

Espoo Focal Points

Date: 23rd July 2021

Ms. Anna Maria MAGGIORE and Mr. Gianluigi NOCCO
Ministry of the Environment, Land and Sea
Directorate-General for Environmental Assessments and
Authorizations
II Division EIA/SEA
Via Cristoforo Colombo 44
00147 ROME

Dear Sir/Madam,

Planning Ref.: PA/08757/17

Description of Proposal: Construction of Melita TransGas pipeline EU Project of Common Interest. The proposal includes a terminal station at Delimara Power station to be constructed partially on reclaimed land with revetment, a Micro-tunnel route through Delimara Peninsula, and the laying of an offshore pipeline up to the median line between Delimara, Malta and Gela, Sicily

Location: Site at, Delimara Power Station and offshore route within the Malta Territorial Waters, Delimara, Marsaxlokk, Malta

**Environmental Impact Assessment Regulations (S.L. 549.46) and
Flora, Fauna and Natural Habitats Protection Regulations (S.L. 549.44).**

Reference is made to the above-captioned proposal.

The proposal in caption has been assessed by the Environment and Resources Authority (ERA) through the Environmental Impact Assessment (EIA) process. The EIA was requested following screening in accordance with the then EIA Regulations 2007, specifically Schedule IA Category II, Section 2.6.2.1 (*Oil and gas pipeline installations and pipelines for the transport of CO₂ streams for the purpose of geological storage (projects not included in Category I of this Section)*) and Section 4.2.2.3 (*Construction of a building with footprint of more than 500m²*). Following amendments of the same Regulations in 2017 (S.L. 549.46), the submission of an EIA was still required and confirmed to fall under Schedule I Category II, Section 4.3.2.1 (*Oil or gas pipeline installations not falling within Category I*).

The proposal was also assessed through an Appropriate Assessment (AA) following screening in accordance with the Flora, Fauna and Natural Habitats Regulations (S.L. 549.44) in view of its location within the following Natura 2000 sites: (i) *Żona fil-Baħar fil-Grigal* (MT 0000107) designated as an Special Protected Area (SPA) via GN No. 1311 of 2016; (ii) *Żona fil-Baħar fil-Lvant* (MT 0000108)

designated as an SPA via GN No. 1311 of 2016; and (iii) *Žona fil-Baħar fil-Lbiċ* (MT 0000111) designated as an SPA via GN No. 1311 of 2016.

A concise summary of the EIA and AA process is being attached to this correspondence as Appendix I.

1. Overview of the Outcomes of the EIA and AA Reports

The EIA Report has identified a number of potential impacts on, and risks to, coastal land uptake, visual amenity, geology (due to rock cutting), ecology and avifauna, the significance of which depends largely on the thorough implementation of pre-emptive safeguards, construction and operational mitigation measures.

The consultant's AA report identified impacts related to avifauna due to illumination from the terminal facility during the operational phase. Upon further request for clarification, the consultant subsequently clarified that, seabird foraging areas located within the three SPAs will not be significantly influenced by illumination impacts from the terminal facility, because the foraging areas are located at a considerable distance away from the terminal. The consultant also concluded that on noting the anticipated impacts and their potential mitigation, the proposal and associated works do not, as a whole, adversely affect the integrity of the said Natura 2000 sites.

The report also assessed potential impacts from the proposed project on protected marine species and habitats covered by the provisions of the Flora, Fauna and Natural Habitats Regulations (S.L.549.44), however these are beyond the scope of the AA and are duly assessed in the EIA Report.

The reports submitted as part of both the EIA and AA processes have been reviewed by ERA and the ensuing considerations are factored into ERA's overall assessment of the project.

2. Consultant's assessment of impacts of the proposed development

The EIA and AA have predicted a number of potential impacts on the environment as a result of the proposed development. Whilst mitigation measures to minimise these impacts have been proposed, it still identified moderate to major significant residual impacts that are likely to be present after all mitigation measures have been exhausted on the following:

- 3.1. The permanent take-up of sea and shoreline for the terminal plant through the construction of the land reclamation has been assessed to have a *moderate* residual impact;
- 3.2. During operation, a *moderate* adverse residual impact is envisaged from viewpoint 1 - carpark overlooking Delimara power station;
- 3.3. *Major* residual impacts are envisaged on the natural cliffs due to rock cutting and re-profiling of the natural rock face to accommodate the new access road;
- 3.4. *Major residual impacts on the* existing protected shrub species growing on the affected cliff face due to excavation of the access road within the natural cliffs;

- 3.5. Risks related to damage on the Power Station due to rock fall during clearance of cliff base and rock cutting are assessed to have a *moderate* residual impact;
- 3.6. *Moderate* residual impacts are envisaged on avifauna due to illumination during the construction phase from working vessels and from the terminal facility during operation;
- 3.7. A *major* adverse residual impact is envisaged during construction phase, on the offshore benthic assemblages where the pipeline laying meets the microtunneling due to excavation of the transition pit and pre-trenching works (including associated dredging);
- 3.8. Trenching and dredging works will result in disturbance to seafloor sediment and the physical impact on the seafloor topography. These works have been assessed to have *major* adverse residual impact following the implementation of mitigation measures.
- 3.9. During pipeline laying, impacts on benthic assemblages are assessed to be of a *moderate* adverse residual impact within the identified corridor (i.e the indicated Area of Influence is 2km wide for the first nautical mile, and 1.2km wide for the remaining offshore corridor, however the actual impacted area is envisaged to be much more localised around the pipeline itself);
- 3.10. A *major* adverse residual impact is envisaged on benthic assemblages during pipe-laying within the identified corridor due to the installation of pipeline support structure and cable crossing structures; and
- 3.11. A *moderate* adverse residual impact is envisaged on the benthic assemblages due to pipeline maintenance and repair works during operation.

3. ERA's Assessment and Recommendations

With respect to the residual impact identified above, ERA has the following conclusions and recommendations:

- 4.1. *Take-up of sea and shoreline due to the proposed land reclamation and associated visual impact* – noting the already-disturbed coast together with the findings of the benthic study, the ERA has no additional comments on said impact.
- 4.2. *Excavation of the natural cliffs* due to rock cutting and re-profiling of the natural rock face to accommodate the new access road - following several discussion between ERA and the applicant, the profile and extent (both vertically and horizontally) have been re-designed to minimise the encroachment and mitigate as much as possible any direct and indirect impacts on the environment, whilst still allowing functionality of the access road and terminal facility. Works are to be carried out in line with the attached conditions.
- 4.3. *The removal of existing protected shrub species from the cliff face during interventions on the cliffs* – same considerations as per point 4.2 above. Additionally, the cliff face is expected to regenerate naturally, as long as the proposal no longer envisages shotcreting of the cliff face.
- 4.4. *The risk of accidental damage on the Power Station due to rock fall during clearance of cliff base and rock cutting* – Following several discussion with the applicant, monitoring of rock stability during rock cutting and design of gap between road and cliff to serve as a buffer, together with

good construction practices will mitigate this risk. Additionally, works are to follow the attached conditions to effectively pre-empt any damages to the existing Power station.

- 4.5. *Illumination impacts on avifauna during operation* - noting the already existing similar operation in the Delimara Peninsula, the illumination of the terminal station is not be considered as major, relative to the baseline situation, even when considered cumulatively. Additionally, although not directly assessed through this application, the construction of the pipeline would eventually phase out the Floating Storage Unit (FSU), thus further mitigating this impact. However, there is still scope for further mitigation through the attached conditions.
- 4.6. *Impacts on benthic assemblages during both the construction and operational phases are assessed to be moderate to major depending on the activity*. A transplanting and monitoring programme is to be submitted to ERA prior to the commencement of works. The plan programme should include transplanting of *P. oceanica*, management and subsequent monitoring. During works, monitoring must be undertaken constantly throughout the works, such that works are limited to the necessary footprint, thus not obliterating any species outside the footprint. The above is being addressed through the attached conditions.
- 4.7. *Deterioration of sea floor topography due to trenching and dredging works* – the EIA proposes the carrying out of works only in calm weather. Additionally, monitoring is to be undertaken constantly and throughout the works, such that the works would need to be updated, halted and/or modified in step with the findings of said monitoring.

4.8. Way forward

In view of the above considerations, the ERA does not object to this proposal. This conclusion is being made on the understanding that stringent mitigation measures and pre-emptive safeguards will be implemented throughout both construction and operation of the proposed development. In this regard, a number of conditions are being recommended for inclusion in the development permit (refer to Appendix II).

Yours faithfully,

Leonora D'Amato
Senior Environment Protection Officer
f/Director Environment & Resources

Disclaimer

The above comments are being issued without prejudice to any additional issues which are regulated by ERA through any relevant environmental permitting and, or compliance mechanisms, as well as to any environmental considerations that may be beyond the scope of the application under consideration.

The above assessment is based on the information provided to ERA in the application. Should it result that such information is incorrect, incomplete or misleading, or in the event of any omissions, or subsequent modifications, amendments or changes to the proposal, application and/or related submissions, the above assessment (including any favourable consideration, lack of objection, any proposed conditions or lack thereof, or any other equivalent stance, etc.) may need to be reopened to ERA's satisfaction. ERA shall not take responsibility for comments, assessments or judgments based on information that is incorrect, incomplete, missing or misleading, and which is only discovered after its assessment, nor for any environmental impacts resulting from developments which it was not specifically consulted on. Furthermore, ERA also retains the right to take additional action should the information provided, or any incorrect, incomplete, missing or misleading details, be tantamount to fraud.