a tall landmark building that would be visible from various locations.</p>
		<p>As indicated by the photomontages (Figures 52 – 55), the proposal is significantly increasing the massing of the urban area on the plateau of a ridge. In this regard, the proposal is dominating the view of the ridge. This is considered to be a significant change. Statement is not agreed with.</p>

MEPA Comments		Responses : EIA Coordinator	
Page	Section	Reviewers' Comments	
265,266	/	<p>The EPS does not give a clear conclusion with respect to the visual impact of the proposed development.</p> <p>As quoted on page 167, detracting features within the landscape of the area include '...the development along the Mellieha bypass' which 'is visible for kilometers from the nearby ridges. Together with other development in the background, it imparts a negative scenic construction to the Mellieha skyline, especially when viewed from the south'.</p> <p>Given that the proposal will increase the height and massing of the existing built-up area, it is detracting further from the landscape value of the area.</p> <p>In view of this significant impact on landscape (refer to Table 43 on page 262), suitable mitigation measures should be proposed including a decrease in the proposed height of the building. Kindly provide.</p>	<p>59.</p> <p>Given that judgments on aesthetics are often debatable, this EIA Coordinator prefers to avoid playing god and make categorical statements about the visual impact of the proposed developments.</p> <p>The EPS should serve as a means through which both NGOs and the public make their views heard about such matters.</p> <p>As such reactions are an integral part of the EIA process, and are integrated into the EPS, the decision maker (i.e. MEPA) will have available the widest range of opinions possible, when they determine the applications.</p>
273	4.7.4.2	<p>The title of this scenario as described in the text is misleading as this is not the existing situation at the site. This should be termed again in relation to the Planning Policy for Ta' Masrija Mellieha.</p>	<p>60.</p> <p>The title is not misleading at all and will not be changed. The application of the FAR is clearly encouraged in the PPM, which as is stated in previous responses is approved Government policy.</p>
286	Point L	<p>Kindly note that in its correspondence with the EIA Coordinator (emails dated 27th and 28th March 2007), MEPA requested two short distance viewpoints for the visual assessment for the Ta' Masrija EPS. As stated in the visual assessment in this EPS, these were not discussed in this EPS. Kindly provide a detailed justification on the issue and provide viewpoints.</p>	<p>61.</p> <p>Please refer to the response in Row 53. (on page 14)</p>
298	4.10.3.6	<p>If the applicant is proposing such a system, shouldn't its impacts be assessed as part of the EPS? Why should MEPA engage its own specialist to make the assessment? Kindly clarify.</p>	<p>62.</p> <p>Please refer to the EIA Coordinator's response in Row Error! Reference source not found. (Error! Bookmark not defined.)</p> <p>It is the clearly Government's responsibility to seek advice regarding the management of run-off (or white water overflows) and to use/ignore the said advice. The responsibility of the property owner/occupier is to ensure that the property complies to the Code of Police Laws and DC2007.</p>

MEPA Comments			Responses : EIA Coordinator
Page	Section	Reviewers' Comments	
Chapter 5 – Design of mitigation measures and monitoring programmes			
303	5.1.1	<p>The text states that: "Surfaced and unsurfaced site access roads and stockpiles should be regularly sprayed with water." It must be ensured that no contaminated water or dust-laden water reaches Wied il-Mizieb during construction phase. Water should be preferably intercepted during construction phase prior to reaching the valley. On the other hand, the ecological implications of such interception should also be assessed.</p> <p>The text also state that: "Wind speed and direction should be observed prior to conducting dust-generating activities, to determine the potential for dust nuisance to occur, avoiding potentially dust-generating activities during periods when wind direction may carry dust to sensitive areas and avoiding operations during periods of high wind. How will this be ensured?"</p>	<p>63.</p> <p>This is evidently a must. However, this is not simply about establishing a requirement to this effect in EIAs and CMPs. The project Monitor[s] should be expected to be vigilant. Furthermore, should the MEPA decide to approve the project proposals, the valley will presumably be protected, as it were, against a bank guarantee.</p> <p>Such a guarantee could also serve as an incentive for the projects (especially the Site B one) to be completed before the six years indicated by the Architect.</p>
305	5.1.5.1	<p>Given the height of the proposed buildings, the implementation of a landscaping scheme is not considered to be an effective mitigation measure for the visual and landscape impact of the development. Such mitigation measures should be much more concrete and should entail the decrease in the height and/or massing of the building.</p>	<p>64.</p> <p>Landscape design/architecture should not be considered an activity which mitigates adverse visual impacts of a development. Landscaping schemes are meant to complement the architect's work in an integrated manner. A good architect should be capable of producing high quality buildings with or without soft landscaping.</p> <p>Indeed, this EIA Coordinator submits that good architectural design is a mitigating factor in its own right, irrespective of the height and scale of the building[s] in question. This seems to be an underlying consideration in the PPM.</p> <p>This being said, landscaping schemes, if and when desired, should form part of a comprehensive design strategy, the objective of which would be an integrated composition made up of a building or buildings, trees, shrubs, and so on.</p> <p>Given that judgments on aesthetics are often debatable this EIA Coordinator prefers to avoid playing god and make categorical statements about the aesthetics of a development.</p>
307	5.1.11.1	<p>More details of lighting should be provided at the full development stage. However the impact of increased light within the area on the SAC should be assessed at this stage. Kindly address.</p>	<p>65.</p> <p>Agreed. However it should be established at the outset that external light fittings should be of the type that conform to the requirements set by the International Dark-Sky Association.</p>

Technical Appendices			
Page	Para.	Reviewers' Comments	Responses : EIA Consultants
Appendix Two B			
Mechanical and Electrical Building Engineering Services			
/	/	What is the relation of ELVs to the proposed development? Kindly clarify.	66. ELV systems among other things include CCTV, access control, telecommunication, satellite master antenna television, and audio/video intercom. The relationship is more than obvious.
Ecological Appraisal			
7	Figure 3	Kindly provide a larger version of the figure presented.	67. Ecoserv has provided a jpeg image of the Habitats map; this can be enlarged to any size required. We can resubmit the file if necessary. <u>(ecoserv)</u>
9, 13	/	Figures presented in these pages are erroneously labelled. Kindly clarify.	68. It appears that some error occurred during the formatting of the final document. We will amend the Figure numbering of this report and add on the impacts section that will be drawn up as of the present assignment, so as to present one report (with corrected figure numbering) that you can use for the second draft of the EPS. Is this acceptable? <u>(ecoserv)</u>

Technical Appendices			
Page	Para.	Reviewers' Comments	Responses : EIA Consultants
18	/	<p>The text states that: 'Given the closer proximity of the Wied il-Mizieb SAC, it is likely that the redevelopment footprint will fall within a 'buffer zone' or 'management area' around the SAC.'</p> <p>Given that the ecological report acknowledges the close proximity of the development footprint to the SAC, the ecological study should also take into consideration the impacts of the proposed development on the ecology of the area in close proximity. Kindly discuss.</p>	<p>69.</p> <p>Please note that our ToR for the first report (April 2007) did not require an assessment of impacts on the ecological resource of Wied il-Mizieb. However, we will be assessing these impacts as part of the current assignment, during which the impacts of the development on Wied il-Mizieb will be assessed as per approved AoS and the methodology given in the method statement (e-mail dated 05/10/09).</p> <p>This assessment will not constitute an 'Appropriate Assessment' (AA) as required by Article 6 of the Habitats Directive (and as implied in MEPA's comment no. 47 on page 13 of the PDF document), but an assessment of impacts as described in our Method Statement. An AA is an entirely different assessment from that required for an EPS and requires more detailed studies on specific Annex I habitats and Annex II species that are found in the SAC.</p> <p>If required, Ecoserv can carry out an AA but for this we will need separate and specific ToR because the approach is different from that of the EPS/EIA process.</p> <p><u>(ecoserv)</u></p>
/	/	Numbering of figures does not follow a logical numerical order. Kindly amend.	<p>70.</p> <p>See second comment above.</p> <p><u>(ecoserv)</u></p>

Technical Appendices			
Page	Para.	Reviewers' Comments	Responses : EIA Consultants
Effects of Liquid Discharges			
6	2.1.2 A	Kindly mark the water collection systems suggested as mitigation measures on Block Plan as requested in the TORs.	<p>71.</p> <p>It is not possible for the requested 'marking' to be done in an EIA Consultant's report. The author of this particular report was commissioned to carry out the assessment in question in her capacity as a graduate in Chemistry. Her task was the identification and assessment of the impacts and risks of liquid discharges.</p> <p>The implementation of the proposed mitigation measure (indeed, of any mitigation measure) should be the responsibility of either the Permit or the Ingénieur responsible for the design of the project[s] in question.</p> <p>Indeed, the Ingénieur submitted drawings concerning rainwater collection and these were included in the first draft EPS, even though such drawings should not be expected in EIAs covering project proposals submitted for outline development permissions.</p> <p>In the event that the applied-for outline permissions are issued, the proposed mitigation measures should, if found acceptable by the MEPA, be expected to appear in the drawings submitted for the full development permissions.</p> <p><u>(EIA Coordinator)</u></p>

Technical Appendices		
Page	Para.	Responses : EIA Consultants
8	2.1.2 B	72. It is not possible for such information to be provided at this stage (i.e. <i>outline-development-permission-application</i> stage) because the materials can vary depending on the contractors who are appointed to carry out the construction works. The contractors are normally selected after the issue of the full-development permission; although in the case of the projects in question, two of the three Applicants are also contractors and will most probably take responsibility for the works. Maltese contractors would probably propose the use of sand or wax which would easily be available on site. Others may propose wood shavings. However, a more progressive contractor may opt for proprietary spill kits which would include a range of non-toxic materials suitable for specific fluids (or ranges of fluids) such as absorbent mats, socks, booms, and granules. In such cases, this EIA Coordinator submits, that a MEP-A approval for the product would be required. The ECW code for the contaminated material would be in the 15 02 category which is specified in the waste management sections of EIAs, WMPs, and CMPs coordinated by this EIA Coordinator. This EIA Coordinator also recommends the type of containers required for such materials before and after use. (EIA Coordinator)
12	3.1.2 A	73. Please refer to the response in Row 71. above
15	3.1.2 E	74. Please refer to the response in Row 72. above
Waste Management Plan		
/	2.1.3	75. The term SAC should not have been in the text (EIA Coordinator)
/	2.1.10	76. Point taken (EIA Coordinator)

Technical Appendices			
Page	Para.	Reviewers' Comments	Responses : EIA Consultants
Air Quality			
21	Figure 2	Locations of the sample points in Figure 2 are not legible. Kindly amend.	Point taken 77.
28	4.2.3	Please note that the definition of a VOC as per Dir. 2004/42/EC (on the limitation of emissions of VOCs due to the use of organic solvents in certain paints and varnishes and vehicle refinishing products...) is specific to that Directive.	Point taken 78.
39	7.2.1	The text states that: <i>A diversity factor of approximately 70% for instantaneous power and 85% for consumption should be applied.</i> Kindly clarify the statement. Does the estimated consumption not take the diversity and load factor into account?	Please refer to Ing Sciculuna's response in Row 86. (on page 24) 79.
44	7.3	The text states that: <i>As discussed in the mitigation section, the complex is taking a large number of measures to reduce the total electric consumption obtained directly from the grid. However little details are also important and each individual should be made aware that a little care goes far. Thus offices should make sure that PCs are switched off at the end of the day, residents should be encouraged to adopt an energy saving policy etc.</i> Are there concrete proposals on how this is to be achieved?	80. The developer cannot control these proposals, I agree. Yet I feel that people are becoming more aware of energy saving strategies partly due to an increase in electrical tariffs and as a result, of more education from the media. Hence, the more these measures are mentioned the more people become aware of what they can do to reduce energy consumption. Thus I feel the developer should encourage and advise tenants and property managers to adopt such measures. (Maria Conrad) With all respect to the Reviewer, it is evident that proposals which refer to management systems (i.e. soft proposals that refer to human behaviour) are dependent on the quality of the managers for their success. There is no reason why such proposals should not be made. The actions implied in these proposals can be integrated in the management systems adopted by commercial operators or Residents' Associations. Please note that since 2001, this EIA Coordinator has been making concrete proposals regarding such matters, through suggestions in EIAs that MEPA issues permissions for commercial operations, which are subject to conditions that require the adoption of environmental management systems which are potentially certifiable under the ISO 14001 Standard (in Malta MSA EN ISO 14001:2004) or which can participate in the EMAS. To date the MEPA has ignored these suggestions. (EIA Coordinator)

Technical Appendices		Responses : EIA Consultants	
Page	Para.	Reviewers' Comments	
44, 46	7.3	This section includes a number of proposals (pg. 44, 46) for reducing energy use that relate to the behaviour of the residents of the operational complex; these cannot be controlled by the developer and are only speculation / suggestions which go beyond the scope of the EIA.	81. The fact that the proposals are 'soft' does not mean that they should not be made. Ultimately, in a democratic society which respects the right to privacy there is little more that can be done in this respect. Even the MEPA and other public agencies acknowledge this limitation; and at times they (justifiably) organize public awareness campaigns. The most effective means through which people can be made to control their consumption of energy and water would, in the view of this EIA Coordinator, be through the removal of subsidies, which is, as we all aware, a politically sensitive issue. Will the MEPA have the courage to make such a proposal to the Government? (EIA Coordinator)
45	7.3	The text states that: <i>The ventilation system shall have two airflows associated with two different fan speeds; the lower ventilation rate shall be for normal ventilation requirements for vehicular emissions and the other shall be for smoke ventilation in case of fire. The latter is at a rate of 10 air changes per hour which is much higher than that required as normal. Consequently the energy usage shall be kept to a minimum.</i> The conclusion does not follow. Kindly note that the building services engineer's original text has been confused here. Also, a number of energy saving measures listed (such as double glazing, roof insulation, etc.) were recommendations from the services engineer for consideration by the architect and developer in the final design, whereas from their inclusion here it appears that they are to be implemented. Kindly clarify.	82. Will be given consideration in the revised report
Agriculture baseline survey and impact assessment			
/	/	Kindly note that the plates at the end of the agricultural study are not referred to. Kindly amend.	83. Will be done
Geology, Geomorphology, Palaeontology, Hydrogeology and Hydrology			
/	Table of Contents	Kindly amend such table where 'Error! Bookmark not defined' is found in the text.	84. Will be done
26	Figure 13	The boreholes in Figure 13 are not indicated. Kindly amend.	85. Will be done

Technical Appendices		Responses : EIA Consultants	
Page	Para.	Reviewers' Comments	
Energy Assessment of all Utilities in connection with Section 4.8 of TOR at Ta' Masrija			
2	/	<p>It is estimated that the nominal power requirement for each apartment (considered as one unit) will be in the region of 4.2 kW. The annual estimated consumption for each unit could reach 5,000 kWh. Thus the total for all the apartments is expected to be in the order of 2,800 MWh per annum.</p> <p>Note: It would be appropriate for providing the service to apply a diversity factor of about 70% for instantaneous power and 85% for consumption.</p> <ul style="list-style-type: none"> Is 4.2kW the maximum/peak power requirement per unit, or an average? What is taken into consideration in this power demand? (Note that the list of appliances in the previous paragraph is not comprehensive; e.g. fridge/freezer and washing machine/tumble dryers are not mentioned). The daily estimated consumption per unit is taken as 13.7kWh; what is the basis/source for this estimate? Do the estimates take into account the measures planned for reducing the energy demand? If so, kindly indicate to what extent. <p>Are diversity and loading factors not already taken into consideration in calculating the residential unit's daily consumption?</p>	<p>86.</p> <p>The 4.2 kW is less than the would be installed electrical load especially if two air conditioners are considered for each apartment. As a matter of fact the figure of 4.2 is an average figure and it already includes the diversification factors mentioned.</p> <p>In the Consultants' report (Camilleri & Cuschieri- CC) VRF systems are mentioned which will be even more power saving than individual units.</p> <ul style="list-style-type: none"> The 4.2kW is an average figure. It depends solely on the lifestyle of the residents of each apartment and mainly on electrical appliances likely to be added to those already envisaged. Correct fridge/ freezer (FF), washing machine and possibly tumble dryer were not mentioned but in all probability will be included. They are electrically compensated for in the fact that VRF systems will be installed. A moderate FF without ice maker can consume 5.5 units a day with an installed power of 250-450 W. All three appliances are now included in the average figure of 4.2kW. The daily consumption is based on 13 appliances running in a week but averaged for daily use. The figure includes the 70 instant power and 85 % diversity factors. These are in house figures from measurements taken privately. As far as I know there is no official detailed statistics about the daily consumption. Enemalta probably has the annual total of generated units and the number of households. I could not obtain this figure. But if from NS office there are 119,479 inhabited residences (2006) and 36% of electric energy is domestic and from Enemalta 2,625, 145MWh (2008) are generated then an average figure of 8 kWh can be obtained. Considering this housing development will be above average the 13.72 kWh makes some sense. No they do not include e.g. solar heaters, special insulation, double glazing dimmers but lighting includes energy saving lamps and T5 tubes. From the CC provisional report there are indications that solar water heaters will be installed No they do not since details of solar water heaters or PV panels have not yet been revealed or whether or not there is space for them on the roof or elsewhere. <p>(Ing. Alfred Scicluna)</p>

Technical Appendices		Responses : EIA Consultants	
Page	Para.	Reviewers' Comments	
3	/	<p>Note: Malta is committed to reduce the rate of CO₂ emission per MWH from the present value of 0.8 (from Delimara) to less than 0.7.</p> <p>Kindly note that this is incorrect. Malta is not committed to reduce the rate of CO₂ emission per MWh.</p>	<p>87.</p> <p>The 0.8 is tonnes/MWh. From the Enemalta National plan presented on 28th April 2008 it was planned to reduce CO₂ emissions from Marsa Power Station by 18% and from Delimara by 4.5%. This was partly due to phasing Marsa and/ or improving the emission. Perhaps the reduction was a target set and not necessarily to be achieved.</p> <p>(Inq/Alfred Scicluna)</p>
4	/	<p>Energy use comparisons in kW/m² between the UK and Malta are not very useful given the differences in climate and space heating infra-structures between the countries; comparisons in costs/kWh are even less relevant in this context because they include other factors such as subsidies and cost bands. What is the relevance of this comparison for this EIA?</p>	<p>88.</p> <p>Absolutely true. However for design purposes we use UK adjusted figures both for winter and summer and style of life.</p> <p>In the absence of statistical data these estimates are indicative only.</p> <p>(Inq/Alfred Scicluna)</p>
Appendix Two A			
Matrix of Impacts			
/	/	<p>The matrix of impacts fails to provide impact magnitude and significance, which is one of the most important aspects in an Environmental Impact Assessment. Kindly include such information regarding significance in the table of impacts and revise table accordingly.</p>	<p>89.</p> <p>This issue shall be seen to in the second draft of the EPS.</p>
/	Scope for mitigation	<p>References to mitigation measures discussed in the text should be included in the table, and not just referred to in the table. Kindly include the mitigation measures referred to.</p>	<p>90.</p> <p>This issue shall be seen to in the second draft of the EPS</p>
Appendix Three – Architects’ and M&E Engineer’s Drawings			
/	/	<p>Drawing No. 13, referred to in the Coordinated Assessment, Point 1.6.2, is missing. Kindly include.</p>	<p>91.</p> <p>This issue shall be seen to in the second draft of the EPS</p>
/	/	<p>The scale bar presented with the plans provided does not tally. Kindly provide clearer versions of the maps.</p>	<p>92.</p> <p>The drawings submitted in the report are the same drawings prepared for the full set but plotted 'to fit' [from ACAD] the size of paper used in the EPS.</p> <p>In order to read drawings printed to the right scale the reviewer should consult the drawings submitted with the development-permission applications.</p> <p>This EIA Coordinator has been submitting architects' drawing in the format criticised by the Reviewer for years.</p>

Non-Technical Summary/Rapport fil-Qosor			
Page	Para.	Comment	Response
English Version			
5	1.1.2.1	Kindly include which Policy the text is referring to.	This issue shall be seen to in the second draft of the EPS
5	1.1.3.1	Kindly provide an indication as to how the studies carried out by the applicants concluded that the project is financially feasible.	A non-technical summary should not go into such detail otherwise it would be a technical statement.
17	3.5.1	Kindly change EIS to read EPS.	This issue shall be seen to in the second draft of the EPS

Comments from Department of Public Health			
Page	Para.	Comment	Response
Technical Report			
/	/	<i>Sewerage System – Grey Water.</i> Kindly note that treated grey water should be chlorinated at all times for the prevention of Legionella growth.	<p>96.</p> <p>The reclaimed water or permeate from the grey water treatment plant shall be chlorinated by an automatic chemical dosing unit.</p> <p>Please find the following extract from the EPS re this issue for your perusal</p> <p><i>Any chlorine dosing that may be required shall be carried out using automated means.</i></p> <p><u>(Camilleri & Cuschieri)</u></p>
/	/	<i>Irrigation</i> - Kindly note that drip irrigation is preferred to a sprinkler system as to minimise the generation of aerosols, thus reducing the risk to exposure to these aerosols which may increase the rise to Legionella.	<p>97.</p> <p>The grounds within the precinct of the development shall be furnished with an irrigation system comprising of polyethylene drip irrigation pipe work. The operation of the irrigation system shall be governed by means of a controller that shall be suitable to have a number of pre programmed settings including stopping or reducing irrigation during periods of rainfall.</p> <p>Please find the following extract from the EPS re this issue for your perusal</p> <p><i>This water shall be pumped to the various areas via Polyethylene pipes and shall finish off in drip irrigation pipework. The amount of water supplied to each area shall be determined by a controller located in the pump room adjacent to the reservoir and according to the requirements of the particular plants, trees shrubs etc used in the different parts of the development. In this way only the correct amount of water is fed to the plants and trees and in just the right amounts to ensure that wastages are kept to the minimum</i></p> <p><u>(Camilleri & Cuschieri)</u></p>
310	5.1.7.1	Unpleasant odours – The text makes no reference to pest control at the site. This should be the responsibility of the developer to carry out continuous pests control treatment within the site and surrounding areas and to take all preventive measures for pest control. Relevant documentation should be kept on site by the site manager and said documents are to be made available to the Competent Authorities when these are so requested. Any complaints by neighbours re pests are to be investigated by the site manager and remedial action taken.	<p>98.</p> <p>Point taken</p>

Comments from Department of Public Health		
Page	Para.	Response
Appendix Two B – Consultants’ Reports (1)		
a. Mechanical and Electrical Building Engineering Report		
/	1.4 Plumbing – Hot water via solar heaters: It is recommended that hot water at the point of use should reach a temperature of 50 – 55°C within 1 minute at all time as per LN 5 of 2006 – Control of Legionella Regulations issued under the Public Health Act 2003.	99. The hot water distribution system shall be such that hot water at point of use shall reach a temperature of 50°C to 55°C within one minute as per LN 5 of 2006. This shall be accomplished by having an electrical booster in order to raise the temperature of the water to a minimum of 65°C even in winter with low sunshine as well as a pump in order to increase the water flow rate. IN cases where there are large distances between the solar water and the pint of use, a small circulation pump in a closed loop shall be introduced in order to ensure that hot water is immediately available upon opening the tap. (Camilleri & Cuschieri)
/	1.9 Fuel Sources – In view of the possibility that apartments shall be furnished with gas appliances if there is such a big demand, it is recommended that CO and gas leak alarms are to be installed in all enclosed spaces.	100. CO and gas leak alarms with a local audible and visual alarm as well as a remote indication in a centralised location shall be installed within the building. (Camilleri & Cuschieri)
b. Effects of Liquid Discharge Report		
/	/ Management of Run-off The text makes no reference on the management of run-off from entering the site and how rain water falling within the site will be managed for discharge. No contaminated water from within the site should be discharged off the site onto the streets as this may have a negative impact as described in the Impact Assessment section (Section 3.2)	101. Point taken
/	/ Although reference to the method of disposal of water from within the site is made in the CMP Report, this should be included in this report or else reference should be made to the parts of the CMP report where such information may be found.	102. This will be proposed as a requirement in the second draft of the EPS. (EIA Coordinator)

Comments from Department of Public Health		
Page	Para.	Response
/	4.0	<p>Further testing</p> <p>Can the consultant please indicate from where high concentrations of free chlorine in Grey and Black water will be coming from?</p> <p>Chlorine is a common disinfectant used to sanitize watering systems. Thus any access from such systems, eg. The drip irrigation system would end up as contaminated water.</p> <p>In water chlorine exists in equilibrium in three forms namely: the dissolved gas or free chlorine (Cl₂), hypochlorous acid (HOCl) and hypochlorate ion (OCl⁻).</p> <p>(Maria Conrad)</p> <p>103.</p>
Appendix Two C – Consultants’ Reports (2)		
a. Air Quality Report		
/	/	<p>As has been correctly referred to in this report, that air pollution may have a negative impact on human health with special reference to dust (PM₁₀) generation especially during the construction stages of the development, all proposed mitigation measures as to reduce these negative impacts are to be adhered to at all the time by the developer.</p> <p>Point taken</p> <p>104.</p>
/	/	<p>Monitoring of air quality as is being indicated by the consultant is also to be carried out by the developer as agreed to with the EPD and any results sent to the EPD are also to be referred to this department.</p> <p>Point taken</p> <p>105.</p>
/	/	<p>Any complaints with reference to dust by the nearby residents in the area of influence are to be investigated by the site manager on behalf of the developer and any remedial actions to rectify the problems are to be taken immediately. All complaints and relevant actions taken are to be recorded and such records are to be made available to the Competent Authorities when requested.</p> <p>Point taken</p> <p>106.</p>

Comments from Department of Public Health		
Page	Para.	Response
b. Background noise measurements, noise predictions for demolition, excavation, construction and development		
/	Section 3.13	<p>Precautions that could be taken if necessary</p> <p>It is highly recommended that the developer should consider taking such precautions as listed in the report (a) to (e) as to prevent or minimise noise disturbance to the nearby residents especially at the initial stages of excavation/demolition. The predicated noise level at this stage is being calculated to be in the region of or even exceeding the 70dBA, which is on the high side and may cause complaints from residents.</p>
/	/	<p>Agreed. Should the disturbances go beyond the values quoted especially for long periods exceeding 30-60 minutes then when these values are confirmed the developer is bound to take the precautions as listed.</p> <p>Normally complaints are raised by receptors. Once they reach the client additional site measurements will take place to evaluate the degree of complaint and accordingly action will be taken.</p> <p>A programme of monitoring for sound and vibration would be agreed with the client on a weekly or monthly basis as per and if required by MEPA.</p> <p>(Ing Alfred Scicluna)</p>
/	/	<p>The site manager is to investigate all complaints lodged by neighbours re noise and vibrations. He is to register all such complaints and investigate as to take any remedial actions to mitigate the problem to an acceptable level as soon as possible. Reference is made to Section 5.1.2.2 – Noise Impacts in the Technical Report where it is stated that “work should cease until an acceptable solution can be found following complaints and/or nuisance to neighbours.”</p> <p>Such impacts are mainly of concern as this area as quoted by the consultant preparing the report being “a fairly quiet residential area.”</p>
/	/	<p>Kindly note that noise monitoring should also be carried out throughout the project as recommended in the report.</p>
General comment		
/	/	<p>It is recommended that all mitigation measures identified in this report are to be implemented at all time by the developer should this development permission be granted.</p>
		<p>107.</p> <p>Point taken</p>
		<p>108.</p> <p>Point taken</p>
		<p>109.</p> <p>Point taken</p>
		<p>110.</p> <p>In the event that the proposed development (as proposed in subsequent drafts) is approved, this EPS together with all mitigation measures recommended by the consultants, reviewers, and members of the public will form part of the permission document. In other words, they will be legally binding.</p>

Comments from the Natural Heritage Panel			
Page	Para.	Reviewers' Comments	Responses : EIA Coordinator
/	/	<p>The Panel agreed that the visual impact would be significant/exceedingly negative and although FAR has been apparently respected; the results are visibly not acceptable.</p> <p>Site context is also of concern since proposed site is contiguous to an area of high landscape value. The fact that FAR is applied can be beneficial for the site itself but surely negative for the rest of the surrounding landscape due to the number of extra floors that would result from FAR. For this reason, the FAR should not be applied in this case.</p>	<p>This EIA Coordinator agrees that the FAR can be applied in a diversity of ways, and should be applied in a manner that is conducive to the attainment of a high quality urban design intervention.</p> <p>111.</p>
Comments from the Mellieħa Local Council thru Perit Carmel Cacopardo			
Page	Para.	Reviewers' Comments	Responses : EIA Coordinator
/	/	Please see attached document (overleaf)	112. Noted.

PERIT CARMEL CACOPARDO
B.E. & A., A. & C.E.
(Architect and Civil Engineer)

Me 543/07/35

PA 1302/06, 1927/06, 2761/06

**Director of Planning
Floriana**

31st August 2007

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**Submissions on behalf of the Mellieħa Local Council
relative to proposals for development at Ta' Masrija Mellieħa
(PA1302/06, PA1927/06, PA2761/06)
pursuant to the availability for public scrutiny of
an Environmental Planning Statement on behalf of the developers
by ERSLI Consultants**

As instructed by the Mellieħa Local Council I present these submissions for your consideration.

The proposal for development submitted through the three separate applications (indicated above) being considered comprehensively by MEPA aims at the development of a site having a total area of 30,874 square metres¹. Consolidated proposal provides for 462 residential units and 700 associated garages/parking spaces² as follows :

- Site B : 299 residential units (in 7 apartment blocks) and 382 lock-up garages
- Site C : 52 residential units (in 4 apartment blocks) and 83 car parking spaces
- Site D : 111 residential units (in 3 apartment blocks) and 235 car parking spaces

The proposal also includes integrated open spaces and a commercial area.

Site is primarily bounded by Mellieħa Bypass (Triq Wettinger) and Triq Ta' Masrija.

The number of proposed residences is within the parameters established by the approved MEPA Policy for Ta' Masrija Mellieħa which establishes a target of around 500 residences³ for the site within and in conformity to the permissible heights in the area.

The Environmental Planning Statement examining the development proposed for Site B concludes that the expected market value on conclusion of the project will be Lm37,545,000. This, it is stated, would generate profits of approximately

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Lm9,000,000 to the developers⁴. Interpolating these figures to the whole development on the three sites which are being viewed comprehensively would lead to a project having a market value of Lm58,013,000 and an estimated profit of Lm13,906,000 at today's property prices.

Analysing the proposal, including the Environmental Planning Statement and its appendices I point out that the proposal applying the Floor Area Ratio policy :

1. is set to develop the residential units into 14 residential blocks which step up in height inwards from the direction of the Mellieħa bypass up to a maximum of 10 storeys above street level at Triq Ta' Masrija,
2. will overshadow existing residences, particularly those at Triq Ta' Masrija and will block out their existing views,
3. will be a source of light pollution impacting (marginally) on the nocturnal activity of fauna in the adjacent Natura 2000 site at Wied il-Mizieb,
4. will break up the presently undisturbed skyline,
5. will add substantially to an already overloaded infrastructure, both roads and services,
6. will as a result reduce the values of the existing residential properties transferring this reduced value to an increased one for the new development and hence profiteering at the expense of current residents,
7. will create a precedent both in Mellieħa as well as other areas enjoying a view hence rendering them ripe for speculative purposes.

The principle objection to the proposed development is the application of the Floor Area Ratio Policy as a result of which it would be possible to construct apartment blocks of various heights up to 10 floors above street level bordering on Triq Ta' Masrija Mellieħa.

The manner in which it is being proposed to apply the said policy creates the following problems to residents, particularly those residing in Triq Ta' Masrija :

- a) it will place their properties for a longer period in the shade,
- b) it will severely restrict their existing views and handover these to the new development,
- c) it will reduce their privacy as the new development will overlook onto existing residences,

as a result of which it will reduce the value of their properties by as yet an undetermined amount.

The above impacts would not occur if the development is carried out in accordance to the currently applicable height limitation to which existing residents conformed when they carried out the development of their residences.

It is ironic that developers boast that they will be in a position to make use of green energy : solar power and natural light⁵. This same possibility will be excluded to most of the existing residents as a result of the proposed development.

In view of the above it is clear that the application of the Floor Area Ratio policy to applications PA1302/06, PA1927/06, PA2761/06 will only serve to add value to the proposed project generating speculative profits at the expense of existing residents. Hence this policy should not be applied to the Ta' Masrija development. If the project is to be permitted it should conform to existing height limitations. It should only proceed under the same rules and conditions which have been applied to the existing development.

Finally, it is to be noted that should MEPA agree to apply the FAR policy to the Ta' Masrija development at Mellieha it would create a precedent which would not only ruin Mellieha but will create havoc in the urban texture of all settlements in Malta enjoying a view.



Carmel Cacopardo BE&A, MSc(Staffs), AIEMA
Architect & Civil Engineer

Notes

- 1 Vide Environmental Planning Statement (EPS) : paragraph 1.2.1.1 page 24
- 2 Vide EPS : Site B para 1.2.2 page 25, Site C para 1.2.3 page 26, Site D para 1.2.4 page 27
- 3 Vide Approved Planning Policy for Ta' Masrija Mellieha. January 2006. page 14.
- 4 Vide EPS para 1.1.3 at pages 23-24
- 5 Vide EPS para 4.8.2.1 at page 276