
THIRD PARTY PLANNING APPEAL AGAINST

OUTLINE DEVELOPMENT PERMIT PA 2838/03

Application No.: PA 2838/03

Application Type: Outline development permission

Location: Sant Antrnin Waste Treatment Plant off, Triq Wied Iz-Ziju,
Marsascala

Proposal: Part demolition of existing plant and upgrading of the existing facility to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and a composting plant

The Parties

In Appeal PAB 321/05,

Marsascala Local Council, represented by the Mayor Carmel Mifsud and replaced since 12th March 2006 by Mayor Mario Calleja,

Appellant,

vs

Malta Environment and Planning Authority,

Defendant,

THE PLANNING APPEALS BOARD PANEL,

composed of Ramon Rossignaud (Chairman), Joseph P. Dimech (Member) and Samuel Formosa (Member)

In Appeal PAB 322/05,

Zejtun Local Council, represented by the Mayor Joseph Attard,

Appellant,

vs

Malta Environment and Planning Authority,

Defendant,

THE PLANNING APPEALS BOARD PANEL,

composed of Ramon Rossignaud (Chairman), Joseph P. Dimech (Member) and Samuel Formosa (Member)

The Appellant

1. The Local Councils of Marsascala and Zejtun filed separate appeals to the Planning Appeals Board on 25th October 2005 to revoke the decision of the Malta Environment and Planning Authority, hereafter abbreviated as MEPA, to grant outline permit PA 2838/03 to WasteServ Malta Limited, hereafter referred to as WasteServ, on 27th September 2005.
2. Local Councils, set up in terms of article 115(A) of the *Constitution of Malta*, are elected by the residents of the locality and have to fulfil a number of functions listed at law. Thus, although in terms of article 33(2) of the *Local Councils Act* (Chapter 363 of the Laws of Malta), the proposed development is within the responsibility of Central Government, in terms of article 33(1)(i) of same, a function of the Local Council, the Local Government, shall be

To advise and, where applicable, be consulted by, any authority empowered to take any decisions directly or indirectly affecting the Council and the residents it is responsible for;

The Applicant

3. WasteServ was established in 2002 as a Central Government-owned, semi-autonomous company responsible for constructing and operating waste management facilities on behalf of the Ministry for Resources and Infrastructure. The Waste Management Strategy Implementation Department of the Works Division provides and operates the public sector waste management facilities, public cleansing facilities and schemes for source separation of waste.¹
4. Currently, WasteServ is responsible for the management and operation of the following municipal solid waste facilities:²
 - (i) Ta' Zwejra Facility at Maghtab
 - (ii) Sant Antnin Waste Treatment Plant, Marsascala
 - (iii) Bring-in sites and civic amenity sites and
 - (iv) Transfer Station at Tal-Qortin, Gozo
5. Planning permit PA 2838/03 was issued to WasteServ, a company falling under the auspices of the same Ministry responsible for MEPA, namely the Ministry of the Environment and Rural Affairs.

¹ WasteServ Malta Ltd, *Improvement of the Sant'Antnin Composting Plant & Materials Recovery Facility: Project Description Statement*, May 2003, Sections 1.3.1 and 1.3.2.

² www.wasteservmalta.com, Waste Facilities

The Appeal

6. The appeal filed to the Planning Appeals Board by Dr Toni Abela on behalf of the Local Councils of Marsascala and Zejtun was grounded in the following, listed hereunder. This appeal, together with the attached list of documents, forms an integral part of this technical submission.
7. In issuing permit PA 2838/03, the statutory autonomy of the Planning Authority was not followed; bias was manifested and evident during the planning application process. The Authority was both the regulator and the defender of the applicant. This was especially manifested during the MEPA Board meeting of 22nd September 2005, when at times the applicant's experts were not able to justify, members of MEPA justified the project.
8. MEPA Board members amended parts of the application without any consultation.
9. Bias towards proposal was manifested from the initial phases of the planning process: there was lack of public consultation during the planning process. This goes against the Aarhus Convention of which Malta is a signatory country and Article 33 of Chapter 363 of Laws of Malta.
10. During the processing of the application, MEPA was all the time consulting with the applicant, but rarely consulted with appellants and concerned Local Councils. This was especially manifested when consultation was carried out in August, the traditional period of rest;
11. The title of the application was changed from 'Demolition and erection of new structures' to 'Partial demolition and improvement'. This was done to ensure that application is satisfactory for a grant, instead of formulating a new application.
12. Application PA 2838/03 was treated as a full development application and not as an outline development application. This goes against *Structure Plan for the Maltese Islands*,³ hereafter referred to as *Structure Plan*, Policies BEN 1, BEN 2, SET 11 and SET 12 and especially SWM 8 of the *Space for Waste: Waste Management Subject Plan*,⁴ hereafter referred to as *Subject Plan*, which states that plant should be in vicinity of waste arisings, without causing impacts on nearby communities and environs. The alternative site assessment was not properly carried out. The proposal is purely industrial and should have been sited in an industrial site. MEPA proposed three alternative sites: Il-Mara, L-Ghallis and at Kalkara. All had an area of 18,000m² whereas with the modification of the application, the area required became 47,000m²; even the experts of the applicant admit that there was a

³ Ministry for Development of Infrastructure, *Structure Plan for the Maltese Islands*, December 1990, Planning Services Division.

⁴ Planning Authority, *Space for Waste: The Waste Management Subject Plan*, Final Report, October 2001.

mistake. Although the applicant was given the possibility of choosing an alternative site, no other site was identified. MEPA did not address this disparity even when an explanation was required. This important factor in the planning process was ignored completely as if nonexistent.

13. The applicant had preferential treatment during the planning process. The Terms of Reference for the environment impact assessment, hereafter abbreviated as TOR, was not followed. The Environment Impact Statement, hereafter abbreviated to EIS, ignored sections 4(9), 10 and 11 of the TOR, entire parts of data and other data presented was out of context or dated. Both versions of the EIS cannot be considered as impartial studies because they are biased towards the development.
14. The socio-economic baseline survey was not thoroughly carried out. The experts identified were not competent in the subject. This review was a desk study without surveys. Tourism, labour, population and sustainable use of land were ignored. The study was carried out on 0.4% and not 1% of Marsascala residents.
15. Risk evaluation of dust, odour and noise impacts were ignored. As regards noise, experts admitted to Board members that some of the studies were based on overseas data, whose environs cannot be compared to local ones. With respect to rodents, insects, vectors, pests etc. the EIS lacks sufficient data; it is stated that these will be controlled and hence risk is minimal. This is an entirely unsatisfactory argument.
16. The digestion plant would be having digestion tanks, 15m high with two chimneys.
17. No scientific studies were carried out with respect to pollution. The only analysis was based on meteorological data which goes against TOR.
18. Traffic counts would certainly double existing ones and impacts would certainly increase, both to the detriment of the environmental health and to the property, factors which were both ignored. The UK Guidelines for Traffic Impact Assessment 1994 were used: these are inappropriate for Malta. The use of overseas data to justify the proposal was widespread throughout the study, otherwise a serious study would have justified the appellants.
19. The cumulative impact assessment was ignored; for example, the generation and storage of gas. There is no matrix.
20. Although it is stated in the EIS that 71,000 tonnes of waste will be treated annually, no explanation or guarantee was given that this figure would be for the next 25 years.
21. The ecological value of Il-Wied tal-Maghluq u l-Wied tal-Baruni which have unique and endemic colonies of flora species and Il-Maghluq is a Natura 2000 site. The 17th century Sant Antnin Chapel is only a few metres away from the plant. These

were not assessed nor the impact that the proposed development is likely to have on them.

22. Changes in the application were carried out during the planning process without notifying the public through the issue of site notices or press notices in accordance with the *Development Planning Act*. This renders the application null and void due to procedural defects.

Outline Planning Permit PA 2838/03

23. Planning application PA 2838/03 was approved by MEPA on 22nd September 2005 subject to the following conditions, site plan and proposed general layout plan respectively attached as approved documents PA 2838/03/74A and PA 2838/03/74B:

- (i) No work shall commence on site until full development permission has been granted for a development. If the full development permission is to be applied for in phases, a master plan specifically indicating the phases of the project and the number of planning applications required shall be submitted as a first stage of the full development planning process for the whole project. This master plan should be submitted for the approval of the Malta Environment & Planning Authority within five years of the date of this outline development permission, that is by 27th September 2010.
- (ii) The full development permission will be subject to a planning obligation to secure environmental improvements and bank guarantee to secure adherence to permit conditions and monitoring requirements.
- (iii) All operations, as described in the EIA, permitted by this outline development permission, limited to a maximum operating capacity of 71,000 tonnes per annum, are subject to an environmental permit. The environmental permit shall address all mitigation measures outlined in the certified EIS and any other relevant issues. The applicant shall in submitting detailed proposals for environmental permit, demonstrate that the operations of the plant will be carried out in an environmentally sustainable manner, through efficient use of energy and water resources. The environmental permit shall also require that the site is managed by suitably qualified person, (site manager) having a certificate of competence from a recognised institution.
- (iv) The following traffic management details shall be submitted as part of the first stage of the Full Development Application:
 - Designs for the upgrading of the two junctions between the link road 26-134 and the main routes, Route 26 and Routes 134 respectively.
 - Designs and upgrading of the site access including alignment of existing exit/entry gates, visibility splays etc. according to Drawing SA 10/3 of the EIS.

- The relocation of the existing bus stop on route 26 which will be affected by the junction improvement.
- Full parking provision and parking details indicating bay boundaries as well as circulation and manoeuvring space. No direct access onto Route 26 will be permitted unless it is used in cases of emergency.
- Design and details of haul roads inside the development.
- A routing agreement.

All the above requirements will be subject to the approval of the Malta Transport Authority.

(v) A detailed landscaping plan must be submitted with the Full Development Permit Application showing:

- any existing soft landscaping;
- landscaping to be retained;
- proposals for the retention and incorporation of any existing dry stone walls;
- new planting (with species and numbers);
- any earth mounding;
- hard landscaping (including roads, footpaths and other areas);
- all fencing and walling;
- any street furniture;
- soft and hard ground cover;

and proposals for landscape maintenance.

(vi) A detailed lighting scheme shall be submitted with the full development application. All lighting shall be of low level design to minimise light emissions. Lighting shall be sited below the eaves of the buildings. Full lighting shall be only required during the early morning and late evening periods during winter. Only limited lighting shall be provided for security purposes at night-time. All lights shall be directional in order to minimize light spill, glare and sky glow, and shall be aligned to ensure that upper limit of the main beam does not exceed 90 degrees from its downward vertical.

(vii) A Construction Management Plan shall be submitted with the Full Development Permission Application. It shall show:

- all construction access points;
- storage areas for materials and plant;
- a construction programme, including details of the timing and phasing of the development taking account of any existing plant operations;
- how demolition, excavation and development is to be carried out ;
- protection measures for retained buildings, structures and landscapes;
- protection measures for the safety of pedestrians/vehicles;
- the location of disposal sites for material from demolition and excavation, and the means and routing of transport to disposal sites;
- a traffic management scheme for the area affected by the development and the construction traffic;
- control of emissions during site works; and
- a contingency plan for any accidental situation that may arise on site during construction.

(viii) Detailed plans, elevations and sections (Scale 1:100) of all buildings must be submitted as part of the full Development Permit Application. These must demonstrate the form, size and scale of each building and their relationship to each other. They should include: site sections, including at least two N-S and two E-W (Scale 1:500); a schedule of proposed materials and colours; and photomontages of long views of the site. The design should consider the use of non-reflective materials to reduce visual impact.

(ix) The Full Development Permit application should also include a plan showing:

- the layout of all utilities (Scale 1:500), including connections to public networks,
- any proposed sub-stations and plant rooms,
- location of all pumping facilities,
- water tank/reservoir (including rain water collection facilities),
- cesspits and proposals for all waste disposal.

Information must be provided on the estimate peak demand for water, power and drainage (including requirements for landscaping). The utility proposals must demonstrate how these requirements are to be satisfied and comply with the Final Sewerage Master Plan. Undergrounding of all utilities is an essential requirement, with tunnelling as the preferred method.

(x) a) It should be noted that a third party may have the right of appeal against this permission. This permission may be revoked by the Planning Appeals Board or quashed by the Court of Appeal.

b) This outline development permission does not remove or replace the need to obtain the consent of the land/building owner to this development before it is carried out. Furthermore, it does not imply that consent will necessarily be forthcoming nor does it bind the land/building owner to agree to this development. Where the land/building is owned or administered by the Government of Malta a specific clearance and agreement must be obtained for this development from the Land and/or Estate Management Departments.

c) This permission is subject to any other approval or clearance which may be required from other Government Departments and entities.

The Application

The Development Proposal

24. Outline development application PA 2838/03 was submitted to MEPA on 16th May 2003 by WasteServ and was entitled 'Improvement works at Sant'Antnin Waste Treatment Plant'.⁵ It was registered as valid on 27th May 2003 and thus the application had to be determined by 25th November 2003, in accordance with the *Development Planning Act, 1992*.⁶

⁵ Applicant was Vince Magri of Phoenix Buildings, Sta Venera and architect was Perit Ray Farrugia of Project House, Works Department.

⁶ Minute 5 of Planning File PA 2838/03, letter from MEPA to WasteServ Malta Ltd, dated 27th May 2003.

This target date for processing the application was eventually made inapplicable in view of further information requested by Enemalta Corporation and Malta Resources Authority

25. During the MEPA Board meeting of 24th June 2004, the application title was decided to be amended to 'Demolition of existing plant and its replacement with range of new structures to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and composting plant'.⁷ This was advertised on 8th November 2004 by a re-issue of a site notice.⁸
26. During the MEPA Board meeting of 22nd September 2005, the application title was again modified to 'Part demolition of existing plant and upgrading of the existing facility to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and a composting plant'.⁹

Development Planning History

27. In the late 1960s, the German Consortium ATIGA on behalf of the World Health Organisation recommended the setting up of a composting plant for municipal solid waste in the vicinity of the Luqa dump, the only dump site in Malta at the time.¹⁰ When, in 1974, the Luqa tipping site was closed, new tipping sites were opened at Sant Antnin, Maghtab and Zurrieq.¹¹
28. In 1978, foreign consultants concluded that the setting up of a sewage treatment plant and a household waste composting plant is feasible and highly beneficial to local agriculture; they also recommended metal recovery and incineration of the combustible fraction.¹² Sites considered in the report were Qormi, Zejtun-Zabbar,

(Minute 17 of Planning File PA 2838/03, letter from Director of Planning to WasteServ, 'Request for Information', dated 17th September 2003).

⁷ Minute 134 of General File GF3623/03, dated 5th July 2004, Extract from PA 91-03/04 held on 24th June, 2004.

⁸ Minute 38 of Planning File PA 2838/03, undated, Site notice, Amendment to the description of proposed development, dated 8th November 2004.

⁹ Minute 95 of Planning File PA2838/03, dated 22nd September 2005.

¹⁰ Gauci, V., 'The Sant Antnin Solid Waste Treatment Plant & the Waste Management Strategy', 1994, p.4.

¹¹ Gauci, V., T. Micallef, 'Municipal Solid Waste Management in the Island of Malta', European Symposium on Integrated Resources Recovery From Municipal Solid Wastes, Yugoslavia, 1988, p.3-4. At Sant Antnin waste tip, some 212,025 tonnes of waste were dumped until its closure in 1979 (Ministry for the Environment, *A Solid Waste Management Plan for Malta: A 10-year Plan*, Consultation Document, January 2000, Table 7.1).

¹² Consultancy Group Vattenbyggnadsbyran (VEB) had estimated that applying compost to arable land at the rate of 125 tonnes per hectare every five years would bring about an increase in agricultural productivity of 10-15%. The consultants were strongly in favour of combining the processes of sewage treatment and composting of municipal solid waste.

As cited in Gauci, V., 'The Sant Antnin Solid Waste Treatment Plant & the Waste Management Strategy', 1994, p.4.

As cited in Gauci, V., T. Micallef, 'Municipal Solid Waste Management in the Island of Malta', European Symposium on Integrated Resources Recovery From Municipal Solid Wastes, Yugoslavia, 1988, p.4.

Handaq and Sant Antnin.¹³ As a form of preliminary site selection exercise, the consultants recommended that site should be:¹⁴

- (i) in a remote place and preferably lee-ward (south-east) of residential areas, and
- (ii) away from the aquifer protection zone.

They concluded that:¹⁵

The site at Sant Antnin has been proposed by Government after a thorough investigation and field inspections of a number of alternative sites and considering the constraints peculiar to Malta as the size of the island, the density of the population and closeness of built-up areas. The advantages of this site – located away from densely built-up areas and the aquifer and in an area presently used for refuse tipping – are deemed to outweigh the relative distance from the centre of refuse generation. The site is accordingly selected as the common site for a solid waste recycling centre and sewage treatment plant.

At the time of this decision, the residential community of Marsascala numbered only 915 and the Siberia, Zonqor, Ta' Monita, and Bellavista areas were not yet built up. Also, the consultants identified this site because any non-compostable rejects could be tipped at the waste dump of Sant Antnin, then still operating.¹⁶

29. In April 1982, Government issued a tender for the 'construction of a combined solid and liquid waste disposal and reclamation centre in the locality known as Sant' Antnin.'¹⁷ In the tender, it was requested that bidders
- (i) consider the co-composting of sewage sludge and the biodegradable fraction of municipal solid waste;
 - (ii) the final compost should be suitable for agricultural purposes; and
 - (iii) the non-compostable residues had to be converted to Refuse Derived Fuel (RDF) for power generation at the local Power Station.

The tender evaluation process drew the following conclusions:¹⁸

- (i) None of the final products, that is compost and refuse derived fuel, were commercially justifiable;
- (ii) At the time, the production of RDF was estimated to cost about an extra LM0.50-1.00 per tonne of waste treated more than composting.¹⁹

¹³ As cited in Gauci, V., 'The Sant Antnin Solid Waste Treatment Plant & the Waste Management Strategy', 1994, p.4-5.

¹⁴ Ibid., p.5.

¹⁵ Ibid.

¹⁶ Ibid., p.6.

¹⁷ As cited in Gauci, V., T. Micallef, 'Municipal Solid Waste Management in the Island of Malta', European Symposium on Integrated Resources Recovery From Municipal Solid Wastes, Yugoslavia, 1988, p.4-5.

¹⁸ Ibid., p.5.

- (iii) None of the bidders showed enough experience in the use of RDF in power generation, especially in long term impacts, such as environmental health.
- (iv) On the other hand, composting was already a widely accepted method of waste disposal, since it was a traditional practice to incorporate biodegradable wastes into local soils to increase its fertility.

Thus, the tender evaluating board recommended that co-composting should be the method of choice for municipal solid waste and sewage sludge.

30. In 1983, a Sewage Treatment Plant was constructed at Sant Antnin to fully treat sewage for the production of treated effluent and has been operating since. The Municipal Solid Waste project was postponed.
31. In March 1987, a second call for tenders was issued. The project was to be divided into²⁰
- (i) a reception and preliminary treatment where waste is shredded, ferrous material removed and sewage sludge is mixed with the remaining fraction;
 - (ii) fermentation stage as a composting process; and
 - (iii) separation of residual matter such as metal, glass and plastics.

The project was commissioned in 1993 and costed LM4 million.²¹ The idea of a composting plant was considered so attractive that a similar composting plant was being considered for Gozo. It was immediately evident that for composting to be successful, at source separation of municipal solid waste had to be mandatory.²²

¹⁹ This estimate was derived by considering production costs of RDF against the value of fossil fuels saved in power generation.

²⁰ Gauci, V., T. Micallef, 'Municipal Solid Waste Management in the Island of Malta', European Symposium on Integrated Resources Recovery From Municipal Solid Wastes, Yugoslavia, 1988, p.5-6. At the time this paper was written, the authors noted that (p.6-7)
At the present time, there exists the conviction in political quarters of the urgency to go ahead with such a project.

²¹ Gauci, V., 'The Sant Antnin Solid Waste Treatment Plant & the Waste Management Strategy', 1994, p.8.

Since April 1994, the Plant was operated and maintained privately (Messrs Environmental Technology Ltd). The contract was terminated in October 1997 and the Plant was run by central government. Post 1998, the Plant was again run privately (Ministry for the Environment, *A Solid Waste Management Plan for Malta*, Consultation Document, para.5.2.10).

²² Gauci, V., 'The Sant Antnin Solid Waste Treatment Plant & the Waste Management Strategy', 1994, p.9 commenting on the odour problems the composting plant was causing.

In another occasion, the author stated that (Gauci, V., 'Solid Waste Management: The traditional vs Sustainable Approaches', Paper presented at the Conference on the Management of Marine Contamination Hazards, 1994):

We will be introducing at-source waste separation of MSW as from 1995...This will reduce recycling costs and improve compost quality.

We are also considering at-source separation of waste. When implemented, such a measure will result in considerably less waste coming over to the Plant, and the production of a better quality compost.

32. Although the Composting Plant was commissioned at Sant Antnin, primarily because it was anticipated that sewage sludge from the Sant Antnin Sewage Treatment Plant would be incorporated in the composting process, this never materialised due to a number of technical and operational issues and currently, the sludge is being discharged as slurry back into the sewerage system and eventually discharged into the sea at Wied Ghammieq.²³
33. In recent decades, Marsascala developed from a tranquil seaside village with a small community to a main tourist zone in the south of Malta with a significant increase in permanent residences and a mecca for entertainment.
34. The Composting Plant was originally designed to process 83,000 tonnes of municipal solid waste per year to cater for projected increase in generation of municipal solid waste, however.²⁴

The plant has never achieved its design capacity, and has been beset with a series of technical and environmental problems throughout its history.

The Composting Plant immediately ran into problems due to site location and composting technique: the open windrow system with forced aeration proved to emit significant objectionable odours which were exacerbated by the site being in a valley. The nuisance was reaching the surrounding residential and commercial community of Marsascala, Zejtun and Zabbar. The composting technique was replaced by the Eco-Pod system, reducing the plant's throughput, but significantly minimising odour problems.²⁵

...although the open windrow system adopted at this plant was the major contributor to the odour emission problem, secondary sources were the maturation area, the waste reception area and the waste conveying system...

35. Odour nuisance from the Plant's onset induced a progressive decrease in the amount of waste treated at the Plant from 1995 to 1997.²⁶ In 1998, the Eco-Pod system was introduced with minimal capital costs: the air supply was rerouted and the flooring of the composting shed was better levelled.²⁷ The system proved able to minimise odour nuisances, however the fermented product was not mature

²³ Ministry for the Environment, *A Solid Waste Management Plan for Malta*, Consultation Document, para.5.2.1.

²⁴ Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium, p.40.

²⁵ Ministry for the Environment, *A Solid Waste Management Plan for Malta*, Consultation Document, para.5.2.4.

²⁶ Ibid., para.5.2.13 and Table 5.1.

²⁷ Ibid., para.5.2.6.

enough within the normal retention times which were thus extended and the maturation stage transferred to Wied Fulija disused waste tip due to lack of space and leaching risks. The compost was transferred back to the Plant for refining and removal of glass, further increasing operational costs.²⁸ This arrangement was considered adequate and it was at this period that the Plant reached its maximum throughput, that of 35% of the total municipal solid waste in Malta.²⁹

36. The Eco-Pod system is still employed and the maturing material is utilised as a covering material at Maghtab.³⁰

Project Description Statement

The Statement

37. A project description statement,³¹ hereafter abbreviated to PDS, was submitted with the outline application PA 2838/03.³² The PDS, besides outlining the development proposal, has as a main objective to facilitate MEPA in the scoping exercise for formulating the terms of reference for the environmental impact assessment process.³³

38. In the PDS, the proposal is described as³⁴

1. a controlled facility for receiving, sorting and processing source segregated and separately collected biodegradable wastes generated in the Maltese Islands (circa 95,000 tonnes per year) to produce good quality compost; and
2. Materials Recovery Facility, that is a controlled facility for receiving, sorting and processing source segregated and separately collected dry recyclables generated in the Maltese Islands (circa 60,000 tonnes per year).

Both facilities have modular design with the possibility of expansion.

²⁸ Ministry for the Environment, *A Solid Waste Management Plan for Malta*, Consultation Document, para.5.2.6 and para. 5.2.11.

²⁹ Ibid., para.5.2.7.

³⁰ Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium, p.40.

³¹ WasteServ Malta Ltd, *Improvement of the Sant' Antnin Composting Plant & Materials Recovery Facility: Project Description Statement*, May 2003.

³² Minute 10 of Planning File PA2838/03, dated 6th June 2003, internal mail.

³³ In terms of Regulation 5 (1) of the Environmental Impact Assessment Regulations (Legal Notice 204 of 2001), all Category I proposals require a project description statement to accompany the application.

³⁴ WasteServ Malta Ltd, *Improvement of the Sant' Antnin Composting Plant & Materials Recovery Facility: Project Description Statement*, May 2003, Section 1.1.1, Table 6.

The biodegradable waste includes agricultural waste, park wastes, wastes from the catering industry and household waste, whereas the dry recyclables include household waste and uncontaminated, non-inert industrial and commercial wastes (Section 4.2.4).

39. The proposal is considered by the PDS as an important element in the national waste strategy for the Maltese Islands because it would fulfil³⁵
1. the requirements of the waste hierarchy,
 2. the need to choose the best practical environmental option for new waste management facilities and
 3. the need to locate the facilities at an environmentally acceptable site.
40. The project was envisaged to have a minimum lifetime of about fifteen (15) years.³⁶ The actual works required were³⁷
1. the construction of a reception area;
 2. the construction of the receipt and management of recyclables;
 3. improvements to the fermentation house;
 4. improvements to administrative infrastructure;
 5. modifying the sewerage system to collect surface water, effluents and leachates; and
 6. the setting up of environmental monitoring and control.
41. The PDS states that, given that Malta fully endorses the waste hierarchy and aims to reach European Union landfill targets, the existing composting and recovery facilities at Sant Antnin³⁸
- must be retained and indeed upgraded to treat in an efficient manner a higher volume of waste.

One of the main objectives of the project was to reduce current and potential health risks and environmental impacts with the handling and disposal of wastes.³⁹ According to the PDS, the project is 'indispensable and must be developed and operated' if current environment problems with waste management are to be overcome on a national level.⁴⁰

42. In the section entitled 'Site Characteristics', the PDS highlights the advantages and disadvantages of selecting the Sant Antnin site, namely that it is already committed with good infrastructure and the proposal would only require a portion of the facility. The site is adjacent to a wastewater treatment plant and hence would have direct access to recycled water. On the other hand, the site is strategically located and visible from Zabbar and Marsascalea. Traffic movements are expected to increase

³⁵ WasteServ Malta Ltd, *Improvement of the Sant' Antnin Composting Plant & Materials Recovery Facility: Project Description Statement*, May 2003, Section 2.1.

³⁶ Ibid., Table 6.

³⁷ Ibid., Section 4.1.1.

³⁸ Ibid., Section 2.1.

³⁹ Ibid., Section 2.2.

⁴⁰ Ibid., Section 2.3.

from about 40 to about 70 vehicles per day. The main environmental impacts from the current Sant Antnin Plant are odour, noise, dust and visual amenity.⁴¹ The PDS states that mitigating measures for these negative impacts would be incorporated in the Waste Management Permit Conditions and monitoring of key parameters would be carried out throughout the lifetime of the 'improved' Plant.

The Position of the Planning Directorate

43. From the onset, the Planning Directorate had raised issues on the proposal as regards site selection, traffic impact and the issue of the proposal for a new sewage treatment plant at Wied Ghammieq and that⁴²

The PDS does not give an indication of the site area required for the storage of materials for the proposed processes of composting and M[aterials] R[ecovery] F[acility]

44. The Planning Directorate stated that⁴³

The Sant'Antnin Waste Treatment Plant has been the source of continuous complaints from the residents of the area since the start of its operation. This is mainly due to the open method of composting, the major source of external effects on the community in terms of odour emissions.

The proposed method of composting and M[aterials] R[ecovery] F[acility], whilst considerably increasing the handling capacity of the plant, may prima facie seem to be a mitigating solution to the odour emissions problem. Notwithstanding this very primary assessment of the possible positive impacts of the proposed "improvements", the Directorate would like to point out certain issues related to the location of the proposed plant. Whereas it would seem that the choice of the site is automatic given the existing operation, one must also consider that the proposed process requires an almost complete redevelopment.

The question therefore arises: Why not consider an alternative site which would be more suitable in terms of current Structure Plan policies regarding to obnoxious industry? and Should this site selection exercise be carried out at the PDS stage or through the EIS process?"

The Position of the Environment Protection Directorate

⁴¹ WasteServ Malta Ltd, *Improvement of the Sant' Antnin Composting Plant & Materials Recovery Facility: Project Description Statement*, May 2003, Sections 3.1, 4.2.1.

⁴² Minute 9 of Planning File PA2838/03, dated 3rd June 2003.

Minute 10 of Planning File PA2838/03, dated 6th June 2003, internal mail.

⁴³ Minute 10 of Planning File PA2838/03, dated 6th June 2003, internal mail.

45. An addendum to the alternative site assessment was requested by the Environment Protection Directorate from WasteServ on 25th June 2003:⁴⁴

...The PDS contains sufficient information to determine that an EIA is required...However...there is no consideration of alternative sites. This was required in point (7) of the PDS guidelines

citing Regulation 5(3)(g) of Environmental Impact Assessment Regulations on this point which states that

a brief indication of the alternative uses and locations considered, including suitable alternative locations and sites for the proposed development and alternative uses or arrangement of land uses, on the proposed site;

46. In reply, WasteServ wrote to the Director General of MEPA on 27th June 2003, stating that⁴⁵

...discussions on this project have long been initiated between delegates from MEPA, Works Division and WasteServ Malta Ltd. A draft PDS was also forwarded to MEPA for initial comment. The project in question, as stipulated in the Strategy, requests the upgrading of the existing facility...there would be little to upgrade if the terms of reference are changed now.

...what is of greatest concern is the issue of EU funding...The award of a Framework Contract for the preparation of a Cohesion Fund is almost imminent. The terms of reference for these funding proposals specifically refer to the upgrading of the Sant Antnin Plant.

Any changes at this late stage will jeopardise EU Funding..

47. On 1st July 2003, the position of the Environment Protection Directorate was:⁴⁶

The issue arose whether to consider alternative sites (as suggested by M[ajor] P[rojects] T[eam]). We requested them to consider alternatives in the PDS. They do not seem to want to because [t]he upgrading of the plant is being funded by EU Structural Funds.

48. The Environment Protection Directorate wrote to the Director General on 1st July 2003 :⁴⁷

Considering that development refers to the Upgrading of the Sant Antnin Composting Plant, I feel that we can hardly insist on developer to consider alternative sites. This is also consistent with normal practice. Also, there is already an operational composting plant on site.

⁴⁴ Minute 3 of General File GF3623/03, dated 1st July 2003, letter of the Environment Protection Directorate to WasteServ Malta Ltd, dated 25th June 2003.

⁴⁵ Minute 5 of General File GF3623/03, dated 2nd July 2003, letter from WasteServ Malta Ltd to the Director General of MEPA, dated 27th June 2003.

⁴⁶ Minute 2 of General File GF3623/03, dated 1st July 2003, internal mail.

⁴⁷ Minute 4 of General File GF3623/03, dated 2nd July 2003, Memo from the Environment Protection Directorate to the Director General, dated 1st July 2003.

However, the Environment Protection Department stated that the consideration of alternative sites, which was requested in the PDS, would be in order for the following reasons:

- The development is substantial and the term upgrading minimizes the entity of the project;
- The sensitivity of the existing plant which is very close to residential area
- The throughput of the proposed facility is considerably more than that of the existing facility
- I have serious doubts whether the land available for the proposed facility will be enough to process, mature and store the product compost...
- The proposed facility will incorporate an M[aterials] R[ecovery] F[acility] which is not currently the case.

...it is my opinion that environmentally there is to gain from consideration of alternative sites.

The Position of the Ministry of Resources and Infrastructure

49. Correspondence, dated 11th July 2003, from the Permanent Secretary within the Ministry of Resources and Infrastructure to the Director General of MEPA, states that the Ministry is responsible for the outcome of a number of infrastructural projects⁴⁸

...that have been approved for co-funding under various financial instruments (5th Maltese-Italian Protocol, and EU pre-accession, structural and cohesion funds). You will appreciate that these financial instruments carry with them certain time frames that, if not honoured, will jeopardize the availability of the funds.

In this regard, your assistance in obtaining all the necessary permits in respect of the following projects will be appreciated.

50. With respect to the 'Upgrading of the Sant Antnin Composting Plant and the Material Recycling and Recovery Facility', the Ministry states that

Discussions have been ongoing since last year, but it is only now that MEPA have requested alternative sites – which means that the whole nature of this project would change from “upgrading of an existing plant and facility” to the construction of a new plant and facility. This would necessitate an increase in budget and result in a delay in the completion of the project. Our PDS in respect of San Antnin had been submitted in May 2003 and we are still waiting for the terms of reference for the EIA study to be carried out.

⁴⁸ Unminuted letter in General File GF3623/03, Permanent Secretary of the Ministry of Resources and Infrastructure to the Director General of MEPA, 'Co-Funding Projects', dated 11th July 2003.

The listed projects are Gozo Sewage Treatment Plant, Malta North Sewage Treatment, Malta South Treatment Plant, Malta South Transmission Infrastructure and Upgrading of the San Antnin Composting Plant and the Material Recycling and Recovery Facility.

This project will be co-financed by EU Cohesion Funds 2004-2006 (16MEUR), provided that all permits, EIA and feasibility studies would be completed in time for the construction works to take place within the set time frames.
...You will also appreciate the importance of not jeopardizing the availability of these funds.

Conditional Approval of the Project Description Statement

51. The PDS was approved by the Environment Protection Directorate on 16th July 2003 when MEPA wrote to WasteServ:⁴⁹

MEPA has approved the Project Description Statement...that was submitted on 27 May 2003, since it provides enough information on the nature of the development.

The proposed development requires the submission of an Environmental Impact Statement...

We refer to the meeting held with the Hon. Minister for Rural Affairs and the Environment on Tuesday 15 July 2003, during which the proposed development was discussed. In this respect, you are kindly requested to confirm in writing that alternatives sites will be considered in the EIS...

52. This acceptance was granted following a meeting with the Minister for Rural Affairs and the Environment on 15th July 2003:⁵⁰

As agreed yesterday with the Minister, this morning we have formally accepted the PDS...

on condition that WasteServ carry out the alternative site assessment.

Identification of Alternative Sites by MEPA

53. On 17th July 2003, the Environment Protection Directorate emailed the case officer⁵¹

I refer to the meeting held on Tue 15 with Minister G. Pullicino on the composting plant. At the meeting we had agreed that alternative sites would be considered. Wasteserv are now requesting that we send them a list of potential sites for their consideration. These are to be indicated on sitemaps.

This email was sent following WasteServ's written request, on 17th July 2003, to the Environment Protection Directorate for the draft TOR so that the EIA process may commence and emphasising "the restricted timeframes we are working in."⁵²

⁴⁹ Minute 10 of General File GF3623/03, dated 16th July 2003, letter from MEPA to WasteServ Malta Ltd, dated 16th July 2003.

⁵⁰ Minute 11 of General File GF3623/03, dated 16th July 2003, email of the Environment Protection Directorate to the Director General, dated 16th July 2003.

⁵¹ Minute 16 of General File GF3623/03, dated 18th July 2003, internal mail, dated 17th July 2003.

On 18th July 2003, WasteServ wrote to the Director General of MEPA stating that⁵³
 ...as agreed during our meeting with Hon George Pullicino of 15 July, the EIA will seek a justification of the preferred site by evaluating alternatives. As agreed, these alternatives are to be identified jointly with MEPA and a meeting in this regards is to be proposed by MEPA.

54. An internal meeting between the Environment Protection Directorate and the Planning Directorate was held on 23rd July 2003 to discuss potential sites.⁵⁴ The following sites were selected: Ghallis, Wied Ghammieq, Il-Mara and Benghajsa. Site plans were forwarded to WasteServ during a meeting held between same and MEPA on 30th July 2003.⁵⁵

The Environmental Impact Assessment Process

Scoping Exercise

55. As part of the scoping exercise, on 18th July 2003, the PDS was internally circulated at MEPA for consultation. It was sent to external consultees, namely Department of Agriculture, Marsascala Local Council, Nature Group, Malta Tourism Authority, Superintendence of Cultural Heritage, Energy Directorate and Water Directorate of the Malta Resources Authority, Department of Public Health, Drainage Department and Enemalta Corporation.⁵⁶ No consultation was carried out with Zejtun and Zabbar Local Councils, contrary to what was suggested by the Environment Protection Directorate to the Director General on 16th July 2003.⁵⁷
56. Adverts re public consultation of TOR of Environment Impact Assessment were issued on 16th July 2003.⁵⁸

⁵² Minute 14 of General File GF3623/03, dated 17th July 2003, email of WasteServ Malta Ltd to the Environment Protection Directorate of MEPA, dated 17th July 2003.

⁵³ Minute 20 of General File GF3623/03, dated 18th July 2003, letter of WasteServ Malta Ltd to MEPA, dated 18th July 2003.

⁵⁴ Minute 28 of General File GF3623/03, dated 23rd July 2003. Minutes of the meeting are not in MEPA files and hence one cannot note the criteria used in selecting the sites.

⁵⁵ Minute 33 of General File GF3623/03, dated 31st July 2003.

Minutes 31, 32 of General File GF3623/03, dated 31st July 2003, internal mail endorsing site plans at Kalkara Industrial Estate, Il-Mara and Ghallis.

The respective site plans, together with their estimated areas, were sent to WasteServ on 1st September 2003 following a request from the latter on of 29th August 2003 (Minutes 44, 49 of General File GF3623/03, dated 1st September 2003; correspondence of 29th August 2003 is not in MEPA files).

⁵⁶ Minutes 22, 23 of General File GF3623/03, dated 18th July 2003.

⁵⁷ Minute 11 of General File GF3623/03, dated 16th July 2003, internal mail.

⁵⁸ Ibid.

57. A letter dated 13th August 2003 from Marsascala Local Council requested a meeting with MEPA at the Local Council to discuss the PDS.⁵⁹ On 14th August 2003, Marsascala Local Council sent its comments to MEPA, stating that.⁶⁰

- L-ewwelnett, il-Kunsill ghamilha cara li t-trakkijiet li jgorru l-iskart lejn l-Impjant ghandhom jghaddu minn triq alternattiva li ghandha tigi maghmula ghal dan il-ghan.
- Peress li l-impjant se jsir skond standards tal-EU, t-trakkijiet ghandom ikunu wkoll skond dawn l-'ispedifications' u wara li jbattlu ghandhom jigu mahsula fl-impjant stess qabel ma johrog.
- Il-Kunsill issuggerixxa wkoll li biex jissebbah s-'soft areas' tal-lokal, il-giebja li ghandna fic-centru tal-lokal ghandha tigi mimlija regolari mill-kumpanija operatrici. L-ilma tal-giebja jintuza regoralrment ghat-tisqija tal-gonna u 'soft areas' tal-lokal.
- Peress li din ha tolqot hazin it-'traffic flow' tal-lokal, ghanu jsir 'traffic impact assessment' tal-area. Il-Kunsill jinsisti li ghandu jkollu rapprezentanza ta' zewg kunsilliera fuq il-bord jew il-Kunsill tal-Impjant u jkollu d-dritt li jidhol fl-Impjant biex jaghmel spezzjoni tieghu.
- ...jitlob garanzija li r-riha se tkun assenti mil-lokal u jekk tkun prezenti, r-residenti ikollu d-dritt ta' kumpens ghad-danni jew inkonvenjent.
- Il-'Waste Separation at Source' ghandu jibda immedjatament f'Marsaskala u wara jigi estiz ghal Malta kollha.
- Emissjoni ta' 'carbon dioxide' u gassijiet ohra ghandhom jinqerdu mmedjatament u ma jithallewx li jinfirxu fl-arja.
- Iz-zona fejn isir il-'waste collection' u l-process tal-'waste' ghandu jinzamm nadif u jkun 'monitored' mill-operaturi tal-Impjant u dan jinkludi t-triq li jghaddu t-trakkijiet minnha.
- Dan il-process ghandu jinkludi zvilupp ta' 'recreation' u 'parking area' pubblika hdejn l-Impjant tar-Riciklagg a spejjez tal-operaturi bhala kumpens ghar-residenti tal-inkonvenjent li jkun inqala.
- ...ghandu jkun accertat u ggarantit li l-iskart (organic waste) li jidhol fir-'reception area' jigi ttrattat fl-istess gurnata u l-ebda skart ma jithalla biex jigi processat il-gurnata ta' wara...
- ...peress li l-lokalita` ta' Marsaskala ghandha ekonomija bbazata fuq it-turizmu li tinkludi nvestimenti kbar f'dan is-settur, l-amministrazzjoni ghandha jkollha rispettt kbir ghal dan il-fatt.

58. The Public Health Department requested the following to be inserted in TOR:⁶¹

- (i) water pollution from leachate
- (ii) air pollution from biogas, odour and dust
- (iii) surface water management
- (iv) internal haul roads management

⁵⁹ Minute 34 of General File GF3623/03, dated 13th August 2003, letter of Marsascala Local Council to MEPA, dated 13th August 2003.

⁶⁰ Minutes 35, 38 of General File GF3623/03, dated 18th August 2003 and 22nd August 2003, letter of Marsascala Local Council to MEPA, dated 14th August 2003.

⁶¹ Minute 53 of General File GF3623/03, dated 2nd September 2003, letter bearing minute no. 54, of Public Health Department to MEPA, dated 19th August 2003.

- (v) noise assessment
 - (vi) location of sensitive receptors
 - (vii) waste transportation with respect to noise, dust, air pollution, etc.
59. The Water Directorate of the Malta Resources Authority recommended that the following are inserted in the TOR:⁶²
- (i) description of physical characteristics of the project;
 - (ii) estimated projections of waste quantities with respect to groundwater contamination etc.;
 - (iii) details of materials received and products (compost) and sites proposed for its application; also method of disposal for construction wastes;
 - (iv) water, energy and mineral resources requirements and how will these be met, energy recovery potential and options;
 - (v) geology, geomorphology, hydrogeology, hydroclimatology, hydrology with water balance models, soils and palaeontology of study area with impact and risk assessments and mitigation measures.
60. The Energy Directorate of the Malta Resources Authority requested that⁶³
- Any energy recovery systems are recommended to be included in the process. The energy requirements of the plant are to be highlighted and the inclusion of energy efficiency equipment and processes are recommended.
61. Enemalta Corporation stated that⁶⁴
- ...Enemalta is only interested in the electricity requirements of the project. As such before we can send you our approval we need to have a breakdown of the existing and future power supply requirements.
62. The final TOR for the EIS were submitted to WasteServ on 22nd August 2003.⁶⁵
63. In view of the recommendations proposed by the Energy Directorate of the Malta Resources Authority, WasteServ Malta Ltd had given⁶⁶

⁶² Minute 54 of General File GF3623/03, dated 2nd September 2003, letter bearing minute no. 53, of Malta Resources Authority to MEPA, dated 21st August 2003.

⁶³ Minute 29 of General File GF3623/03, dated 30th July 2003, letter of Malta Resources Authority to MEPA, dated 24th July 2003.

Minute 15 of Planning File PA2838/03, dated 2nd September 2003, letter of Malta Resources Authority to MEPA, dated 27th August 2003.

⁶⁴ Minute 16 of Planning File PA2838/03, undated, letter of Enemalta Corporation to MEPA, dated 28th August 2003.

⁶⁵ Minute 42 of General File GF3623/03, dated 22nd August 2003.

⁶⁶ Minute 21 of Planning File PA2838/03, dated 14th November 2004, letter of WasteServ Malta Ltd to MEPA, dated 4th November 2003.

great consideration ... to the production of biogas from the bio waste to be treated at this plant.

Approval of Consultants

64. On 30th August 2003, WasteServ contacted MEPA requesting approval for their technical assistance team re parts of the environmental impact assessment, which approval was confirmed on 2nd September 2003.⁶⁷
65. A list of EIA Consultants was received on 24th February 2004, which consultants were approved by the Environment Protection Directorate in a letter dated 25th February 2004.⁶⁸ The EIA consultants were Adi Associates in conjunction with Enviros Consulting, with various sub-consultants.⁶⁹
66. On 26th February 2004, WasteServ, through their overseas-based waste management consultants, requested guidance from MEPA on a number of environmental and planning issues re proposal.⁷⁰ A meeting was held on 24th March 2004 between MEPA and WasteServ to discuss the issues, during which meeting layout of proposed development was presented.⁷¹
67. However, MEPA emphasised that⁷²
- ...before any comments may be taken on site WasteServ should submit the study it was required to make on site selection considering the alternative sites recommended by MEPA or any other site deemed suitable for such use. Perit Anthony Cassar [for WasteServ] noted that no other site has been considered and the conceptual design was developed for the St. Antnin Composting Plant. He insisted that this issue should be cleared with WasteServ Ltd. Thus it was agreed to hold a follow-up meeting...

⁶⁷ Minute 45 of General File GF3623/03, dated 1st September 2003, email of WasteServ Malta Ltd to MEPA, dated 30th August 2003.

⁶⁸ Minute 62 of General File GF3623/03, dated 24th February 2004, letter of WasteServ Malta Ltd to MEPA, dated 24th February 2004.

⁶⁹ Minutes 70, 74 of General File GF3623/03, dated 1st March 2004, letter of WasteServ Malta Ltd to MEPA, dated 1st March 2004.

Minute 103 of General File GF3623/03, dated 3rd June 2004, memo of the Environment Protection Directorate to the Director General of MEPA, dated 3rd June 2004.

⁷⁰ Minutes 69, 73 of General File GF3623/03, dated 3rd March 2004, email of Perit A. Cassar to MEPA, dated 27th February 2004, enclosing a letter of the overseas consultant.

In this report, it is stated that

The waste will be delivered by trucks on a 16 hour shift, 6 days a week. It is envisaged that there will be about 180 deliveries per day.

At this point there was a change in architect to Perit A. Cassar of A & C Consultants.

⁷¹ Layout was designed by Perit Joseph Bondin & Associates.

⁷² Minute 27 of Planning File PA2838/03, dated 24th March 2003.

Minute 75 of General File GF3623/03, dated 24th March 2004, internal mail.

68. Still, MEPA insisted that⁷³
- ...before any conceptual design may be assessed – the assessment of the alternative sites shall be carried out.
69. On 1st April 2004, WasteServ presented new EIS consultants: AIS Environmental Ltd in conjunction with SLR Consulting Ltd, where MEPA approved the consultants by a letter dated 7th April 2004,⁷⁴ following a meeting held between MEPA, the new EIA Consultants and WasteServ on 6th April 2004 to discuss TOR.⁷⁵

Alternative Site Selection Assessment

70. During the meeting of 6th April 2004, WasteServ informed MEPA that a site selection exercise was being carried out. An *Alternative Site Assessment*⁷⁶ was presented by WasteServ to MEPA on 21st May 2004, soon after MEPA had sent WasteServ a reminder that they are “still awaiting for the said [site selection] assessment.”⁷⁷ Internal consultation commenced on 24th May 2004.⁷⁸

Comments of the Planning Directorate

71. The South Malta Local Plan Unit stated that⁷⁹
- ...the report [*Alternative Site Assessment*] gives a good evaluation of the various sites considered even though the conclusion reached seemed inevitable...I generally agreed with the evaluation ...[that the other sites] were clearly not adequate for the proposed development. At this stage I am not in a position to identify other sites for consideration and I do not think we should once MEPA had already indicated the sites for assessment. Therefore I will focus on the sites assessed.

⁷³ Minute 29 of Planning File PA 2838/03, dated 29th March 2004.

⁷⁴ Minute 77 of General File GF3623/03, dated 1st April 2004, letter from WasteServ Malta Ltd to MEPA, dated 1st April 2004.

⁷⁵ Minute 103 of General File GF3623/03, dated 3rd June 2004, memorandum from the Environment Protection Directorate to the Director General of MEPA, dated 3rd June 2004.

⁷⁶ The site selection exercise was prepared by SLR Consulting Ltd in association with AIS Environmental Ltd on behalf of WasteServ Ltd, dated May 2004.

A second version of the said assessment was prepared by SLR Consulting Ltd on behalf of WasteServ Ltd, dated June 2004. A final version was submitted in July 2004.

⁷⁷ Minute 81 of General File GF3623/03, dated 5th May 2004, email from MEPA to WasteServ Malta Ltd, dated 5th May 2004.

Minute 83 of General File GF3623/03, dated 21st May 2004.

⁷⁸ Minute 84 of General File GF3623/03, dated 24th May 2004, internal memorandum, dated 24th May 2004 which stated that

The consultants have carried out a Site Selection Exercise prior to commencing detailed studies on the preferred site.

⁷⁹ Minute 85 of General File GF3623/03, dated 24th May 2004, internal mail.

...The S[outh]M[alta]L[ocal]P[lan] designates this site for such use...the S[outh]M[alta]L[ocal]P[lan] is proposing a new road to by pass Zabbar and Fgura areas...The site between the existing plant and the Razzett tal-Hbiberija is proposed as a recreational area...It will certainly make this expansion less objectionable.

Il-Mara – Policy MV 05 identifies this site as a potential camping site. It is also adjacent to an SAC (Natura 2000 site).

Therefore I agree to the proposed Sant'Antnin site.

72. The Transport Planning Unit stated that:⁸⁰

...site selection exercise fairly evaluates the transport issues associated with the four sites. I agree with the main conclusions.

73. The Strategic Planning Section raises a number of clarifications, namely why was Kalkara Industrial Estate included when⁸¹

There are tracts of industrial land which are more strategically located and which are vacant.

and why “a site outside Hal Far industrial estate” was discarded when it was discussed at Major Projects Team level:

The underlying problem for discarding the sites appears to be the size of the sites. It also transpires that MEPA suggested the three alternative sites. It is recommended that when sites are suggested, these should be of the same order of magnitude, to have the physical capacity to accommodate the proposed uses and to be readily available. It appears from the report (pg. 17) that “the three sites were unsuitable due to the restricted land available”. The report also seems to suggest that the environmental impediments identified at each site are secondary to this limiting factor.

From a strategic point of view, therefore it appears that the alternative sites did not qualify as alternative sites primarily because of size. Therefore the choice for the Sant Antnin site was a foregone conclusion from the beginning.

Comments of the Environment Protection Directorate

74. The Nature Protection Unit did not agree with the contents of the *Alternative Site Assessment* and stated that Sant Antnin is the preferred site from the biodiversity point of view since⁸²

...it appears to be the most feasible option with least impact on areas of ecological value.

⁸⁰ Minute 91 of General File GF3623/03, dated 25th May 2004, internal mail.

⁸¹ Minute 94 of General File GF3623/03, dated 26th May 2004, internal mail.

⁸² Minute 87 of General File GF3623/03, dated 24th May 2004, internal mail.

Minute 101 of General File GF3623/03, dated 3rd June 2004, internal mail.

75. The Resources Management Unit commented that⁸³

...it is a bit futile to look at alternative sites that do not meet the required specifications for the proposed development. What possibility exists to identify available and suitable land area within the Kalkara Industrial Estate, given that we are encouraging such development into Industrial areas as well with the Waste Management Subject Plan?

Ideally, in the event of finding a suitable area there is the potential of decommissioning existing site near Sant Antnin and rehabilitating the area to a more natural state and reducing the concrete surfacing in the valley system.

76. The same Unit stated the following site specific comments⁸⁴

Re: Ta' Ghallis site:

- (i) *Structure Plan* policies RCO 28 and 29 apply since it forms part of a shallow valley;
- (ii) the site area is listed as a Level 3 Area of Ecological Importance;
- (iii) Rural Conservation Area policies apply; and
- (iv) highlights quote from assessment:

This site is however located immediately adjacent to one residential property which would probably need to be removed due to the overall level of impacts.

Re: Sant'Antnin site:

- (i) Rural Conservation Area policies apply;
- (ii) Valleys are protected through *Structure Plan* policies RCO 28 and 29;
- (iii) the report does not highlight the ecological/geomorphological value of the area;
- (iv) the report does not evaluate the possibility of restoring the site back to its original land use; and
- (v) does not highlight the impacts of the current facility;

Re: Il-Mara site:

Site is scheduled and designated as a Special Area of Conservation of International Importance in terms of the Habitats Directive

The report concludes that

There is no particular reason for the selection of the alternative sites assessed in the report except for the fact that all the sites have been earmarked for development related to waste management (e.g. sewage treatment plants). However this does not exclude the possibility that there are other sites, within

⁸³ Minute 95 of General File GF3623/03, dated 27th May 2004, internal memorandum.

⁸⁴ Minute 97 of General File GF3623/03, dated 28th May 2004, internal memorandum.

the Maltese Islands that are more appropriate for the construction of the composting plant (e.g. other industrial areas).

Although the environmental issues raised in the report are agreed with, other sites, including sites located within other industrial zones, should have been assessed. Furthermore, the location of Sant Antnin within a valley system should be given more importance.

77. The Environment Protection Directorate had recommended WasteServ on 1st June 2004 to assess siting the proposed development⁸⁵

...on vacant land within an industrial park... Note that this is being requested in order to preempt concerns which the public and stakeholders may have following the circulation of the site selection exercise as currently formulated.

Comments of the Case Officer

78. The case officer stated that⁸⁶

...the developer only considered the sites mentioned by MEPA as possible sites without really bothering to consider seriously the choice of locating the new plant in a more appropriate area. If the study was to be taken seriously the sites with the site boundaries as indicted by MEPA would not even have been studied as it is clear that the sites are relatively smaller than that at Marsaskala... Thus the site selection exercise carried out does not represent a serious attempt to consider the possibility of having a new location for the new MRF.

Existing design capacity of the existing facility was circa 80,000 tpa. While the proposed throughput of 210,000 tpa will therefore require a significant increase in the capacity. (9pg 6 Para 3.1)

In fact it is now being stated that the MRF has no direct relationship with the other treatment facilities and thus the potential that this element of the facility could be located elsewhere. (pg 6/7 para 3.2)

79. The case officer further commented that, unlike concerns stated in the *Alternative Site Assessment* re “undeveloped and largely natural area” at Ghallis, the Ghallis site is adjacent to proposed engineered landfill and a degraded area already used for dumping of municipal solid waste. “Thus [such] concerns...should be read with this consideration in mind.”

80. With respect to Sant Antnin site, the case officer observed that

⁸⁵ Minute 98 of General File GF3623/03, dated 1st June 2004, letter from MEPA to WasteServ Malta Ltd, dated 1st June 2004.

⁸⁶ Minute 99 of General File GF3623/03, dated 1st June 2004, internal mail.

No comments were noted re Kalkara Industrial Estate and re Il-Mara, the case officer commented that the assessment presented a “Cosmetic evaluation of the site”.

Site is located towards one end of the Island and is not therefore in the ideal strategic location. The proposed development will involve a significant increase in traffic levels. One should also note that the traffic to access the site pass through several residential areas eg. Fgura, Zabbar, Zejtun

81. Internal comments of MEPA were sent to WasteServ on 2nd June 2004:⁸⁷
- (i) The *Alternative Site Assessment* questions whether the proposal can be termed upgrading and if not, suggests that application title needs to be changed;
 - (ii) The assessment excluded the possibility of assessing other areas;
 - (iii) The assessment did not explore the possibility of extending the boundary areas identified by MEPA further;
 - (iv) The PDS does not give the overall area required by the proposal
 - (v) The assessment
...does not represent a serious attempt to consider the possibility of having a new location for the new MRF...it is now being stated that the MRF has no direct relationship with the other treatment facilities and thus the potential that this element could be located elsewhere.
 - (vi) Sant' Antnin is definitely not central, unlike what is stated in assessment and lies close to sensitive receptors;
 - (vii) Only Ghallis lies nearest to waste arisings as outlined in the *Assessment*; and
 - (viii) All sites fall within a Rural Conservation Area.

Revision of timeframe for Environmental Impact Assessment Process

82. On 3rd June 2004, WasteServ emailed the Environment Protection Directorate requesting a review of the EIA timeframe⁸⁸

Following yesterday's meeting with the Hon. Minister...a decision by MEPA [is to be reached] by the 2nd week of September...

83. A report entitled 'Changes to the Application re Design, Construction and Operation of a Composting Plant and a Materials Recovery Facility' stated that:⁸⁹

⁸⁷ Minute 100 of General File GF3623/03, dated 2nd June 2004.

This report is an amalgamation of all comments from the internal consultation exercise carried out at MEPA, with the addition of the following comment:

The possibility of utilising the quarry at Wied iz-Ziju to locate certain ancillary facilities was not explored

⁸⁸ Minute 97 of General File GF3623/03, dated 28th May 2004, internal memorandum.

⁸⁹ Minutes 104, 105 of General File GF3623/03, dated 8th June 2004.

During the first public consultation process for the site selection, the issue of odours emanating from the plant have been raised. Guarantees that no odours will come out of this plant have been requested. The local council of the area is insisting that if these guarantees are not forthcoming then residents will resort to claims for damage or inconvenience...

Due to concerns raised during the first public consultation process, an amended project is being proposed. This will include:

- (i) A new mechanical treatment plant (which is used for mechanical separating of waste), instead of an upgrade of the existing one, will be included in the project so that negative environmental impacts are further reduced.
- (ii) A material recovery facility, which is already included in the project proposal.
- (iii) A briquetting system. This will replace the digestion system (originally proposed) to reduce to the lowest possible level the landfilling of waste. Briquettes will be stored and later utilised for energy recovery purposes. In fact, during the first public consultation process, the Malta Resources Authority has recommended to the Malta Environment and Planning Authority that any energy recovery systems should be included in the process.

- The amended project will only deal with the initial stages of the composting process, that is, the waste separation prior to the composting process proper. The composting process proper will take place on two sites that will be close to rural areas so that [the] farmers can make use of the compost. For these sites an EIA process will take place. Funds for these two plants will not form part of the present Cohesion Funds application.
- Due to the fact that the project is being reviewed with a lesser environmental impact than originally planned (due to the transfer elsewhere of the composting operations proper), the Malta Environment and Planning Authority (MEPA), which is the competent Authority on granting development and environmental permits is studying the possibility that an EIA may not be required for the site selected for this reduced waste management activity.

84. The Director General requested the Environment Protection Directorate to work out time frames if the application is changed from a composting plant to a briquetting plant. The Directorate's reply was that WasteServ would then need to resubmit a new project description statement and go through the entire environmental impact assessment process, resulting in the issue of a development permit at the end of November 2004, at the earliest. The Director General's reply queries that since⁹⁰

...the EIA process should be an iterative process, once this has already started should we not request applicant to amend application proposal...?

⁹⁰ Minute 105 of General File GF3623/03, dated 8th June 2004, internal mail.

85. At one point, WasteServ suggested that an environment impact assessment is not required as advised by their technical consultants. The Environment Protection Directorate noted that an EIS is mandatory according to local regulations which go beyond what Annex II of Directive 75/442/EC stipulates.⁹¹

86. The Director General requested a second revision of the EIA timeframe on 9th June 2004 by the Environment Protection Directorate since⁹²

We need to telescope time frame to possibly achieve a permit by end September.

The Environment Protection Directorate's reply was that despite efforts to minimise processing times, the earliest date for the MEPA Board to go for a decision is end November 2004.

87. To get to this date, the Environment Protection Directorate assumed synchronized effort from all interested parties; for example,

- (i) it was assumed that a new PDS is submitted just after four (4) days from submission of PDS guidelines;
- (ii) the EIS is submitted just three (3) weeks after submission of TOR;
- (iii) MEPA reviews and certifies EIS just one and a half (1½) months from its submission;
- (iv) The development application is submitted on the same day that the EIS is certified;
- (v) A public hearing is held three (3) weeks later;
- (vi) MEPA finalises the Development Permit Application Report three (3) days later; and
- (vii) MEPA decides on the application two (2) weeks later, that is at end of November 2004.

88. The Environment Protection Directorate emailed WasteServ on 10th June 2004, notifying them of the guidelines for the PDS for the mechanical waste separation facility:⁹³

We realise that the new proposal is substantially different from the previous proposal as far as land take, emissions, etc. are concerned. However, [re] alternative uses and locations...you may still wish to refer to the report of the siting exercise, already submitted.

89. A third effort for a revision of the timeframes of the EIA process was suggested by the Director General to the Environment Protection Directorate on 12th June 2004.⁹⁴

⁹¹ Minute 105 of General File GF3623/03, dated 8th June 2004, internal mail.

⁹² Minute 106 of General File GF3623/03, dated 10th June 2004, internal mail.

⁹³ Minute 107 of General File GF3623/03, dated 10th June 2004, email of MEPA to WasteServ Malta Ltd, dated 10th June 2004.

In this third revision, the submission of the development application was shifted to two (2) weeks prior the submission of the EIS, thus gaining on processing time. The EIS would be submitted a fortnight later and is reviewed and certified by MEPA within a month and a half that is by mid-September 2004. Thence, the MEPA Board goes for a decision by the end of October 2004, a gain of one month. The Environment Protection Directorate agreed with the Director General's timeframe on 14th June 2004.

90. The Environment Protection Directorate informed the Director General on 14th June 2004 that WasteServ wanted an open development application on the types of waste treatment options proposed:⁹⁵

...WasteServ are not sure of the technical options that would be implemented. Contrary to what was said at the meeting with the Minister, they do not want to rule out composting.

It was agreed that the following could possibly be the best way forward:

1. WasteServ would finalise the site selection exercise, as per MEPA's comments
2. Seek Board's approval re site
3. WasteServ would proceed with the current EIS on the Upgrading of Sant Antnin Composting Plant. The EIS would consider a number of alternative options besides composting...The EIS would come up with a recommendation re. option/s for implementation.

Revised Alternative Site Assessment

91. A revised *Alternative Site Assessment* was submitted to MEPA on 22nd June 2004⁹⁶

If this report is accepted by MEPA and approved by the Board this Thursday, WasteServ will submit all the hard copies requested.

92. On 22nd June 2004, the Environment Protection Directorate commented that⁹⁷

...are we going to MEPA Board to approve the Alternative Site Assessment or for the Board to select the best site?...no public consultation has been carried out on the alternative site assessment; this is an important point and board should be informed accordingly...

93. A guidance note for the MEPA Board was formulated on 22nd June 2004 by the Environment Protection Directorate and the case officer.⁹⁸ This included:

⁹⁴ Minutes 108, 110 of General File GF3623/03, dated 14th June 2004, internal mail.

⁹⁵ Minute 111 of General File GF3623/03, dated 14th June 2004.

⁹⁶ Minute 117 of General File GF3623/03, dated 22nd June 2004, email of WasteServ Malta Ltd to MEPA, dated 18th June 2004.

⁹⁷ Minute 118 of General File GF3623/03, dated 22nd June 2004, internal mail.

⁹⁸ Minute 119 of General File GF3623/03, dated 22nd June 2004, internal memorandum to the Director General, dated 22nd June 2004.

- (i) a brief description of the proposal where it was stated that the development will deal with household, commercial and industrial wastes from the Maltese Islands, such that the Plant would receive a maximum of 200,000 tonnes of waste per annum.
- (ii) that the *Alternative Site Assessment* presented Sant Antnin site as the optimal site

Although the report evaluates the environmental issues for each...site, the selection of the site is mainly based on space considerations. The report does not consider sites, other than those that had been indicated by MEPA.

- (iii) that the PDS stated the area for the entire project to be 1.8 ha, whereas in the *Alternative Site Assessment* it was stated that 4 ha were required; the revised *Alternative Site Assessment* states that the former figure was "erroneously stated".
- (iv) No public consultation on the revised ASA was carried out.

94. The guidance note recommends that⁹⁹

...the Planning and the Environment Protection Directorates are requesting guidance on the choice of site. This is based on the fact that the proposed processes require a complete redevelopment of the site and increasing its capacity from 30,000 tonnes per annum to 200,000 tonnes per annum. Moreover, the Environment Protection Directorate recommends that the EIS is initiated on the agreed site.

95. The guidance note further recommends that both the *Alternative Site Assessment* and the application proposal are amended

to include demolition of existing plant and its replacement with a range of new structures.

Endorsement of Alternative Site Assessment by MEPA Board

96. During the MEPA Board meeting sitting number PA 91-03/04 of 24th June 2004, the Planning and Environment Protection Directorates made a presentation entitled 'Request for Guidance on the Alternative Site Assessment (ASA)'.¹⁰⁰ The concluding statement of the presentation was

A[lternative] S[ite] A[ssessment] rightly concludes that based on size and current activities, Sant Antnin is the best option.

Guidance is requested for the following:

⁹⁹ These final comments were amended a number of times: initially the note was going to state that Sant Antnin was the preferred site, but then decided to put the onus onto the MEPA Board.

¹⁰⁰ Minute 123 of General File GF3623/03, dated 23rd June 2004.

1. The choice of site (redevelopment of site & increase in capacity from 30,000 to 300,000 tonnes p.a.)
2. EIS is initiated on the agreed site
3. Amend A[ternative] S[ite] A[ssessment]
4. Amend proposal to include a demolition of existing plant & its replacement with a range of new structures
5. Public consultation on the A[ternative] S[ite] A[ssessment]

97. During the MEPA Board meeting of 24th June 2004, it was stated that¹⁰¹

... between 1999 and 2001, the Sant Antnin facility handled about 30,000 tonnes of mixed municipal waste together with about 2,000 tonnes of separated waste per annum. This produced around 3,000 tonnes of compost. The designed capacity of the existing facility is of about 80,000 tonnes per annum. The proposed facility would need to cater for around 200,000 tonnes and would require a significant increase in the capacity of the plant.

The report [Alternative Site Assessment] argues that although the Materials Recycling Facility does not have a direct relationship with other treatment facilities there are likely to be operational synergies with having all the facilities at a single location. This facility is linked to the separate collection of recyclable materials from household and accounts for about 20% of the scheme.

The Alternative Site Assessment report concludes that the Sant'Antnin Compost Facility is the only identified location suitable for the proposed development. The other locations are far too small and environmental considerations make them less attractive.

98. During the discussion of the Board meeting it was argued that:¹⁰²

Members cannot be asked to decide on the most suited location for these facilities when the strategy was not available. The whole approach to the issue was being reversed. Before the site can be identified, the technology being proposed had to be known. The site depended on the technology and not vice versa. Naturally, the technology depended on the successful tender...The chairman stressed the importance for the board to take a decision if Malta was to benefit from international funding for the project. He explained that the site selection was without prejudice to the whole EIA process.

¹⁰¹ Minute 134 of General File GF3623/03, dated 5th July 2004, internal mail.

¹⁰² Ibid.

99. The Chairman of the MEPA Board put forward the proposal of choosing Sant Antnin area as the optimal site for the project and endorsed the recommendations of the Directorate. It passed eight (8) votes in favour and three (3) against.¹⁰³
100. The decision of the MEPA Board was communicated to WasteServ in a letter dated 1st July 2004, informing them that the EIA may commence on the Sant Antnin site and requesting a number of amendments of the *Alternative Site Assessment* for the latter to be forwarded for public consultation.¹⁰⁴

Amendment to Planning Application

101. An amendment of the description of the planning application was requested by MEPA on 5th July 2004 from WasteServ to include the demolition of the existing plant and its replacement with new structures that is, a Materials Recovery Facility, a Mechanical Treatment Plant, a Digestion Plant and a Composting Plant. Moreover, drawings on existing and proposed site features, landscaping and structures were to be forwarded.¹⁰⁵
102. On 22nd September 2004, Perit Joseph A. Pace sent a letter to the Chairman of MEPA informing him of the change of architect for the project; endorsed an amended application form together with the requested plans. In the amended application, the proposal is described as 'demolition of existing plant and its replacement with range of new structures to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and composting plant' and the site area is noted as 47,500 sq.m.¹⁰⁶
103. Minute 35 of Planning File PA 2838/03, dated 10th October 2004, states that 'Application may need re-advertisement' in view of the new description of the

¹⁰³ Minute 134 of General File GF3623/03, dated 5th July 2004, internal mail.

¹⁰⁴ Minute 132 of General File GF3623/03, dated 5th July 2004, letter of MEPA to WasteServ Malta Ltd, dated 1st July 2004.

The amendments requested included:

- (i) The inclusion of biogas in the project description and conclusion;
- (ii) The insertion of the statement that the TOR for the EIA requested an alternative site assessment to be carried out and that other sites were considered in the TOR;
- (iii) Greater detail on the anaerobic digestion and mechanical treatment plant since they were absent in the PDS;
- (iv) The insertion of the statement that MEPA did not exclude the possibility of including additional areas or to extend the identified sites; and
- (v) Change in the project description to read that the existing structures would be demolished and replaced with a range of new buildings.

¹⁰⁵ Minute 31 of Planning File PA2838/03, dated 5th July 2004, letter of MEPA to WasteServ Malta Ltd, dated 5th July 2004.

¹⁰⁶ The original application did not specify the site area.

proposed development and Minute 36 of same, dated 3rd November 2004, states that a new site notice and relevant letters have been referred to be issued.¹⁰⁷

104. MEPA informed WasteServ on 8th November 2004 that the new target date for this application is 5th May 2005 and that a new site notice was issued bearing same date.

Public Consultation on the Alternative Site Assessment

105. A revised version of the *Alternative Site Assessment* was submitted to MEPA on 5th July 2004.¹⁰⁸

106. Public consultation on the alternative site assessment had been carried out with:¹⁰⁹

- (i) Ministry for Rural Affairs and Environment
- (ii) Superintendence of Cultural Heritage
- (iii) Malta Tourism Authority
- (iv) Local Councils for Marsascala, Naxxar, Birzebbugia, Kalkara, Xghajra, Zabbar, Zejtun, Fgura
- (v) Nature Group
- (vi) Department of Public Health
- (vii) Water Directorate and Energy Directorate and Mineral Resources Directorate of Malta Resources Authority.

107. The consultation letter was circulated on 2nd August 2004.¹¹⁰ The covering letter was headed 'Improvement works at Sant Antnin waste treatment plant, Marsascala'.

108. Naxxar Local Council stated that¹¹¹

Apparently the three alternative sites were chosen on the basis of the site size specified in the Project Description Statement which quoted Sant'Antnin as 1.8ha...As a result of this error, a needless site assessment was undertaken wasting valuable resources and time.

109. Nature Group stated that¹¹²

¹⁰⁷ Minute 37, 38 of Planning File PA2838/03, undated, letter of MEPA to WasteServ Malta Ltd and site notice, dated 8th November 2004.

¹⁰⁸ Minute 140 of General File GF3623/03, dated 7th July 2004.

¹⁰⁹ Minute 86 of General File GF3623/03, dated 5th May 2004, fax from MEPA to WasteServ Malta Ltd, dated 24th May 2004.

¹¹⁰ Minute 170 of General File GF3623/03, dated 2nd August 2004, letter from MEPA to public consultees as per list, dated 2nd August 2004.

¹¹¹ Minute 173 of General File GF3623/03, dated 31st August 2004, letter from Naxxar Local Council to MEPA, dated 25th August 2004.

It seems to be more feasible to locate all the facilities within the same site and on a site which at present is already industrialised. Overall we tend to agree with the assessment that Sant Antnin is the most suitable site...

It recommended issues pertaining to the environmental impact assessment.

110. Marsascala Local Council stated all the points highlighted in their consultation letter of 14th August 2003, with respect to the PDS and adding that¹¹³

...jekk se jkun hemm fondi mill-Unjoni Ewropea, l-Impjant ghandu jigi trasferit ghall-lokalita` ohra.

111. The Kunitat Kontra L-Impjant Ghar-Riciklagg Kif Propost objected to the alternative site assessment on 31st May 2005.¹¹⁴

... iz-zona biex takkomoda l-impjant propost ma tridx tkun anqas minn 47,000 m kwadru jew 4.7 hectares.

[Hemm] disparita` kbira fid-daqs li hemm bejn is-siti proposti... B'danakollu, l-SLR baqghet ghaddejja bl-hekk imsejjah 'analizi komparattiv', daqs li kieku dan l-izball hekk grossolan ma ezistix, u waslet ghall-konkluzjoni li...d-daqs tas-siti proposti huma zghar hafna biex jakkomodaw il-progett propost. L-uniku li seta' jakkomoda l-progett huwa biss dak ta' Sant'Antnin.

... ghalhekk l-assessment ma seta' qatt kien wiehed ekwu u gust ... il-Kunitat huwa konvint li l-analizi msemmi mhux biss imur l'hemm mill-ekwita` u l-gustizzja, imma sahsitra, jirrendi lilu nnifsu bhala farsa, u jgib fix-xejn l-istess terms of reference...Aghar minn hekk, fil-prattika, janulla l-istess skop li ghalih sar.

112. MEPA reacted to this objection letter stating that:¹¹⁵

L-ghazla tas-sit ta' Sant'Antnin giet ibbazata fuq id-daqs tas-sit li jista' jakkomoda dan il-progett propost u fuq il-fatt li l-uzu kurrenti ta' l-art f'Sant'Antnin tige qed tintuza bhala facilita' ghall-immanigjar ta' l-iskart.

MEPA confirmed that the *Alternative Site Assessment* did not consider other sites except those indicated by MEPA.

¹¹² Minute 174 of General File GF3623/03, dated 31st August 2004, email from Nature Trust to MEPA, dated 31st August 2004. Nature Group consisted of Nature Trust and Din L-Art Helwa.

¹¹³ Minute 33 of Planning File PA2838/03, dated 20th August 2004, letter of Marsascala Local Council to MEPA, dated 12th August 2004.

¹¹⁴ Minute 68 of Planning File PA2838/03, dated 6th June 2005, letter of Kunitat Kontra L-Impjant Ghar-Riciklagg Kif Propost to MEPA, dated 31st May 2005.

The Kunitat is made of the mayors of the Local Councils of Marsascala, Zejtun and Zabbar, representatives of seven non governmental organisations and representatives from the Malta Labour Party and Alternattiva Demokratika.

¹¹⁵ Minute 70 of Planning File PA2838/03, dated 13th June 2005, letter of MEPA to Kunitat Kontra L-Impjant Ghar-Riciklagg Kif Propost, dated 13th June 2005.

113. On 30th June 2005, the Kumitat Kontra L-Impjant Ghar-Riciklagg Kif Propost sent a letter with approximately 8,000 petitions against the proposed development.¹¹⁶

The First Version of the Environmental Statement

114. The first version of the EIS, dated October 2004, was sent for consultation on 1st November 2004.¹¹⁷ The covering letter to the EIS bears subject 'Improvement works at Sant Antnin Waste Treatment Plant'.

115. As described in the EIS, the project would consist of the following:¹¹⁸

- (i) A Materials Recovery Facility (MRF) to sort 36,000 tonnes of dry recyclables per year from bring sites and doorstep collections;
- (ii) A Mechanical Treatment Plant (MTP) to sort 130,000 tonnes of municipal solid waste into wet organic waste, metals and dry rejects;
- (iii) A Digestion Plant to process from 35,000 tonnes of sorted biodegradable waste per year to produce biogas for electricity;
- (iv) A Composting Plant to compost the digestate from the digestion plant; and
- (v) Reception area, including weighbridge, and site offices.

Thus the entire plant would have an annual operating design capacity of 200,000 tonnes of municipal solid waste. Rejects and residues from the plant would be landfilled at Ghallis, Naxxar.

116. The EIS states that the technical specifications for the project are not given since, at that stage, only the nature of the project is known. An environmental impact assessment was required for procuring the EU Cohesion Funding necessary for financing the project:¹¹⁹

In the opinion of SLR, sufficient detail and data is available to ensure that the potentially significant impacts arising from the development have been fully considered, and that the revised Terms of Reference set out by MEPA have been met.

Consultation on the First Version of the Environmental Impact Statement

¹¹⁶ This petition was not minuted in Planning File PA2838/03, but inserted as document 71A.

¹¹⁷ Minute 184 of General File GF3623/03, dated 1st November 2004. The delivery note was identical to that of Minute 86 of same, except that the EIS was also forwarded to the Kummissjoni Ambject Arcidjocesi ta' Malta. This is the first instance that the Kummissjoni was consulted on the issue.

¹¹⁸ SLR, AIS Environmental Ltd on behalf of WasteServ Malta Ltd, *Composting Plant & Materials Recycling Facility at Sant'Antnin Waste Treatment Plant: Environmental Statement, Malta*, October 2004, Sections 5.1 and 5.3.

¹¹⁹ Ibid., Sections 1.1.

117. The EIS was circulated internally by way of a letter dated 2nd November 2004, bearing subject 'Improvement works at Sant Antnin Waste Treatment Plant'.¹²⁰
118. The Integrated Heritage Management Team at MEPA had no major comments or clarifications re EIS.¹²¹
119. The Nature Protection Unit stated that¹²²
- (i) the area of influence is not stated in the EIS;
 - (ii) that the garigue and steppe are not marked on the land use map and no species identification carried out;
 - (iii) no tree plotting was undertaken;
 - (iv) no mention of possible contamination of Il-Maghluq tal-Bahar from runoff where in EIS it is written that contamination is impossible due to distance from site. The Unit pointed out that "Il-Maghluq tal-Bahar lies within the natural drainage system leading from the development site";
 - (v) the EIS's statement that protected habitats within 1.5km radius will not be affected by the proposal is unjustified;
 - (vi) no monitoring programme was suggested;
 - (vii) the site occurs within a Rural Conservation Area and hence the relevant *Structure Plan* policies apply;
 - (viii) reference of area as industrial is not substantiated by data;
 - (ix) no landscaping was proposed to screen features identified to be prominent in same study; and
 - (x) insufficient photomontages.
120. The Waste Management Unit decided not to comment on the EIS at this stage since "technical details will be dealt with in the Work Plan Provided for the Waste Management Permit".¹²³
121. The case officer forwarded comments on the EIS including clarifications such as the actual site area.¹²⁴ However, serious limitations are highlighted, including:
- (i) to specify the implication of quoted policies to the proposed development rather than an explanation of the given policy;
 - (ii) the siting of the project at Sant Antnin should not be justified with *Subject Plan* policy SWM 8, stating that it is "well-placed close of the main centre of

¹²⁰ Minute 189 of General File GF3623/03, dated 16th November 2004, internal mail.

¹²¹ Minute 192 of General File GF3623/03, dated 19th November 2004, internal mail.

¹²² Minute 193 of General File GF3623/03, dated 19th November 2004, internal mail.

¹²³ Minute 196 of General File GF3623/03, dated 22nd November 2004, internal mail.

¹²⁴ Minutes 39, 45 of Planning File PA2838/03, dated 1st December 2004.

Minute 53 of Planning File PA2838/03, dated 11th January 2005.

population and waste arisings” as it is not. Rather, justifications should include the size of the site and the fact that the site is already committed to this use;

- (iii) EIS does not include assessments for report to conclude that the proposal would not “give rise to any unacceptable impacts”;
- (iv) EIS does not explain how will the existing Mechanical Treatment Plant bunker area fit with the increase in waste inputs;
- (v) The dimensions for biogas storage tank and for the entire building are absent;
- (vi) No reference is made to quality assessments of the wastewater of the adjacent waste water treatment plant and hence one cannot state whether the waste water can be utilised or not;
- (vii) No reference is made to water catchment facilities on site;
- (viii) Queries whether the visual impact is assessed against baseline assessments or against a fully restored site;
- (ix) EIS should include indirect impacts of increased vehicular traffic;
- (x) The EIS does not explain how would the proposed structures with landscaping fit into the proposed site area; and
- (xi) Social impacts from the increased waste throughputs are not dealt with in detail.

122. The Pollution Control Waste and Minerals Unit queried whether the proposal requires an Integrated Pollution, Prevention and Control permit and requested a clarification on the monitoring programme suggested by the EIS with respect to compost maturation, which the EIS states generates a significant amount of dust.¹²⁵ A recommendation to the Environment Protection Directorate to engage an external consultant to assess the “complex nature of some of the information” in the air quality section of the EIS,¹²⁶ was turned down by same on 30th November 2004 stating that MEPA does not

need to assess air emissions in detail at this stage. In fact, probably we can't because we do not know the technical details of the development. At this stage we must assume that air emissions would be controlled through the waste management permit.

123. The Directorate for Mineral Resources at Malta Resources Authority did not object to the proposal in a letter dated 9th November 2004.¹²⁷ The Water Resources Directorate of same highlighted some points re absence of a water balance model and a transport model of pollutants as stipulated in the TOR and requested

¹²⁵ Minute 199 of General File GF3623/03, dated 26th November 2004.

¹²⁶ Minute 201 of General File GF3623/03, dated 30th November 2004, internal mail.

¹²⁷ Minute 187 of General File GF3623/03, dated 11th November 2004, letter of Malta Resources Authority to MEPA, dated 9th November 2004.

clarification re design of holding tank of an internal foul drainage system.¹²⁸ In their reply, the EIS consultants stated that a water balance model and a pollutant transport model were considered unnecessary.¹²⁹

124. Marsascalea Local Council¹³⁰ re-sent the comments of 14th August 2003.

125. Zejtun Local Council stated that¹³¹

... nigbidlek l-attenzjoni li t-titlu ta' l-applikazzjoni PA02838/03 bl-ebda mod ma jirrifletti x-xoghol propost li jsir fl-Impjant ta' Sant'Antnin. It-titlu jinqara: 'Improvement works at Sant'Antnin Waste Treatment Plant'. It-titlu qiegħed jipprova jagħti x'jifhem li x-xogħol huwa wieħed minuri, meta filfatt ix-xogħol jinkludi li mill-facilitajiet ezistenti ma jifdal xejn u jinbena kollox mill-gdid.

With respect to the EIS, Zejtun Local Council states that

Minkejja li dan l-impjant jikkoncerna direttament ir-residenti Zwieten, il-Kunsill Lokali Zejtun qatt ma gie kkonsultat dwar din il-proposta, izda l-istess Kumpanija hasset il-htiega li tikkonsulta lill-Kunsill Lokali Zejtun dwar il-landfill ta' l-Għallis!

Moreover, it identifies the following impacts:

- (i) the proposed development is a completely new structure which will be about ten times the current size to process all the non-inert wastes of the Maltese Islands, that is about 200,000 tonnes of wastes annually;
- (ii) proposed plant is adjacent to Zejtun, only about 300m from residential zone;
- (iii) all refuse vehicles, which the EIS consultants identified to be magnified by ten times, will have to pass through about 2km of this zone;
- (iv) according to the *South Malta Local Plan*, this is the only route identified for waste transport and that it is not adequate as proposed in the EIS;
- (v) EIS implies a negative impact on environmental health, value of land and residential buildings, due to increased traffic flow and a negative visual impact on rural surroundings. Moreover, the ecology of the surrounding area will be modified since proposed development will attract rodents, birds and insects, some of which may act as vectors of disease and increased use of pesticides would probably be mandatory.

¹²⁸ Minute 191 of General File GF3623/03, dated 19th November 2004, letter of Malta Resources Authority to MEPA, dated 11th November 2004.

¹²⁹ Minute 280B of General File GF3623/03, dated 13th July 2005, letter of MEPA to Malta Resources Authority, dated 13th July 2005. These comments were sent just after certification of the second version of the EIS, dated 11th July 2005.

¹³⁰ Minute 207 of General File GF3623/03, dated 7th December 2004, letter from Marsascalea Local Council to MEPA, dated 24th November 2004.

Attached with their comments were minutes of meeting with Minister for Rural Affairs and the Environment and AIS.

¹³¹ Minute 40 of Planning File PA2838/03, dated 1st December 2004, letter of Zejtun Local Council to MEPA, dated 25th November 2004.

Tul is-snin kulhadd gharaf li l-Impjant ta' Sant'Antnin gab mieghu inkonvenjent ghar-residenti ta' l-inhawi. L-aktar minhabba l-ghazla tas-sit innifsu...u t-toroq mhux addattati li jwasslu ghalih. **Dan meta jezisti impjant li jiprocessa BISS 25,000 tunnelata skart fis-sena!**...Il-konkluzjoni tal-Konsulenti dwar l-ghazla tas-sit innifsu tikkondradixxi r-rizultati ta' l-analizi taghhom stess, minhabba li r-ragunijiet li gabu biex iwarrbu s-siti alternattivi japplikaw ukoll ghas-sit ta' Sant'Antnin b'mod specjali

The Local Council implied that Maghtab is a much better and committed place than Sant Antnin due to better infrastructure and greater distance from residential zones. The letter concludes that Zejtun Local Council

...kien jistenna li wara ttiehdet decizjoni li jinbena impjant kompletament gdid, kellu jsir studju b'konsultazzjoni aktar wiesgha, u mhux studju li jiggustifika decizjonijiet stabbiliti minn qabel.

126. By way of a draft reply, MEPA was insisting that the title of the proposal was requested to be changed after the onset of the EIA and therefore consultation letters re EIA had been issued with the old title.¹³²

127. In reply to comments raised by Zejtun Local Council, the Transport Planning Unit stated that¹³³

The issue in question is whether 3 extra trips (6 movements) at peak hours will adversely affect amenity and road safety (capacity is not an issue) along the Zejtun roads listed. The consultants think not, and I have no reason to disagree...Reference is made to the lorry route policy in the, as yet unpublished, draft SMLP. You should be aware that the primary objective of the proposed policy is to deal with quarry related traffic and this is clearly stated.

128. With respect to Zejtun Local Council's statement that MEPA did not consult them on planning issues in terms of Chapter 363 of the Laws of Malta, MEPA replied that¹³⁴

Minn naha ta' l-Awtorita` ahna se nkomplu nzommukom infurmati fuq l- isvolgiment tal-EIA ghal dan il-progett...l-Awtorita` hi marbuta bl-Att Dwar l-Ippjanar ta' l-Izvilupp (Kapitlu 356, 34, 4 tal-Ligijiet ta' Malta) li tikkonsulta mal-Kunsill Lokali fejn ikun qed jigi propost l-izvilupp, f'dan il-kaz Marsascale.

On 20th January 2005, MEPA stated that¹³⁵

¹³² Minute 200 of General File GF3623/03, dated 29th November 2004, internal mail.

¹³³ Minute 50 of Planning File PA2838/03, dated 11th January 2005, internal mail.

¹³⁴ Minute 220 of General File GF3623/03, dated 14th January 2005, emails from Zejtun Local Council to MEPA, dated 12th January 2005 and from MEPA to Zejtun Local Council, dated 13th January 2005.

¹³⁵ Minute 224 of General File GF3623/03, dated 20th January 2005, email from MEPA to Zejtun Local Council, dated 20th January 2005.

Nizgurawk li ahna se nkomplu nikkunsultaw maghkom fuq dan il-progett skond kif mitlub fil-ligi u skond il-htiega.

129. In their reply, Nature Group endorsed a report¹³⁶ which agrees with the principle of upgrading the composting unit to increase its throughput, which is beneficial to farmers. Other comments were:

(i) mitigation measures are absent from the EIS, possibly since no negative impacts were identified

...we are concerned that the [traffic impact] study has not been comprehensive enough to justify such a conclusion.

(ii) a list of species proposed for landscaping should be included;

(iii) mentions that in the EIS is written 'thermal treatment with energy recovery';

(iv) the sphere of influence of 200m is insufficient; and

(v) the health risk of bioaerosols, odour assessment and safety of biogas were not sufficiently tackled.

The Nature Group suggested an afforestation project between Razzett tal-Hbiberija and the site and to provide site visits for locals to reduce opposition.

130. The comments of the EIS consultants in response to the comments of Nature Group were forwarded by MEPA on 13th July 2005, which comments included:¹³⁷

(i) ecology:

Wied Sant Antnin seems to eventually discharge via the ecologically important leading to Il-Maghluq ta Marsascala (a protected site). The valley downstream from the Sant Antnin area supports a UNIQUE community of the protected tree *Vitex agnus-castus* as well as *Populus alba* and *Tamarix* spp. And it often acts as a water retention zone so it is imperative that NO pollutants are allowed to exit the site and end up as run-off. The valley does not seem to have been yet subjected to a full study so the precautionary principle must be applied both during construction and operational phases.

(ii) sphere of influence: it was stated that EIS will be amended.

131. The Malta Tourism Authority's comments were:¹³⁸

Our comments mainly focus on the effects that the proposal is expected to have on tourism and the way that the EIS has (or has not) addressed these issues.

¹³⁶ Minute 204 of General File GF3623/03, dated 3rd December 2004, Nature Trust and Din L-Art Helwa, Comments on the Environmental Statement, dated 30th November 2004.

¹³⁷ Minute 280A of General File GF3623/03, dated 13th July 2005, letter of MEPA to Nature Group, dated 13th July 2005. These comments were sent just after certification of the second version of the EIS, dated 11th July 2005.

¹³⁸ Minute 52 of Planning File PA2838/03, undated, letter of Malta Tourism Authority to MEPA, dated 10th December 2004.

Malta Tourism Authority stated that TOR have not been followed, insufficient consultation, poor policy assessment and

The manner in which the EIS addresses the significance of the impacts of the project is also of concern. Assessment of the significance of impacts arising from the Project is a critical stage in the EIA process; it is this judgement that is key in informing the decision-making process. It would be useful if the EIS were to use a consistent approach to assessing the significance of an impact, including definition of criteria, and categorisation of the significance of the impacts arising from the project as insignificant, minor significance, and major significance. In adopting such an approach it would be necessary to define each of the 'significance categories' in relation to each topic area.

Their evaluation concludes that

...the proposed upgrading and extension of the waste management facilities at Sant'Antnin is a positive move for tourism on a national level, while local impacts from the operation of the plant are not expected to be higher than those currently operating ... existing or planned tourism outlets or products in this part of the island are not expected to be unduly negatively affected by the proposal.

132. The Department of Agriculture commented that there will not be loss of agricultural land and that impacts on the surrounding agricultural land will be minimal.¹³⁹
133. The Environment Protection Directorate pointed at serious deficiencies in the EIS and that it falls well short of good standards of international practice:¹⁴⁰
- (i) request for missing items: including Non Technical Summary in Maltese; original survey reports; the revised *Alternative Site Assessment*; a project management plan during construction; a waste management plan for construction; details of gases likely to be emitted from the composting plant, their characteristics and a gas management scheme; odour monitoring and complaint response procedures; current contamination levels; a coordinated impact assessment; impacts on geology and geomorphology, hydrology and hydrogeology; risk assessment with contingency plans; impacts on infrastructure and resources; cumulative effects; indirect and secondary impacts; a monitoring programme;
 - (ii) title of EIS does not reflect the proposal;
 - (iii) detailed assessment of policies in one comprehensive chapter is requested;
 - (iv) no quantification of green electricity despite statement that it will 'provide heat for the operation of the plant';

¹³⁹ Minute 222 of General File GF3623/03, dated 23rd December 2004.

¹⁴⁰ Minute 209 of General File GF3623/03, dated 9th December 2004. The report is essentially an amalgamation of comments emanating from the internal consultation exercise.

- (v) clarification whether quantitative data was used;
- (vi) *Alternative Site Assessment* states that site area is 4.5ha whereas EIS states that area is 4.7ha;
- (vii) no mention of local legislation or international obligations, and no proper policy assessment;
- (viii) reference to EU directives is incomplete, for example, no reference is made to groundwater directive 80/68/EC or to directive for the treatment of biodegradable waste;
- (ix) no mention of whether proposal is compatible with the Waste Management Policy for the Maltese Islands;
- (x) EIS wrongly states that the site is “well-placed close to the main centre of population and waste arisings”, in accordance with Policy SWM 8.
- (xi) no assessments were carried out to conclude that the proposal would not give rise to unacceptable impacts, as stated in the EIS;
- (xii) MEPA Board only gave guidance on the *Alternative Site Assessment* and not a formal approval of the site;
- (xiii) no explanation is given on how is the facility going to achieve the best available technology;
- (xiv) no explanation is given on how will the existing Mechanical Treatment Plant bunker area be utilised to fit with the increase in waste throughputs;
- (xv) the volume of biogas to be generated is absent;
- (xvi) no mention of area of influence or insufficient or no reason given for archaeology, landscaping, ecology, air quality etc.
- (xvii) absence of water quality data from sewage treatment plant;
- (xviii) absence of dispersion models for air quality although mentioned in text;
- (xix) absence of impacts from odour, bioaerosols, gases, etc.;
- (xx) absence of baseline studies re air quality;
- (xxi) no definition of frequency criteria, quantitative criteria, absence of quantitative data;
- (xxii) Razzett tal-Hbiberija omitted from study simply because it is not a clinic or hospital;
- (xxiii) noted that Section 13.2.2 outlined that most dusts are deposited within 100m from the source, but then the report concludes that ‘an area not more than 25m from the site would be noticeably affected during the worst case scenario’;
- (xxiv) strong statements are presented unsubstantiated with evidence, for example, ‘The properties in the nearby residents of Marsascala and Zejtun are not anticipated to be affected by dust, odours, noise, or any other

impact from the facility itself.' And '...no impact is expected to be significant enough to affect negatively other employment within the locality';

(xxv) insisted that alternative sites were identified by MEPA, without obligation to identify other sites. Statements in the EIS states that 'given the lack of alternative sites, the existing waste management use of the Sant Antnin site and the absence of any significant environmental or social impacts arising from the proposed development, the proposed development represents a suitable and acceptable solution to Malta's waste management problems'; and

(xxvi) Only buildings within 100m identified.

134. After the public hearing of 15th January 2005 organised by Marsascala Local Council, a meeting was held between the Minister for Rural Affairs, MEPA and WasteServ on 18th January 2005. It was decided that:¹⁴¹

- (i) The EIS needs to be revised following submission of MEPA comments of 14th December 2004;
- (ii) The revised EIS must reflect only the volumes of wastes processed per year, that is 71,000 tonnes, without the need to re-apply or re-advert;
- (iii) incorporate the comments of the external consultant engaged by Marsascala Local Council into the EIS; and
- (iv) MEPA will confirm planning process and deadlines.

135. On 17th January 2005, the Director General requested clarification on the issue of waste volumes and WasteServ replied that the design capacity of the Plant would be 71,000 tonnes per annum and that the *Strategy* is expected to be amended accordingly.¹⁴²

136. The tonnage of waste to be processed by the proposed plant was confirmed by WasteServ on 20th January 2005 and clarified on 31st January 2005 to MEPA that¹⁴³

...although the draft EIA is based on a worst case scenario of 200,000 tonnes per annum the plant described in the application for Cohesion Funding

¹⁴¹ Minute 231 of General File GF3623/03, dated 21st January 2005.

The report of Marsascala Local Council is Vella, A.J., 'Kummentarju fuq Kapitlu 13 tal-Environmental Statement Rigwardanti Sant'Antnin Waste Treatment Plant, Marsaskala', December 2004.

Minute 58 of Planning File PA2838/03, dated 28th January 2005, letter of WasteServ Malta Ltd to MEPA, dated 20th January 2005.

¹⁴² Minute 226 of General File GF3623/03, dated 20th January 2005, email from WasteServ Malta Ltd to MEPA, dated 17th January 2005.

¹⁴³ Minute 234 of General File GF3623/03, dated 26th January 2005, letter of WasteServ to MEPA, dated 24th January 2005.

Minute 235 of General File GF3623/03, dated 4th February 2005, letter of WasteServ to MEPA, dated 31st January 2005.

(submitted in September 2004), which eventually shall be procured for this site, has an overall throughput rating of 71,000 tonnes.

137. Following a meeting with European Commission officials, the Assoccjazzjoni tal-Hwienet ta' Wied il-Ghajj filed their objection to the proposed development in a letter to MEPA, dated 19th April 2005:¹⁴⁴
- (i) no economic impact assessment nor a health impact assessment was carried out despite the fact that the area is a tourist zone with considerable degree of investment and that the nearest residences are at a 200m distance;
 - (ii) the development is being proposed prior public consultation of the *South Malta Local Plan*;
 - (iii) the site is not in terms with Council Directive 91/156/EEC, that necessary measures should be taken to reduce movement of waste, as stated in the PDS;
 - (iv) negative environmental and traffic impacts;
 - (v) the fact that no alternative sites were addressed in the EIS indicates that "the study was made to justify the project in that particular site" and the EIS "may be considered flawed and/or biased."; and
 - (vi) queries the "... continuous representations that are being made which contradict the currently filed application".

They commented that

...in our opinion even the existing plant should be removed as it is causing nuisance through odours, has a negative visual impact and is harming the environment.

and that

...we encourage you to review and assess the objectivity of the E[nvironment] I[m]pact A[ssessment], the real circumstances with respect to Marsaskala and the recycling plant impact.

138. The EIS consultants had responded to the MEPA comments of 14th December 2004. The Environment Protection Directorate responded to their comments on 8th March 2005:¹⁴⁵

¹⁴⁴ Minute 67 of Planning File PA2838/03, dated 19th May 2005, letter of Assoccjazzjoni tal-Hwienet ta' Wied il-Ghajj to MEPA.

Minute 260 of General File GF3623/03, dated 22nd March 2005, internal mail, notes that ...the discussion on Sant Antnin project went very well...committee members seemed convinced about the transparent procedure that Malta is following, as well as the utility and siting of the facility. A number of constructive remarks were made by members of the committee, in particular the GRTU representative.

¹⁴⁵ Minute 247 of General File GF3623/03, dated 8th March 2005, email of MEPA to WasteServ Malta Ltd.

The EIS report should serve as a document that convinces the residents of the area and the public in general that the plant will have acceptable impacts on the environment. We are concerned that as it now stands the report is not sufficiently convincing.

139. On 29th July 2005, the Kummissjoni Ambjent ta' l-Arcidjocesi ta' Malta highlights a number of issues on the *Solid Waste Management Strategy for the Maltese Islands*, hereafter referred to as the *Strategy*.¹⁴⁶

140. The Kummissjoni noted that:

- (i) As the *Strategy* encompasses the proximity principle, the concept of integrating all processes into one facility needs revision, especially in view of the siting issue of such a facility;
- (ii) Full public participation in the decision making process is not mentioned in the objectives of the *Strategy*; public participation is reduced to a one-way transfer of information from the responsible entity to the public; and
- (iii) The *Strategy* acknowledges the polluter pays principle, but fails to acknowledge forms of compensation to communities in the vicinity of waste management facilities.

141. With respect to the Sant Antrnin proposed development, the Kummissjoni stated that it had objected to the EIS, dated October 2004.¹⁴⁷

- (i) The EIS is not in conformity with the principles of the *Waste Management Strategy*, including the concept of sustainable development, the proximity principle, self-sufficiency and precautionary principle;
- (ii) Does not justify the choice of site to integrate all processes in one facility;
- (iii) Alternative site assessment was not a serious attempt; and
- (iv) Does not present a credible impact assessment on residents of Marsascala, including the socio-economic impacts, air and water pollution, ecology and traffic impacts.

The Second Version of the Environmental Statement

¹⁴⁶ Il-Kurja ta' l-Arcisqof, 'Opinjoni tal-Kummissjoni dwar l-Istrategija ta' l-Immaniggjar ta' l-Iskart Solidu għall-Gzejjer Maltin', press release, dated 29th July 2005. This press release is not in the Planning File PA2838/03 and General File GF3623/03.

Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium. The draft form of the *Strategy* was reviewed by a Technical Committee established by the Ministry for the Environment, hereafter referred to as the *Strategy*.

¹⁴⁷ An objection letter from the Kummissjoni Ambjent ta' l-Arcidjocesi ta' Malta is not in the Planning File PA2838/03 and General File GF3623/03.

142. The second version of the EIS was received at MEPA on 17th June 2005.¹⁴⁸ The Environment Protection Directorate noted that the comments forwarded by MEPA and the consultees were not integrated in the second version.¹⁴⁹ MEPA accepted that they may be inserted in table format as an Addendum to the second version.

143. The second EIS describes the project as:

1. A Materials Recovery Facility (MRF) to sort 36,000 tonnes of dry recyclables per year from bring sites, civic amenity sites and doorstep collections;
2. A Mechanical Treatment Plant (MTP) to sort municipal solid waste. Assuming no recyclables end up at the MRF, the MTP would have an input of up to 71,000 tonnes annually;
3. A Digestion Plant to process from 35,000 tonnes of sorted biodegradable waste per year to produce biogas for electricity;
4. A Composting Plant to compost the digestate from the digestion plant; and
5. Reception area, including weighbridge, and site offices.

Thus the entire plant would have an annual operating design capacity of 71,000 tonnes of municipal solid waste. Rejects and residues from the plant would be landfilled at Ghallis, Naxxar.

144. The second version of the EIS was certified on 11th July 2005, pending the social and economic assessments:¹⁵⁰

In view that the responses to MEPA on social and economic assessment were not included in the Addendum, EIA coordinator is requested to amend the document entitled 'Addendum to Environmental Statement' under sub-section 'General' and include a note under Section 15 outlining that MEPA's comments were addressed in the 2nd draft EIS

145. Adverts and a site notice on the second version of the EIS were issued on 3rd August 2005 and the entire EIS was uploaded on the MEPA website.¹⁵¹

¹⁴⁸ Minute 271 of General File GF3623/03, dated 17th June 2005, letter from WasteServ Malta Ltd to MEPA, dated 17th June 2005.

¹⁴⁹ Minute 272 of General File GF3623/03, dated 27th June 2005, email from MEPA to WasteServ Malta Ltd, dated 27th June 2005.

SLR, AIS Environmental Ltd on behalf of WasteServ Malta Ltd, *Re-development of Existing Waste Management Facilit at Sant'Antnin, Malta:Environmental Statement*, June 2005.

¹⁵⁰ Minute 276 of General File GF3623/03, dated 11th July 2005, email from MEPA to WasteServ Malta Ltd, dated 11th July 2005.

The requested note to the addendum was never presented by WasteServ Malta Ltd (Minute 284 of General File GF 3623/03).

¹⁵¹ Minute 292 of General File GF3623/03, dated 12th August 2005, letter from WasteServ Malta Ltd to MEPA, dated 8th August 2005.

The normal practice is to upload only the Non-Technical summaries onto the MEPA website.

Consultation on the Second Version of the Environmental Impact Statement

146. The EIS together with the Addendum were forwarded to Marsascala Local Council, Zabbar Local Council and Zejtun Local Council.¹⁵²
147. The Front Kontra l-Impjant ghar-Riciklagg Propost stated that it is in favour of a sustainable waste management system for the Maltese Islands, but this does not have to cause undue sufferings and inconveniences to communities.¹⁵³
148. The Front objected to the choice of site since it
- (i) occurs in a residential zone, only a few metres from residents;
 - (ii) occurs along main road leading to the village;
 - (iii) occurs in one of the most beautiful valleys in Malta in which there are unique flowering species; and
 - (iv) surface runoff from the valley goes straight to Il-Maghluq, a unique site for Malta, which proposal may induce irreversible impacts on the site.

The Front referred to the *Alternative Site Assessment* as a 'farical' exercise of site selection: the TOR for this exercise implied a comparative analysis. MEPA identified only three sites without considering all the potential sites in Malta; identified sites had inherent factors that excluded them from any comparison:

... is-siti maghzula ghall-ezami komparattiv, diga kellhom fihom affarijiet li jeskluduhom qabel ma jibda biex isir l-istess analizi.

The most important factor that of size, was ignored. This goes against the TOR and renders the exercise null.

149. The Front stated that the proposed development may induce the following negative impacts
- (i) visual impact on Marsascala, Zejtun, Zabbar and Fgura; Marsascala is officially classified as a tourist zone;
 - (ii) traffic impacts: road leading to Plant is highly frequented; ES traffic estimates are inaccurate because they exclude transits for recyclables, rejects, compost and staff vehicles. Traffic is seasonal and increase for half the year when the population of Marsascala increases from 9,000 to 20,000; hence the ES is incorrect;
 - (iii) impacts from dust, air pollution and other emissions. This area is already impacted from exhaust: efforts for an area already impacted should be to

¹⁵² Minutes 274, 283 of General File GF3623/03, dated 5th July 2005 and 28th July 2005, email from MEPA to WasteServ Malta Ltd, dated 5th July 2005.

¹⁵³ Minute 298 of General File GF3623/03, dated 13th August 2005, letter of Front Kontra l-Impjant ghar-Riciklagg Kif Propost to MEPA, dated 9th August 2005.

minimise impacts and not augment them. Moreover, ES lightly refers to such impacts as 'likely';

- (iv) impacts on residents; and
- (v) EIS did not consider cumulative effects of impacts, for example, from fishfarms, sewage treatment plant, Power Station, Freeport, sea pollution, drydocks, industrial estates, etc. instead ES concentrated on the impacts impacted by proposal.

150. The Front stated that no public consultation was carried out neither during the first nor during the second versions of the EIS which goes against the Aarhus Convention which came into force in June 2005 and to whom the Maltese Government is a signatory:

Konsultazzjoni ma tfissirx informazzjoni. Konsultazzjoni trid tkun matul il-process kollu u mhux billi jigi moghti rapport ohxon 10 pulzjeri u 8 pulzjeri minnu jkun jikkontjeni materjal tekniku

151. The Front argued that EIS goes against certain national policies in that it considers the area as an industrial zone and that the area is in vicinity of main waste arisings. The EIS ignores natural and cultural aspects, such as Il-Maghluq and Sant'Antrnin chapel, goes against *Subject Plan* SWM 8 and against the Convention on Cultural Heritage to which Malta is a signatory country.

152. The Front argued that no socio-economic impacts on residents was carried out: any studies carried out were simply desk studies based on assumptions and sweeping statements; for example, the ES states that property value will be reduced by the proposal, but then fails to carry out any costings. Instead the ES states that '... mill-1998 'l quddiem, l-ilmenti tar-residenti prattikament sparixxew.'

153. The Front states that the ES does not consider sewage sludge and whether this will be treated or not, nor is there mention of the site where the incinerator will be set up although there is reference to waste-to-energy recovery facilities.

154. The EIS is incomplete since it does not follow all TOR. The Front concludes that

Fuq kollox, il-Front Kontra L-Impjant huwa konvint li it-tieni rapport tal-Environmental Impact Statement huwa wiehed imxaqleb bil-kbir lejn l-lzviluppatur u ma jistax bl-ebda mod jitqies bhala wiehed indipendenti.

...ir-rapport...ma jistax jittiehed bis-serjeta ghaliex huwa mibni kollu kemm hu fuq assunzjonijiet u sweeping statements...ghad lanqas biss hemm idea ta x'tip ta' teknologija u makkinarju se jintuza.

155. Marsascala Local Council objected to the second version of the EIS.¹⁵⁴

¹⁵⁴ Minute 312 of General File GF 3623/03, dated 13th August 2005, letter of Marsascala Local Council to MEPA, dated 11th August 2005.

... qabel ma jaghmel l-oggezzjonijiet tieghu, [Il-Kunsill] jaghmel ftit rimarki fuq dak li gara qabel.

Il-Kunsill jidhirlu li ma kienx hemm konsultazzjoni serja maghna biex jigi spjegat dak li kien hemm intenzjonat li jsir.

B'referenza ghall-ittra ta' Novembru li kien fiha certu kummenti – dawk ir-rakkomandazzjonijiet li kienu saru mill-Kunsill kienu fuq informazzjoni li konna gejna moghtija lilna fuq titjib li kellu jsir lill-Impjanat prezenti.

Wara li l-Kunsill Lokali ta' Marsaskala ra u dahal fil-fond meta rcevejna l-E.S ta' Ottubru 2004 u sa qabbad anke mies esperti f'dan ir-rigward il-Kunsill wasal ghall-konkluzjoni li kellna noggezzjonaw bil-qawwa kollha kontra dan l-Impjant.

156. According to Marsascale Local Council, the EIS:

- (i) did not treat all the problems in an objective and independent manner;
- (ii) the issues on health and residential property were not treated properly;
- (iii) tourism, traffic and local industrial national policies are ignored;
- (iv) socio-economic impact was ignored;
- (v) site selection exercise was unjust and therefore the LC considers the exercise as null and incorrect; and
- (vi) proposal does not conform to principles outlined in the *Strategy*.

157. Ghaxaq Local Council sent its objections to the proposed development, basically due to increased traffic.¹⁵⁵

158. The Kunitat Kontra l-Impjant ghar-Riciklagg kif Propost objected to the proposed development due to :¹⁵⁶

- (i) lack of consultation during the entire process:

Konsultazzjoni ma saret qatt, la matul l-ewwel Environmental Impact Statement u lanqas matul it-tieni wiehed...Konsultazzjoni ma tfissirx informazzjoni. Lanqas tfisser billi nigu moghtija rapport, tliet kwarti minnu bbazat fuq it-teknika, li ghalih nkunu rridu naghtu s-sottomissjonijiet jew l-

Minute 78 of Planning File PA2838/03, dated 24th August 2005, letter from Marsascale Local Council to MEPA, dated 11th August 2005.

¹⁵⁵ Minute 76 of Planning File PA2838/03, dated 16th August 2005, letter of Ghaxaq Local Council to MEPA, dated 12th August 2005. The Local Council stated that the vehicular traffic due to the operations of the facility would be circa 138 trips and 40 containers of compost daily.

¹⁵⁶ Minute 85 of Planning File PA2838/03, undated, letter of Kunitat Kontra l-Impjant ghar-Riciklagg kif Propost to MEPA, dated 18th August 2005. The Kunitat is made up of mayors of the local councils of Zabbar, Zejtun and Marsascale, representatives from seven non-governmental organisations and representatives from the Malta Labour Party and Alternattiva Demokratika.

oggezzjonijiet taghna fi zmien ftit jiem. Lanqas tfisser semplici informazzjoni fuq il-pjanijiet u d-decizjonijiet u lanqas billi tkun uzata l-politika ta' titfa l-bocca qrib il-likk. Konsultazzjoni tfisser partecipazzjoni b'mod shih kemm fit-tfassil tal-pjan kif ukoll fid-decizjonijiet. Konsultazzjoni trid tkun tul il-process kollu, kemm qabel kif ukoll waqt l-implimentazzjoni tal-pjan, xi haga li f'dan il-pjan, hekk importanti ghall-Komunitajiet imsemmija u li tant jolqot lir-residenti taghhom fil-laham il-haj ma saritx.

- (ii) site at Sant'Antnin is not adequate because it
 - a) occurs in a residential zone;
 - b) occurs at a main road that leads to the village centre;
 - c) close to the village centre;
 - d) occurs in one of the most picturesque valleys in Malta and in which occur a number of unique flora; and
 - e) water percolates through the site to the Il-Maghluq, a unique nature reserve in Malta.
- (iii) the EIS goes against a number of national policies and legislation, such as proximity principle and industrial zones principle;
- (iv) lack of adequate alternative site assessment:

Huwa car daqs il-kristall li l-analisi komparattiv...sar fuq premessi foloz, billi d-daqs tas-siti li kellhom ikunu kkomparati ma dak ta' Sant Antnin ma kienux jirriflettu d-daqs real ita-impjant ghar-riciklagg, skond kif kien jidher u propost mill-kumpanija WasteServ. Il-WasteServ kienet ddikjarat fl-applikazzjoni taghha lill-MEPA, f'Mejju, 2003 li d-daqs tas-sit rikjest li kellu jakkomoda l-impjant kien ta' 18,000 m kwadru li kien madwar 29,000 , kwadru anqas minn dak mehtieg. Is-siti li gew proposti mill-MEPA kienu bejn wiehed u iehor ta' l-istess kejl. Id-differenza fil-kejl tas-siti, li hija l-fattur ewlieni u determinanti fil-kwestjoni, kienet tant kbira, li 'l hekk imsejjah analizi komparattiv, irrenda ruhu kompletament f'farsa...u fih innifsu annulla l-istess skop tat-terms of reference.

Il-Kumitat huwa, ghalhekk tal-fehma, li r-Rapport ma hux komplet u ghalhekk il-MEPA qatt ma kellha taccetta dak ir-rapport.

- (v) inadequate impact assessment including
 - a) visual impact, bad neighbourliness;
 - b) ecology and pollution are inadequately treated, traffic impacts are ignored and seasonal shifts in residential and touristic levels. With respect to pollution the report simply states that 'likely' there would not be impacts on environmental health: "...is-sahha pubblika tirrikjedji certezza u mhux 'x'aktarx'.";
 - c) ignores cumulative impacts or net impacts from other projects such as the fishfarms, Power Station, Industrial estates, etc.;

- d) ignores *Subject Plan* Policy SMW 8 that the site has to be in the vicinity of waste arisings with minimal impacts on the environment and communities;
- e) the socio-economic impact assessment is ridiculous and is simply a desk study: at one point the report states that if the plant is mismanaged there may be serious impacts on residents and their properties, but then fails to quantify those impacts and no costings were carried out, stating that WasteServ would be capable of managing these impacts;
- f) ignores risks re protection of cultural heritage and ignores tertiary impacts on archaeology and cultural heritage which goes against the *Convention for the Protection of the Architectural Heritage of Europe* and the *European Convention on the Protection of the Archaeological Heritage 1992*;
- g) ignores the baseline studies required in TOR. In most cases they were simply desk studies, with irrelevant or outdated data or biased information, such as re odour, public health and other socio-economic aspects;
- h) other sections of TOR such as 4.9, 4.10 and 4.11 were ignored;
- i) ignores the utilisation of sewage sludge: the *Strategy* states that the sewage sludge should be treated at Sant'Antrnin; and
- j) ignores the waste to energy facility: no explanation was offered in both versions of the EIS:
- ... wahda mir-ragunijiet principali ghala ntaghzal is-sit ta' Sant' Antrnin biex jinbnew l-erba' impjanti f'impjant wiehed, huwa li z-zona hija kbira bizzejjed biex tlehaq ghal kull htiega.
- (vi) the second version of the EIS states that 71,000 tonnes will be treated instead of 200,000 tonnes and these would originate from the south of Malta, but also states that all the material from all the bring-in sites would end up at Sant' Antrnin.
- ...dan ikun possibli jekk jintlahqu l-miri tal-Gvern. Izda jonqos milli jghid fejn ikun trattat il-kumplament ta' l-iskart jekk il-mira ma jintlahqux.
- (vii) The present plant is licensed to treat 80,000 tonnes, although it never treated more than 25,000 tonnes. For the report to be credible, the EIS has to state how many more Plants will be built and state their location.
- (viii) The objection letter concludes that
- ... il-parti l-kbira ta' dan ir-rapport bhala inaccettabli...u mhux kredibbli. Huwa ... report meqjus mhux indipendenti; ghall-kuntrarju, il-Kumitat iqis dan ir-rapport bhala wiehed imxaqleb bil-kbir lejn l-lzviluppatur b'dannu mhux zghir lejn ir-residenti tal-Komunitajiet imsemmija."

159. Zejtun Local Council objected to the proposal for the following reasons:¹⁵⁷

L-izviluppaturi ammettew li ma kkonsultawx mal-Kunsill Loakali Zejtun minghajr ma taw raguni valida. Jistqarru li ghamlu laqgħa mal-Kunsill Lokali ta' Marsaskala ghaliex is-sit jinsab f'Marsaskala... Il-Kunsill Lokali Zejtun dejjem gie faccat b'fait accompli u mhux konsultazzjoni.

- (i) the Plant is sited 300m from the nearest residents;
- (ii) due to increased traffic impacts even though inputs were reduced from 200,000 to 71,000 annual tonnes, these will be originating from the south of Malta;
- (iii) reduced value of properties; and
- (iv) farcical alternative site assessment:

Meta wiehed jaf li għandu bżonn sit ta' erbat itmiem art u jipproponi siti alternattivi individwali ta 1.8, 2 u 2.4 itmiem art, ikun qed jirridikola l-process kollu... L-awtoritajiet... sal-lum baqgħu lura milli jikkoregu dan l-izball fundamentali. B'dan il-mod qed jonqsu lic-cittadini kkoncernati u lill-kredibilita` ta' l-amministrazzjoni pubblika..

Il-Kunsill ... jinnota li aktar ma qed isiru tibdil fil-proposta, aktar qed jiddgħajjef il-progett u aktar qed jinholqu ekwivoci

160. Fgura Local Council objected to the proposal due to¹⁵⁸

- (i) increased traffic impacts, mainly increased pollution and hence increased asthma, already the highest rate in Europe;
- (ii) increased impacts on infrastructure;
- (iii) increased noise pollution and traffic congestion; and
- (iv) reduction in value of property.

161. Tarxien Local Council stated that traffic impacts would be increased and properties would be devaluated and thus requested that consultation is carried out prior a final decision on the proposal.¹⁵⁹

162. Gudja Local Council sent its objection to the proposal after evaluating the negative impacts on the locality.¹⁶⁰

¹⁵⁷ Minute 83 of Planning File PA2838/03, undated, letter from Zejtun Local Council to MEPA, dated 19th August 2005.

¹⁵⁸ Minute 87 of Planning File PA2838/03, undated, letter from Fgura Local Council to MEPA, dated 19th August 2005.

¹⁵⁹ Minute 88 of Planning File PA2838/03, undated, letter from Tarxien Local Council to MEPA, dated 19th August 2005.

¹⁶⁰ Minute 86 of Planning File PA2838/03, undated, letter from Gudja Local Council to MEPA, dated 22nd August 2005.

163. Zabbar Local Council listed the following considerations and objected to the proposed development, in line with conclusions reached by Kummissjoni Ambjent ta' l-Arcidjocesi ta' Malta, as it runs counter the *National Plan of Solid Waste Management* and the concept of sustainability:¹⁶¹

- (i) traffic impacts on Zabbar;
- (ii) lack of consultation; and
- (iii) absence of a serious alternative site assessment.

164. The Moviment Favur il-Harsien tal-Wied tal-Maghluq objected to the proposal for the following reasons:¹⁶²

- (i) the fact that the EIS was drafted on behalf of WasteServ goes against the Aarhus Convention;
- (ii) given that the alternative site assessment was faulty,
 - the application should not be processed to other levels of discussion prior to having other alternative sites proposed ...
- (iii) all the valleys feeding Wied il-Maghluq tal-Bahar, namely Wied iz-Ziju, Wied ta' Sant' Antnin and Wied il-Baruni, should all be ecologically restored:

... the applicant has omitted the presence of very important riparian communities in Wied il-Baruni, namely the presence of indigenous tree colonies, some of which have the largest population on these islands... Il-Maghluq tal-Bahar has in March 2005 been appointed as a Nature 2000 site...

the current plant is preventing the feeding of il-Maghluq since it is built on the Sant'Antin waterway and hence prevents "the natural flow of rain water and causing the runoff to spill onto the vehicular passageways."

165. The Kummissjoni Ambjent ta' l-Arcidjocesi ta' Malta presented its comments on 2nd September 2005.¹⁶³ The Kummissjoni noted that most of the objections presented against the first version of the EIS were addressed in the second version, because the new proposal:

- (i) is in conformity with the principles of the *Strategy, Structure Plan, Local Plan* and other planning policies, including the concept of sustainable development;

¹⁶¹ Minute 77 of Planning File PA2838/03, dated 24th August 2005, letter from Zabbar Local Council to MEPA, undated.

¹⁶² Minute 89 of Planning File PA2838/03, dated 22nd August 2005, email from Moviment Favur il-Harsien tal-Wied tal-Maghluq to MEPA, dated 22nd August 2005.

¹⁶³ Minute 339 of General File GF3623/03, dated 5th September, Il-Kurja ta' l-Arcisqof, 'Opinjoni tal-Kummissjoni Djocesana Ambjent dwar it-Tieni Proposta ghall-Izvilupp fl-Impjant ta' Sant' Antnin ghat-Trattament ta' Skart Solidu', press release, dated 2nd September 2005.

This press release is not in the Planning File PA2838/03.

- (ii) will treat 71,000 tonnes of waste per year, a substantial reduction from the original proposition;
- (iii) the proposed processes will substantially mitigate negative impacts on environmental health of the area “b’mod dirett mill-izvilupp”;
- (iv) proposal is now more responsible in utilising existing structures;
 Fil-pjanijiet il-godda, hemm tnaqqis sostanzjali kemm fid-dimensjonijiet ta’ l-izvilupp kif ukoll fl-ammont ta’ skart li ser jkun iprocessat fih (terz ta’ dak propost originalment fl-ewwel ES).
- (v) waste arisings would principally be originating from the southern region of Malta; and
- (vi) reduced scale of project implies a reduced magnitude in impacts.

166. The Kummissjoni noted that the second version of the EIS should be an objective evaluation which objectivity is lacking in some sections of the EIS:

- (i) Alternative site assessment fails to be rendered into a serious attempt:
- (ii) The Tal-Mara and Il-Ghallis sites should have never been considered because they are not industrial sites, as stated by Policy SWM 8.

Kien ikun aktar ghaqli jekk f’dan il-kaz fejn qed ikun propost titjib ta’ l-impjant diga ezistenti, ma jkunx hemm mil-bzonn li jsir ezercizzju bhal dan.

- (iii) Socio-economic impact assessment is inadequate, identical to the first version of the EIS and is a desk study report;
- (iv) Mitigating measures are limited and rely heavily on control measures: no contingency measures are mentioned;
- (v) Correctional measures on traffic junctions to facilitate vehicular movements should be carried out;
- (vi) Noise survey is inadequate; and
- (vii) Litter and pests study is superficial.

167. The Kummissjoni concludes that:

Fil-qasam ta’ l-ambjent u l-izvilupp sostenibbli (bhal f’oqsma ohra) wasalna f’salib it-toroq. Ma nistghux nifilhu ghal aktar ghazliet hzienu. Hemm wisq x’jista’ jintilef ghalina u ghal uliedna. Il-Kummissjoni ma’ tippretendix li l-ahjar ghazla hija dik li qed tindika hi u dik biss. Izda b’sens ta’ responsabbilita` tixtieq li b’dak li sa nipproponu jkun ta’ ghajnu sabiex kulhadd jasal ghall-ahjar ghazla fic-cirkustanzi...

...ir-residenti tghallmu mill-esperjenza qarsa taghhom li hemm bahar jaqşam bejn pjanti u wegħdiet u l-fatti kif jistghu tirrizultaw meta ma jkunx hemm accountability għal xi proġett bhal dan.

168. The Kummissjoni recommended the following conditions to the permit:
- (i) A written guarantee that the project description as regards the volume of treated wastes remain unmodified for the coming twenty (20) years;
 - (ii) A Regulatory Board, made of WasteServ Malta Ltd, MEPA and representatives of the regional communities, is set up
 - a. to monitor the planning, design, construction and operational stages;
 - b. set up environmental thresholds; and
 - c. inform the public on the operations of the Plant.
 - (iii) Concerned authorities should commence the exercise of identifying sites for the other regional plants.
169. The Environment Protection Directorate forwarded the comments raised from the public consultation of the second version of the EIS to WasteServ.¹⁶⁴ The Directorate recommended that EIS consultants' responses together with consultation comments are presented to MEPA as a technical appendix.

Final Stages of Processing Planning Application

170. MEPA wrote to WasteServ on 26th July 2005 re the "required submissions including plans in line with the project description of the EIS."¹⁶⁵ These were submitted on 4th August 2005 by their architect and included proposed general layout at scale 1:500 which was subsequently approved as part of permit PA 2838/03.¹⁶⁶
171. A public hearing was advertised for 5th September 2005 at the Corinthia Jerma Palace Hotel, Marsascula at 1800hrs.¹⁶⁷ Invitation letters were sent from MEPA to the following entities: Marsascula Local Council, Zabbar Local Council, Zejtun Local Council, Fgura Local Council, Ghaxaq Local Council, Gudja Local Council, Kummissjoni Ambjent, Department of Agriculture, Department of Public Health, Malta Resources Authority, Malta Tourism Authority, Superintendence for Cultural Heritage and Front Kontra I-Impjant ghar-Riciklagg Propost.¹⁶⁸

¹⁶⁴ Minute 317 of General File GF3623/03, dated 23rd August 2005, email from MEPA to WasteServ Malta Ltd, dated 23rd August 2005.

In this correspondence, MEPA informed WasteServ that the EIS consultation period expires on 12th September 2005.

¹⁶⁵ Minute 72 of Planning File PA2838/03, dated 26th July 2005, letter from MEPA to the architect, dated 26th July 2005.

¹⁶⁶ Minute 74 of Planning File PA2838/03, dated 4th August 2005, letter from architect to MEPA, dated 3rd August 2005.

¹⁶⁷ Minutes 289, 290 of General File GF3623/03, dated 1st August 2005, email from MEPA to WasteServ Malta Ltd, dated 1st August 2005.

¹⁶⁸ Minute 315 of General File GF3623/03, dated 22nd August 2005, letters from MEPA to consultees, dated 22nd August 2005.

172. The Development Permit Application report was finalised and presented to the applicant for comments on 15th September 2005.¹⁶⁹ WasteServ did not find any objections for further processing of the application.¹⁷⁰ WasteServ continued to insist that the proposal was an upgrading of the existing facility and not a redevelopment of the site:

Initially, the scope of works was not known and had to reflect the requirements of the Waste Management Strategy for the Maltese Islands. As the proposal developed, the extent of the upgrading became clear.

173. The outline development permit was granted in MEPA Board Sitting No. 39-04/05 on 22nd September 2005.¹⁷¹ The decision notice was posted to the applicant on 27th September 2005 and to the objectors a day later.¹⁷² The title of the proposal was again changed to:

Part demolition of existing plant and upgrading of the existing facility to accommodate a material recovery facility, a mechanical treatment plant, a digestion plant and a composting plant..

Other Matters

The Issue of the Biogas

174. On 24th January 2005, MEPA had consulted the Occupational Health and Safety Authority and the Civil Protection Department on health and safety issues with respect to the proposed development at Sant Antnin, especially on the issue of biogas.¹⁷³

175. The Civil Protection Department found no objection to the proposal as there were to be adequate access for Civil Protection Department vehicles and personnel.¹⁷⁴ On the issue of biogas, the Department recommended the provision of fire hydrants or a supply of pressurised water.

176. The Occupational Health and Safety Authority did not find any objections to the proposed development, provided the construction works, equipment and

¹⁶⁹ Minute 93 of Planning File PA2838/03, dated 15th September 2005.

¹⁷⁰ Minute 94 of Planning File PA2838/03, dated 15th September 2005, letter from WasteServ Malta Ltd to MEPA, dated 15th September 2005.

¹⁷¹ Minute 95 of Planning File PA2838/03, dated 22nd September 2005.

¹⁷² Minute 98 of Planning File PA2838/03, dated 27th September 2005, letter from MEPA to WasteServ Malta Ltd, dated 27th September 2005.

Minutes 99 to 111, undated, letters from MEPA to objectors, dated 28th September 2005.

¹⁷³ Minute 57 of Planning File PA2838/03, dated 24th January 2005, letters of MEPA to Occupational Health and Safety Authority and Civil Protection Department, dated 24th January 2005.

¹⁷⁴ Minute 61 of Planning File PA2838/03, dated 14th March 2005, letter of the Civil Protection Department to MEPA, dated 4th February 2005.

operations conform to health and safety regulations.¹⁷⁵ On the issue of the biogas, the Authority could not comment on the issue “as the applicant has not as yet identified the approximate quantities which will be generated/stored in the facility”.

177. MEPA contacted WasteServ on the issue of the volumes of biogas to be generated as the issue “cannot be left pending or as a reserved matter as it may have serious landuse implications.”¹⁷⁶ The communication refers to Section 5 of the ES where it is stated that

The average retention time of the [digestion] tanks is approximately 20 days. It is assumed that 2-3 digestion tanks will be constructed with a total volume of approximately 5,000cubic metres.

WasteServ, through their EIS consultants, confirmed that the cited statement in the correspondence by MEPA is correct.¹⁷⁷

178. On 19th May 2005, the Occupational Health and Safety Authority stated that¹⁷⁸
... WasteServ has informed us ... that the maximum amount of biogas that would be present at one time ... would be 120 kg.... Therefore this site is not a COMAH site [since threshold is 10 tonnes].

The Utilisation of Sewage Sludge

179. On 22nd September 2003, the Water Directorate of the Malta Resources Authority had requested “the location where sludge and compost generated by the plant will be stored or disposed”.¹⁷⁹ This letter was answered by WasteServ on 10th December 2004. It stated that compost will all be practically utilised to form part of the 1.5m thickness engineered soil mixture as land cover of closed landfill sites¹⁸⁰

...if the plant treating 35,000 tonnes of MSW shall produce 15,000 tonnes per year of compost, and assuming that all of it is absorbed at the sites we would require an 8 year production...the first eight years of operations of the plant shall be needed to produce the engineered soil for the rehabilitation of the landfills. Following this period, the new proposed Ghallis Landfill will have reached the rehabilitation stage and a demand for the engineered soil shall be

¹⁷⁵ Minute 62 of Planning File PA2838/03, dated 22nd March 2005, letter of Occupational Health and Safety Authority to MEPA, dated 23rd February 2005.

¹⁷⁶ Minute 63 of Planning File PA2838/03, dated 22nd March 2005, email of MEPA to WasteServ Malta Ltd, dated 22nd March 2005.

¹⁷⁷ Minute 64 of Planning File PA2838/03, dated 5th April 2005, email of WasteServ Malta Ltd to MEPA, dated 5th April 2005.

¹⁷⁸ Minute 65 of Planning File PA2838/03, dated 19th April 2005, email of Occupational Health and Safety Authority to MEPA, dated 19th April 2005.

¹⁷⁹ Minute 19 of Planning File PA2838/03, dated 21st October 2003, letter of Malta Resources Authority to MEPA, dated 22nd September 2003.

¹⁸⁰ Minute 51 of Planning File PA2838/03, dated 11th January 2005, email of WasteServ Malta Ltd to MEPA, dated 10th December 2004.

expected on a continuous bases...the plant is intended to have the compost produced matured by further treatment in closed chambers. This may be delivered directly for use/temporary storage at the fields of the farmers purchasing the material from the plant. Once the demand for the application of this material shall be continuous, storage of large quantities shall not result.

...we won't be producing or introducing any sludge in our systems. We shall only produce waste water which part of may be recirculated in the digestion process and the remaining may be treated and/or disposed off in the sewage network to be (further) treated at the new water treatment plants. Moreover this waste water produced shall depend on the technology we adopt...which shall be evaluated once we receive the tender offers.

This was communicated to Malta Resources Authority on 13th January 2005.¹⁸¹

180. WasteServ was also considering utilising sludge for the production of energy.¹⁸²

The Issue of the Integrated Pollution, Prevention and Control permit

181. On 21st February 2005, the Pollution Control Unit confirmed that the proposal "does not require an IPPC permit, but will require another form of environmental permit."¹⁸³

Application for the European Union Cohesion Funding

182. The actual project will be partly financed through the Cohesion Funding (2004-2006) entitled 'Upgrading of the waste treatment plant and material recycling and recovery facility' with a total cost of 16.7 million euros.¹⁸⁴

183. The application for assistance under the European Union Cohesion Fund 2000-2006 to the European Commission carries the title 'Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta'.¹⁸⁵

¹⁸¹ Minute 56 of Planning File PA2838/03, dated 13th January 2005, letter of MEPA to Malta Resources Authority, dated 13th January 2005.

¹⁸² Minute 23 of Planning File PA2838/03, dated 28th November 2003 stating that WasteServ Malta Ltd is "exploring the possibility of using sludge as a source of renewable energy.", email of MEPA to WasteServ Malta Ltd, dated 28th November 2003.

¹⁸³ Minute 237 of General File, dated 21st February 2005, internal mail.

¹⁸⁴ www.wasteservmalta.com, Upgrading the Sant'Antnin Waste Treatment Plant which states that

The proposed development is expected to lead to an improvement of environmental, social and economic impacts experienced from the operations of the current plant. This investment will also ameliorate present percentages of recovered materials from the general waste stream. It will also help in achieving this through improved work conditions for the work force and through greater public participation as a result of Government's commitment to prioritise this public concern

184. The application mentions that the proposed project is in line with the action plan of the *Strategy*, that to upgrade the Sant'Antnin Composting Plant. The upgrading of the Plant is required since¹⁸⁶
- (i) the current technique for composting, the Eco-Pod system requires more space than currently available;
 - (ii) the environmental and operational conditions¹⁸⁷ of the Plant would be improved in line with EU and local legislation requirements resulting in social benefits;
 - (iii) the landfill targets need to be reached; and
 - (iv) to reach the recovery targets.
185. The application describes the project as:¹⁸⁸
- (i) A Materials Recycling Facility for sorting 36,000 tonnes of separately collected recyclables per annum;
 - (ii) Refurbishment of the Mechanical Treatment Plant for receiving sorted/unsorted household waste for pre-treatment. This is described to be especially important in the primary stages of the operational life of the Plant until source separation takes hold¹⁸⁹;
 - (iii) A Digestion Plant to treat 35,000 tonnes of separately collected and sorted biodegradable wastes per annum to produce compost (about 15,750 tonnes per annum¹⁹⁰) and electricity from biogas (about 5,250 tonnes per annum to

¹⁸⁵ The application was made available to Marsascala Local Council by the European Commission on 28th October 2005 through Euro Member of Parliament Joseph Muscat:
...since the Maltese authorities have in the meantime given their agreement to the disclosure of the requested documents, I am now in a position to grant you access to the initially-refused documentation...

¹⁸⁶ European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.3-4, 8.

The application states that the Material Recovery Facility should meet the recovery targets as per Legal Notice 98 of 2004 Waste Management (Packaging and Packaging Waste) up to 2009 (Ibid., p.15). Measures would be taken to extend the modular system if needed.

¹⁸⁷ The application states that currently, the Plant has 45% rejects from the treatment system and that the proposed modular design of the Eco-Pod system (European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.4)
...shall ensure that a lower percentage of rejects is generated during the period required to have an effective waste separation system established in place.

¹⁸⁸ Ibid., p.4.

¹⁸⁹ Ibid., p.10.

¹⁹⁰ The application states that about 12,5000 tonnes of compost would be required for agricultural purposes annually (European Commission, Upgrading of the Waste Treatment

generate about 6.5 to 1.0 GWh/a, that is ~0.5% of Malta's generated electrical power in 2001, enough to operate the entire plant and feed the grid¹⁹¹); and

- (iv) A modular Composting Plant to compost the residues from the Digestion Plant.

186. The application mentions a third phase of development for Sant Antnin, namely for processing residues from the treatment processes, which initially would be landfilled:¹⁹²

...the modularity of the proposed system shall allow for the further upgrading of this facility to deal with the remaining mixed MSW. However the Government is proposing to invest further in the treatment of this waste stream as highlighted as Phase 3 in the application. The principal driving force behind this is to minimise our reliance upon landfilling in line with the relevant Directives.

This waste-to-energy treatment plant to process the remaining fraction of the Municipal Solid Waste, is being viewed as the third stage of the entire project for Sant Antnin.¹⁹³

187. The application states that¹⁹⁴

In the future, in order to meet the targets stipulated in the Landfill Directive...another plant intended to treat the mixed. M[unicipal]S[olid]W[aste] generated on the island (circa 130,000 tonnes per annum) is expected to be constructed. It is envisaged that a feasibility study will be conducted to determine the best option under Maltese conditions. A possible solution might be to construct a new and more modernised MTP to process and separate the different waste fractions...

188. Later on, it is stated that thermal processes such as gasification, pyrolysis and incineration could easily treat unsorted waste with energy recovery, offering Malta the possibility to reach its energy recovery quota.¹⁹⁵ According to the application, pyrolysis and gasification would require

...that a number of improvements and optimisations must be carried out before guaranteed continuous operation ensures smooth operation to avoid interim storage of waste...The necessary infrastructure is not

Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.14).

¹⁹¹ Ibid., p.14, 51.

¹⁹² Ibid., p.4.

¹⁹³ Ibid., p.21, 28.

¹⁹⁴ Ibid., p.10.

¹⁹⁵ Ibid., p.13.

present in Malta at the moment, but is being considered...It was recommended to wait until controversy free results, as well as a long established operational record, before these options are considered for Malta.

As a result of these considerations, it was concluded tht the potential for future investment for the treatment of the mixed M[unicipal]S[olid]W[aste] in a possible waste-to-energy facility needs to be further investigated. A system to process and separate the different waste fractrions is to be established. This separation technology should be considered in the context of the technology of the energy recovery plant to be developed since different waste-to-energy techniques require varying levels/processes of pre-treatment...

189. The application states that the project's reject rate is estimated at¹⁹⁶

...38% of Malta's M[unicipal]S[olid]W[aste] input. The weight reduction for landfilling as a result of the project is thus 62% of the M[unicipal]S[olid]W[aste] produced.

Table 1 indicates the waste streams as presented in the application:

<i>Waste Stream</i>	<i>Amount</i> <i>(tonnes per annum)</i>
Mixed household waste, including comparable waste from offices, shops, small companies, restaurants, schools, institutions, etc.	200,000
Of this:	
Separate collected dry recyclables (max)	36,000
Separate collected biodegradable waste (max)	35,000
Residual household waste (min)	129,000

Source: European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.17.

The Issue of the Integrated Pollution, Prevention and Control permit

190. The residual household waste stream would eventually be channelled to the intended waste-to-energy recovery plant. A schematic setup presented in the application¹⁹⁷ indicates that the waste arising from households, clean, mixed and recyclables would all pass through a 'central registration, inspection and weighing

¹⁹⁶ European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.36.

¹⁹⁷ Ibid., p.19.

stage', to be then channelled to their respective treatment plant. This central stage is the Mechanical Treatment Plant proposed at Sant Antrnin.

191. The application states that the heavy metal content of the currently produced compost is high which renders it as 'stabilised biowaste' in terms of the EU Draft Working Document of the Biological Treatment of Biowaste and applicable only as a landfill covering material thereby reducing the "effective lifetime of the landfill." The introduction of source separation of biodegradable waste¹⁹⁸ should produce high quality compost; the application states that the setting up of the digestion plant will increase the compost quality.¹⁹⁹

192. The application states that²⁰⁰

Green waste...is very limited in Malta...58% of the household waste consists of biowaste...the facility shall receive 22% [35,000 tonnes] of the total MSW as clean biowaste.

193. The costings for the entire project indicate that the Cohesion Fund would finance the construction of the Materials Recycling Facility and the Digestion Plant (Table 2).

194. The revenue for the operations of the project will be from sale of recyclables and charges taxed on households.²⁰¹ The project's lifetime is estimated to be 25 years. The increase in employment for the Plant is expected to increase from 49 to 69.²⁰²

195. The application states that²⁰³

In case odour and noise is not sufficiently controlled on the projects site a negative impact on the value of the surrounding premises can be expected...It is assumed that WasteServ Malta is able to cope with these potential problems. Therefore no such economic costs are included

196. An environmental appraisal was annexed to the application which states that no significant impacts on the neighbourhood or environment is expected.²⁰⁴

¹⁹⁸ The application states that 4.6million euros in Structural Funds were secured by WasteServ Malta Ltd for the gradual introduction of source separation of household waste (European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.12).

¹⁹⁹ Ibid., p.4, 9-10.

The application states that (Ibid., p.12)

...high grade compost ...can only be produced from the separately collected household biodegradable waste. From mechanically treated mixed household waste only stabilised biodegradable waste can be produced...

²⁰⁰ Ibid., p.16, 24.

²⁰¹ Ibid., p.34.

²⁰² Ibid., p.40.

²⁰³ Ibid., p.37.

Table 2: Costings for the project

<i>Works</i>	<i>Locally Funded (million euros)</i>	<i>Cohesion Funded (million euros)</i>
Technical assistance	✓	✓
Demolishing of the existing plant	✓	
Site preparation such as ground works, foundation works	✓	
Building and construction of facilities, sewerage system and parking places	✓	
Refurbishing of existing Mechanical Treatment Plant	✓	
Construction of a new Materials Recycling Facility		✓
Construction of a Digestion Plant		✓
<i>Total</i>	<i>12.64</i>	<i>16.75</i>

Source: European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.20.

197. Annex I of the application states that²⁰⁵

As part of the Environmental Impact Statement, MEPA requested the consideration of developing the project at any of the three other sites recommended as alternatives to the current site...The site-selection document submitted to MEPA concludes that the proposed location at Sant'Antnin is the only identified location suitable for the proposed development. This latter conclusion is also the basis for the declaration provided by MEPA that the project located at Sant'Antnin will have no significant impact on sites included or intended to be included in the NATURA 2000 network. All the other considered shortlisted locations offer a number of constraints, and have environmental impediments that make them significantly less attractive locations for the proposed development. The public consultation process...proved valuable in characterising potential areas of concern and associated mitigation measures as well as a preferred site on which detailed studies were to progress. A draft Environmental

²⁰⁴ Witteveen+Bos, *Environmental Appraisal of proposed waste management facilities at Sant Antnin*, prepared on behalf of WasteServ Malta Ltd under a European Union Framework Contract Service, 4th May 2004.

²⁰⁵ European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, Annex I, p.56-57.

Impact Statement is currently being prepared on the basis of this site-selection document...

198. Annex I attached with the application states that the project will not have significant negative effects on NATURA 2000 sites.²⁰⁶ The declaration by Nature Protection Unit of the Environment Protection Directorate states that²⁰⁷

The project is not likely to have significant effects on Natura 2000 site on the following grounds:

Currently a composting plant producing established bio waste has been in operation for the last fourteen years, and there are no known significant effect on the nearest candidate Natura 2000 site. Furthermore...[the] environmental scoping document...indicate that the project is not likely to result in significant impacts on the environment and the neighbourhood.

Following an appropriate assessment, according to Art. 6(3) of Directive 92/43/EEC, the project will not have significant negative effects on a Natura 2000 site.

Legislation and Regulations

The Development Planning Act, 1992

199. Article 13(5) states that:

The meetings of the [Development Control] Commission shall be open to the public At the request of any member of the Commission, the deliberations of the Commission shall be held in private but every vote shall be conducted in public. No secret vote shall be allowed.

200. Article 15(1)(d) states that:

Subject to article 32A(4) and to article 47(4), the Appeals Board shall have jurisdiction to:

- (iii) a local council in whose locality the development is intended to be carried out shall always be deemed for all intents and purposes of law to be an interested third party provided that the said council has complied

²⁰⁶ European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, Annex I, p.58.

²⁰⁷ Ibid., Annex I (a): Declaration by the authority responsible for monitoring Natura 2000 sites, dated 26th June 2004.

- with the provisions of article 32(5) and it is acting in the interest of the locality,
- (iv) an interested third party shall submit reasoned grounds based on planning considerations to justify his appeal

201. Article 36A states that:

The Authority shall not delegate to the Commission or to any other body or person the determination of the following applications:

- a) applications in respect of development of a national or strategic significance or affecting matters of national security or other national interests;
- b) applications in respect of development which could affect the interests of other governments;
- c) applications in respect of development which is subject to an environmental impact statement.

202. The First Schedule of the act states that:

A member of the Authority who has direct or indirect interest in any matter coming before the Authority for consideration shall, not later than the first meeting held after the relevant circumstances have come to his knowledge, disclose the nature of his interest. Such disclosure shall be recorded in the minutes of the meeting and the member:

- a) shall not take part in any discussion or decision of the Authority with respect to that matter; and
- b) shall be disregarded for the purpose of constituting a quorum for any such discussion or decision.

The Environment Impact Assessment Regulations, 2001

203. The Environment Impact Assessment Regulations, 2001, hereafter referred to as EIA Regulations, define environmental impact assessment as:²⁰⁸

The process of identifying, predicting, evaluating and mitigating the biophysical, social, economic and other relevant effects of proposed projects and physical activities prior to major decisions and commitments being made.

204. Regulation 11(3) addresses the coordination of findings of the EIS:

The coordinator shall prepare a coordinated environmental statement based on the findings and interpretations derived from specialized analyses carried out by the other consultants, other studies and documents compiled by the

²⁰⁸ Legal Notice 204 of 2001, Environmental Impact Assessment Regulations, issued under the *Development Planning Act*, Chapter 356 of the Laws of Malta. These regulations are grounded in Directive 85/337/EEC (as amended by 97/11/EC) on environmental impact assessments.

consultants and the comments made by the persons mentioned in sub-regulation (3) of regulation 21 of these regulations.

205. Regulation 13 addresses the Procedures to be followed in the preparation of an environmental impact statement:

A full environmental impact assessment for development listed under Category I of Schedule I to these regulations shall involve the following procedures:

- (a) describing the development including all ancillary facilities;
- (b) describing the extent of the existing environment likely to be affected by the proposed development;
- (c) identifying and assessing the effects of the proposed development on the existing environment;
- (d) designing mitigation measures;
- (e) formulating monitoring and auditing requirements

206. Regulation 14 addresses the Description of the Proposed Development Project. Regulation 14(1)(c) states that

The consultants shall describe the proposed development including ... a description of the financial feasibility of the project. A description of alternative sites considered, and alternative technologies that could be employed during construction and when in operation, shall also be included. In doing so, they may also refer to the project description statement mentioned in regulation 5 of these regulations.

207. Regulation 16 addresses the Assessment of effects of the development proposal:

- (1) The probable effects, both of the finished development and during construction, shall be predicted.
- (2) All significant impacts of the proposed development shall be considered and assessed...
- (3) Hazard and risk assessment of the development shall also be undertaken.

208. Regulation 24(2) which relates to certification of the EIS states that:

The Director of the Department shall consider whether the statement has been satisfactorily compiled, prepared in a professional manner, is without bias and adequately meets the terms of reference. If he is satisfied with the statement he shall certify it accordingly and inform the Planning Authority, the consultants and all the consultees.

209. Regulation 26 addresses the submission of the final EIS to the Authority²⁰⁹

²⁰⁹ Article 36(3) of the *Development Planning Act* states that

If a government department or agency does not respond in writing to the Authority not later than four weeks from the date of receipt of request by the Authority it shall be deemed not to object to such application

- (1) Prior to the submission of the final environmental impact statement to the Authority, the consultants shall further revise the environmental impact statement and the proposed development in the light of the written comments made by the public and the comments made during the public hearing. ...
- (4) The applicant shall ensure that his application conforms to the recommendations made in the environmental impact statement. The application shall not be determined until the Director of Planning is satisfied that the development application conforms to the said recommendations and the provisions of subarticle (3) of article 36 of the Act shall apply. If not, the Director of Planning shall request the applicant to comply with the said recommendations.

210. Regulation 28, which addresses the issue of the list of consultants and contributors in the EIS, states:

- (1) The environmental impact statement shall list the registration number and the names of the consultants and contributors responsible for the preparation of the environmental impact statement, environmental survey reports, appendices, non-technical summary and any other component of the statement.
- (2) The consultants who are responsible for a particular analysis, including analysis in the environmental survey reports, shall be identified.
- (3) 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.

211. Regulation 29 addresses conflict of interest of consultants engaged in the environment impact assessment:

- (1) In the interests of fairness, objectivity and the avoidance of bias, all consultants shall be required to sign, and abide by, a declaration that they have no personal or financial interest in the proposed development.
- (2) The Director of Planning and the Director of the Department shall not approve consultants, groups of consultants or consultancy firms that are in any way associated with any company, association or grouping that has any direct or indirect personal, professional or financial interest in the proposed development.
- (3) The Director of Planning and the Director of the Department shall not approve any environmental impact statement or environmental planning statement produced by a consultant or group of consultants, one or more of whom does not comply with the provisions of sub-regulations (1) or (2) of this regulation.

212. Regulation 44(3) of the Environment Impact Assessment Regulations states

In arriving at a decision, the Authority shall not be bound by the conclusions reached in an environmental impact statement...However, the Authority shall give due regard to the conclusions reached in the environmental impact statement...when arriving at a decision. Whether it accepts or does not accept the conclusions reached by the said impact statement...the Authority shall give detailed reasons thereof.

Plans and Programmes (Public Participation) Regulations, 2006

213. In terms of Regulation 1(2) of the Plans and Programmes (Public Participation) Regulations, 2006²¹⁰

These regulations implement the provision of Article 2 of Directive 2003/35/EC of the European Parliament and of the Council of 26 May 2003, providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending, with regard to public participation and access to justice, Council Directive 85/337/EEC and 96/61/EC.

214. Regulation 4(1) states that MEPA

... shall identify the public entitled to participate for the purposes of regulation 3(1), including relevant non-governmental organisations meeting any requirements imposed under national law, such as those promoting environmental protection.

Structure Plan for the Maltese Islands

215. Policy BEN 1 of the *Structure Plan* states:

Development will not normally be permitted if the proposal is likely to have a deleterious impact on existing or planned adjacent uses because of visual intrusion, noise, vibration, atmospheric pollution, unusually high traffic generation, unusual operating times, or any other characteristic which in the opinion of the Planning Authority would constitute bad neighborliness.

216. *Structure Plan* Policy BEN 2 states:

Development will not normally be permitted if, in the opinion of the Planning Authority, it is incompatible with the good urban design, natural heritage, and

²¹⁰ Legal Notice 74 of 2006 issued through Article 9 of the *Environment Protection Act, 2001* (Chapter 435 of the Laws of Malta).

Plans and programmes as per schedule attached to the Plans and Programmes (Public Participation) Regulation includes the Waste Management (Permit and Control) Regulations, 2001 (Legal Notice 337 of 2001) and Ambient Air Quality Assessment and Management Regulations, 2001 (Legal Notice 216 of 2001).

environmental characteristics of existing or planned adjacent uses, and is unlikely to maintain the good visual integrity of the area in which it is located. There will be a presumption against development, which does not generally observe the design guidelines issued by the Planning Authority for the built-up areas.

217. *Structure Plan* Policy SET 12 states:²¹¹

Notwithstanding the policy against any form of urbanisation outside areas designated for urban uses in the *Structure Plan*, the Planning Authority will consider applications for permission to develop, which ostensibly infringe Policy SET 11. In any such case the onus will be on the applicant to present evidence as to why the policy should be infringed, giving reasons why from a planning point of view such proposed use cannot be located in areas designated for development. The Planning Authority will additionally require the applicant to submit at his own expense a full Environment Impact Assessment of a form and content satisfactory to the Authority. This policy is not a means of evading policy SET 11 or any other policy. An Environmental Impact Assessment which adequately demonstrates acceptable impacts will not be the reason for the granting of a development permit if the proposed use can be located in the area intended for its development under the *Structure Plan* or any subsequent approved Planning Authority document.

218. *Structure Plan* Policy TRA 2 states:

The promoters of major developments will be required to prepare traffic impact, statements illustrating the likely impact of their proposals on the highway network.

219. In the case of waste management facilities, the *Structure Plan* states in Policy PUT 14 that such applications have to undergo an Environment Impact Assessment and that

Permission will only be granted when the responsible authorities are satisfied that the nature and control of the operation will:

- (i) Protect natural resources against pollution
- (ii) Protect the local environment against nuisance
- (iii) Provide for an appropriate after use

²¹¹ *Structure Plan* Policy SET 11 states:

No form of urban development will be permitted outside existing and committed built-up areas, and primary development areas as designated in the *Structure Plan* even where roads and public utilities are available. Permitted forms of non-urban development outside such areas are restricted to the categories referred to in Paragraph 7.6

The South Malta Local Plan

220. Policy SMTO 01 assigns the urban settlement of Marsascala as a Tourism Zone. Policy SMMS 13 addresses specifically Sant Antnin Waste Management Facility. It states:

This local plan confirms the committed use of the Sant' Antnin site for waste management facilities and MEPA will favourably consider proposals which will improve the operations of the plant and mitigate any resulting environmental impacts.

Solid Waste Management Plan for Malta

221. Among the number of recommendations that the *Solid Waste Management Plan for Malta*, hereafter referred to as the *Management Plan*, the throughput of the Sant Antnin Composting Plant was recommended to be maximised. The Plan highlights the importance of retaining Sant Antnin plant as²¹²

one of the key components towards an integrated waste management framework for the Maltese Islands...It is recommended that ways and means should be found to maximise on the investment already made in the plant in order to arrive as near as possible to its designed throughout...there are two key issues that need to be attended to. The first is an appraisal of the technology being used...to ascertain its continued applicability or whether it needs to give way to better and more adaptable technologies. The second is an appraisal of the amount of additional capital investment required in the plant in order that it can perform efficiently...

The Plan recommended that waste separation at source be practised for household and commercial wastes to improve the compostability of such wastes.

Space for Waste: Waste Management Subject Plan

222. Policy SWM 4 of the *Subject Plan* states:

The Planning Authority will, in having regard to the proximity principle, seek to ensure that an appropriate network of waste management facilities is provided for waste arisings in the islands, so as to ensure self-sufficiency in treatment and disposal capacity.

²¹² Ministry for the Environment, *A Solid Waste Management Plan for Malta: A 10-year Plan*, Consultation Document, January 2000, Para 12.1.5, 12.11, 12.13 and 12.14.

223. With respect to the provision and erection of plant and buildings related to waste management, Policy SWM 8 of the *Subject Plan* states:

The Planning Authority will support proposals for the provision and erection of plant and buildings for the recycling, transfer, storage and other treatment or handling of waste provided that:

the proposed site is located near to the likely source(s) of waste and/or the market(s) for the recycled or recovered materials; and

the proposed site is located:

- within an existing industrial site or on land which is permitted or allocated for industrial or similarly related development; or
- on land previously used for waste disposal or minerals development; or
- at a waste management facility provided that the proposed development is connected with the waste management operation and is for a temporary period commensurate with the operational life of the existing facility; and

the proposal will not give rise to unacceptable impact on local communities or the environment

224. In the section dealing with new waste management facilities, the Plan states that²¹³

...Proper siting is fundamental if the environmental impacts of such developments, including traffic, are to be minimised...Consideration of all options and research and monitoring into current and future waste levels and characteristics is required in the short term...For energy from waste incineration only one plant would be required to serve the Islands.

225. Policy SWM 16 states:

The Planning Authority will support development proposals for composting schemes provided that the proposal will not give rise to unacceptable impact on local communities or the environment.

226. Since anaerobic digestion uses biodegradable wastes only and hence competes with composting, the Planning Authority justifies the use of this technology only if suitable waste arisings and disposal options are proposed, as expressed in Policy SWM 19 which states that

The Planning Authority will support proposals for anaerobic digestion plants provided that:

- (i) the proposal has a secured source of suitable waste arisings;
- (ii) the proposal site is located within an area which is permitted or allocated for industrial development, or is a site that has already been disturbed by

²¹³ Planning Authority, *Space for Waste: The Waste Management Subject Plan*, Final Report, October 2001, para.5.32, 5.50.

- permanent development, or is within or adjacent to an existing waste management facility;
- (iii) the proposal will not give rise to unacceptable impact on local communities or the environment; and
- (iv) the proposal would deal with residues as an integral part of the operation.

227. Policy WDC 3 states that

In permitting proposals for new waste management or disposal facilities, the Planning Authority will have regard to the requirement for a buffer zone to be established between the waste development and neighbouring existing or proposed sensitive uses.

The Planning Authority will resist the granting of planning permission or other approval for sensitive land uses or other activities which could be adversely affected by or prejudice existing and permitted waste activities.

228. Policy WDC 4 states that:

Proposals for waste management facilities will not be permitted unless it can be demonstrated that:

- (i) there is a proven need for the development;
- (ii) the proposed site is located close to and has adequate access to the strategic road network, and that the local road network or other proposed transport facilities can accommodate the anticipated traffic;
- (iii) the proposed siting, design and landscaping of the development are of the highest practicable standard and are appropriate to the location of the proposal;
- (iv) the engineering design of the development is technically feasible and accords with the current best practice;
- (v) the development includes adequate measures to minimise visual and other amenity impacts;
- (vi) the development includes adequate measures to ensure that there would be no significant risk of pollution or danger to public health or safety, including the affects on water and air quality;
- (vii) where appropriate, adequate provision is made for the restoration, aftercare and management of the development to an agreed and suitable afteruse;
- (viii) there would not be adverse cumulative environmental effects, having regard to other similar developments which are either taking place or permitted to take place in the area.

229. The *Subject Plan* underlines that waste management facilities have the potential to cause negative environmental impacts and mentions traffic, water resources, coastal erosion, landscapes, special wildlife habitats and geological features, agricultural land, sites of historic or archaeological interest. This is reflected in Policy WDC 5.

Solid Waste Management Strategy for the Maltese Islands

230. The *Strategy* followed the issue of the *Management Plan*. At the outset, the report presents the main concepts on which the proposed action plan is built, namely:²¹⁴

- Develop an integrated approach to waste management;
- Reduce the quantity and hazard of waste arisings;
- Increase the re-use and recycling of waste materials and advocates the development of stronger markets for recyclables;
- Produce more compost of a higher quality;
- Possible further development in energy recovery technologies;
- Ensuring the safe disposal of residues which cannot be managed and;
- Involve the public in the decision making process.

231. The objectives of the *Strategy* propose that Government should be committed to tackle the waste hierarchy principles outlined in the Waste Management Policy of 1998. Under the section 'Waste Treatment/Processing', Government should be committed to ensure that the performance of Sant Antnin plant meets future requirements.²¹⁵

232. The mathematical model on wastes arisings predict that even if waste separation at source and upgrading of the Sant Antnin Composting Plant is carried out, another treatment facility would be required by 2013 if European Union landfill targets as regards biodegradable wastes are to be kept, that is to landfill less than 50% of 1995 figures biodegradable wastes by that year.²¹⁶ This new facility would

Likely incorporate some form of thermal treatment with energy recovery and would be required to treat and process non-recyclable, non-hazardous combustible wastes and process residues and for reducing the amount of biodegradable waste going to landfill. Work on the construction of such a facility will need to commence by no later than the end of 2011...depending on future changes in the quantities and/or composition of MSW and the actual performance of the planned waste recycling and composting facilities...

233. The *Strategy* points out a number of constraints that may hinder the outcome of the proposed action plan, including:²¹⁷

- (i) Siting of the proposed waste management facilities where the *Strategy* states that²¹⁸

²¹⁴ Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium, p.9.

²¹⁵ Ibid., Table 5.

²¹⁶ Ibid., p.13. The EU Directive 99/31/EC states that Member States should reduce their landfilling of biodegradable wastes to 75% of 1995 figures by 2010, to 50% by 2013 and to 35% by 2020.

²¹⁷ Ibid., pp.42-45.

Land is probably our scarcest resource. Although the Planning Authority's 'Waste Management Subject Plan for the Maltese Islands', once adopted, will help to strengthen and clarify policies on the allocating and use of land for waste management purposes, finding suitable sites for the development of any waste management facility will always be difficult and contentious. This implies that the 'footprint' of any new facility should be minimised as far as practicable.

- (ii) Public perception where the *Strategy* states that this could be a major factor hindering the implementation of the proposed action plan. According to the report states that most public fears to chosen strategies are ill founded fears or poor perceptions.²¹⁹

However, the facilities needed to manage our wastes more sustainably will have to be located somewhere, and these locations will need to be finally determined following a rigorous and transparent site search, assessment and selection process based on the principle of 'Best Practicable Environmental Option' (BPEO).

In this respect, the Government recognises the importance of developing and implementing a comprehensive programme for on-going communications and consultations with the public and other stakeholders both before and during implementation of the Strategy.

234. The actions proposed by the *Strategy* for an effective solid waste management related to the upgrading Sant Antnin Composting Plant by end 2003.²²⁰

Despite the historical problems of the Sant Antnin Composting Plant, this facility represents a significant sunk investment and potentially valuable asset. Much of the existing infrastructure and equipment is in reasonably good condition, and could form the basis of an integrated waste treatment complex for the recovery and recycling of municipal, commercial and industrial non-hazardous wastes. This site should with further capital investment, be able to accommodate a combination of enclosed treatment processes without giving rise to the kind of environmental problems experienced in the past. Organic waste processing will continue to expand even outside the location of the Sant Antnin Composting Plant, particularly to other sites needing rehabilitation...

Thus, Government would be committed that by end 2003, the Plant would be upgraded and modified to

- (i) Receive and process a large volume of organic wastes generated in Malta and Gozo to produce a reasonably high quality compost for local use;

²¹⁸ Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium, p.43.

²¹⁹ Ibid., p.44.

²²⁰ Ibid., p.68.

- (ii) Receive, sort and process a larger volume of dry recyclables generated in Malta and Gozo for local use or export; and
- (iii) Receive and process a large proportion of sludge from the three proposed sewage treatment plants.

235. The upgraded Sant Antnin Composting Plant was expected to handle 125,000 tonnes of biodegradable waste annually that is about 72%²²¹ of the total biodegradable wastes produced from the municipal solid waste.

236. Establishing a new Materials Recovery Facility (MRF) for the recovery of recyclable materials by end 2003. This facility would be run on a commercial basis with the majority of recyclables being exported. This facility is expected to handle 125,000 tonnes of waste annually.²²²

237. By 2013, a waste-to-energy plant is expected to start operating and will handle about 250,000 tonnes of waste annually that is about 78% of the total waste volumes for that period.²²³

Comments

The Development Proposal

238. The development proposal as approved by MEPA incorporates the following waste management treatment processes:
- (i) A mechanical treatment facility;
 - (ii) A materials recycling facility;
 - (iii) An anaerobic digestion plant; and
 - (iv) A composting plant.

²²¹ Table 14 of the *Strategy* estimates that projected municipal solid waste volumes for 2005 for the Maltese Islands are about 223,885 tonnes (Scenario 1, Table 14); of these 161,197 tonnes that is 72% of the total volume, are biodegradable wastes. Once upgraded, Sant Antnin Composting Plant was expected to handle 125,000 tonnes that is about 52% of the total municipal solid waste volumes (Scenario 1, Table 15).

The upgrading of the Plant was estimated to cost LM5.5 million over a period of two years (Table 16) while annual operating costs would reach about LM2 million (Table 17).

²²² The Materials Recovery Facility was expected to handle 125,000 tonnes of waste annually (Table 15, Scenario 1). This translates to about 52% of the total municipal solid waste annual volumes.

Capital expenditure in setting up the facility was expected to reach LM2.5 million (Table 16) and annual operating were expected to reach LM770,000 (Table 17).

²²³ The projected waste volumes for 2015 for the Maltese Islands (Scenario 1) were about 320,941 tonnes (Table 14).

Capital expenditure in setting up the facility was expected to reach LM23.3 million (Table 16, Scenario 1) and annual operating were expected to reach LM4.2 million (Table 17).

239. In 1978, the VEB report identified Sant Antnin area as the site for a sewage treatment facility and a composting plant, since co-composting of sewage sludge with municipal solid waste was envisaged.²²⁴ The area was selected since it was not an aquifer protection zone, at the time was not a residential zone and rejects from the proposed development could be dumped in the then still active waste tip. In 1983, Sant Antnin area was committed for sewage treatment and in 1993, it was committed for composting. Co-composting of sludge and biodegradables never materialised. The original application as per pDS, sought to confirm this commitment with a further commitment to waste sorting. Later amendments and planning permit PA 2838/03 are putting an added commitment to the site for mechanical treatment of waste, waste sorting and waste-to-energy recovery.

Mechanical Biological Treatment

240. The development proposal may be considered as a mechanical biological treatment plant. This is not a waste treatment per se, but a combination of mechanical sorting of waste for eventual recycling and/or landfilling, together with biological processing.²²⁵

241. The operational capacity of Mechanical Biological Treatment Plants ranges from 10,000 tonnes per annum of municipal solid waste to large scale facilities able to treat 150,000 tonnes. Most of the designs are modular to adapt to specific situations:²²⁶

- (i) Simple design with a limited degree of mechanical waste sorting leading to composting efforts. This type of design creates significantly high volumes of rejects which have to be landfilled with no energy recovery efforts. These are low cost systems, utilising mechanical sorting of waste and composting.
- (ii) More integrated systems use control features to optimise odour and air pollutants emission, use energy recovery processes and reduce residues; the integrated design makes them more economically and environmentally efficient.
- (iii) Better designs encompass a higher degree of waste separation and thus further reduce the fraction of waste to be landfilled. The design of these systems introduced more stringent air pollution controls.

242. The concept originated in Germany and the German market is the most established, followed closely by Austria, Switzerland and Netherlands. There are over 70 such facilities currently in operation and hence the technology may be

²²⁴ As cited in Gauci, V., 'The Sant Antnin Solid Waste Treatment Plant & the Waste Management Strategy', 1994.

At the time, the fraction of biodegradable waste in the municipal solid waste was higher.

²²⁵ www.juniper.co.uk

²²⁶ Ibid.

classified as proven. However, there are few companies that have built more than five plants, including pilot and/or reference projects.²²⁷

243. Mechanical Biological Treatment facilities follow the waste hierarchy and are cost-effective with low environmental impact.²²⁸ To this extent, they offer huge potential. It is an attractive system because²²⁹

...it appears to avoid the need for thermal processing; but not a complete solution, so still needs either landfill or thermal treatment of the residual fraction.

The system tolerates a low degree of recycling infrastructure since waste is sorted on site. This allows for diversion away from landfilling to recycling schemes, helping authorities to improve their recycling targets, without the need for infrastructure for source segregation, and/or composting or other energy recovery processes. Concurrently, the volume of residues for landfilling is reduced, again helping authorities to reach landfill targets.

Recycling

244. Thermodynamically, recycling of materials is more efficient than their manufacture from raw materials. For example, the energy required to manufacture new paper from trees is double the energy requirement to recycle paper; recycled aluminium uses one twentieth of the energy required to manufacture aluminium from the aluminium bauxite; recycled steel saves 60% of the energy used for its original manufacture, while glass saves 20%.²³⁰
245. Recycling is not a total solution since the non-recyclable fraction, that is that fraction of waste which may be uneconomic to impractical to recycle, may be a significant proportion. Moreover, the recyclables may be of limited use since they may not be economically viable to find a market for the recovered materials.²³¹ The environmental impact of collecting, sorting, cleaning and transporting recyclables can be considerable.²³²

Anaerobic Digestion

246. Anaerobic digestion is the decomposition of the organic fraction of waste to produce a mixture of methane (65%) and carbon dioxide (35%) (biogas),²³³ often used for power

²²⁷ www.juniper.co.uk

²²⁸ Ibid.

²²⁹ Ibid.

²³⁰ Blue Ridge Environmental Defense League, "Waste Gasification: Impacts on the Environment and Public Health", 2002.

²³¹ www.juniper.co.uk

²³² Ibid.

²³³ Both methane and carbon dioxide are greenhouse gases.

production. Up to 60% of the organic waste is converted into biogas; the decomposition rate is directly dependant on the nature of the waste and the operating temperature. The biogas has an energy value of about 50% to 70% that of natural gas.

247. The process also produces liquid and solid digestates; liquid fractions may be used as a fertilizer and the solid element may be used as a soil conditioner. This type of treatment is increasingly being used within mechanical biological treatment plants.²³⁴
248. European Union companies in anaerobic digestion are world leaders. Current generating capacity in the European Union totals only 300MW, but the market is increasing, largely due to environmental pressures to improve waste management. Anaerobic digestion outputs within the European Union are expected to reach 1000-2000MW by the end of the 2010 and global potentials are estimated at 20,000MW. Anaerobic digestion has attracted particular attention in developing countries where agriculture is the central sector of the national economy and agricultural wastes are reaching problematic levels.²³⁵
249. Environmental performance of anaerobic digestion is superior to thermal processes, especially if the organic fraction of waste is high.²³⁶ However, the technology is still suffering from a perception of unreliable performance due to past performance of plants installed in the 1980s.²³⁷
250. Due to low deployment, capital costs are still high rendering the technology economically not viable without government subsidies.²³⁸ The market value of the products may be questionable and may well represent a commercial risk due to current uncertainty of markets for digestate.²³⁹
251. The volume of residues from anaerobic digestion are high, potentially posing significant pressures on landfilling. Ironically, the Landfill Directive which will be putting pressure to deviate organic fractions of waste from landfilling, will be the main driver for the increased use of anaerobic digestion by the end of the decade.²⁴⁰

²³⁴ europa.eu.int/comm/energy

²³⁵ Ibid.

²³⁶ Ibid.

²³⁷ Ibid.

²³⁸ Ibid.

Planning Authority, *Space for Waste: Waste Management Subject Plan for the Maltese Islands*, October 2001, Envirospire, Para. 5.27.

²³⁹ europa.eu.int/comm/energy

²⁴⁰ Ibid.

Composting

252. Composting utilises only the organic fraction of wastes. It heavily depends on the availability of source separated biodegradable waste and composting from mixed wastes such as municipal waste has little use and frequently ends up on landfill sites.²⁴¹

253. The application for Cohesion Funding states that²⁴²

...high grade compost ...can only be produced from the separately collected household biodegradable waste. From mechanically treated mixed household waste only stabilised biodegradable waste can be produced

254. There are a number of techniques available, such as the windrow system and the Ecopod system. The former is an open, fully aerobic fermentation of waste which can be enhanced with forced pumping of air; the latter is also aerobic fermentation of waste, but waste is enclosed in elongated plastic bags with forced air system. Since this system is fully enclosed and the fermenting waste is only occasionally turned, odour problems are minimised. However, the system is labour intensive. Retention periods normally range from 6 to 10 weeks.

255. Environmental impacts of composting may be greater than those of modern incinerators.²⁴³

The Concept of Sustainability in Waste Management

256. One of the activities having a high impact on the environment is waste management. In the foreword to the *Solid Waste Management Strategy*, the then Minister of the Environment stated that²⁴⁴

Preventing and managing waste is at the heart of sustainable development. Waste means unnecessary depletion of natural resources, unnecessary costs and environmental damage that could be avoided. Sustainable waste management is about using resources more efficiently.

The Rio Declaration

257. The *Rio Declaration on Environment and Development*²⁴⁵ is the first global attempt at addressing the issue of future generations and the responsibilities of present

²⁴¹ www.juniper.co.uk

²⁴² European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.12.

²⁴³ www.juniper.co.uk

²⁴⁴ Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium, Foreward.

generations towards future ones, encompassing the concept of sustainability and environmental capital of future generations. The overall objective of the *Declaration* is that sustainable development centres around human beings since they²⁴⁶

are entitled to a healthy and productive life in harmony with nature.

258. Principle 3 incorporates the idea of striking a balance between current and future developmental needs and environmental protection. To achieve sustainability, Principle 4 declares that environmental protection must be integrated within the development process. Principle 8 puts the onus onto State Authorities to achieve sustainability, whereas Principle 10 emphasises the role of public participation at all levels of development planning. Principle 13 encourages States to enforce the concept of liability and compensation to “victims of pollution and other environmental damage”. Principle 14 condemns or discourages international translocation of activities or substances that cause severe environmental degradation or are found to be harmful to human health. Principle 15 endorses the precautionary principle, whereby lack of full scientific certainty or threats of serious or irreversible damage shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.

Council Resolution on Waste Policy

259. In 1990, the European Community had already highlighted the need for the establishment of a waste hierarchy system.²⁴⁷ It underlined the need for recycling and reuse programmes, provided that environmental concerns are considered and control measures implemented. It encouraged pre-treatment processes to reduce landfill pressures and discouraged unnecessary movements of waste.

²⁴⁵ The *Rio Declaration on Environment and Development* has been endorsed within Agenda 21, a programme of action signed by 180 countries, including Malta, at the United Nations Conference on Environment and Development (UNCED) held in Rio de Janeiro, Brazil, 3 to 14 June 1992. Agenda 21 addresses the relationship between environment and economy as a common heritage to all mankind requiring international cooperation. The World Summit on Sustainable Development (WSSD) held in Johannesburg, South Africa from 26 August to 4 September 2002 reaffirmed the implementation of Agenda 21. The Declaration is a statement of basic guidelines consisting of 27 principles towards a balance between sustainable development and environmental protection.

²⁴⁶ Principle 1 of the Declaration.

²⁴⁷ Official Journal C122, C122, 18/05/1990, p.2-4.

The waste hierarchy is a classification of waste management strategies listing their degree of sustainability. There are six main classes:

- (i) waste reduction using clean technologies,
- (ii) waste minimisation during product manufacture,
- (iii) recycling,
- (iv) re-use and reclamation,
- (v) use of waste as source of energy or other recovery processes, and
- (vi) disposal, mainly landfilling.

The Fifth European Community Environmental Action Programme: Towards Sustainability

260. The principles underlying the Fifth Action Programme,²⁴⁸ were twofold: the integration of the environmental aspects of all major policy areas and secondly, sharing responsibilities of the various stakeholders, namely governments, industry and the public. One of the seven 'Themes and Targets' of the Programme was Waste Management, that is 'the need to halt and to reverse current trends in waste generation, in terms of both volume increase and in environmental hazard and damage.'

Council Directive 91/156/EEC amending Directive 75/442/EEC on waste

261. The directive echoes the Council Resolutions on waste management, that is the need for a waste hierarchy encompassing the proximity principle²⁴⁹ within the respective Member States' waste management strategies and highlights that this should not be undertaken at the expense of human health or the environment.²⁵⁰ This Directive emphasises self-sufficiency at the European Community level and even at State level, when it comes to waste disposal; each Member State is responsible to establish a network of disposal installations using the²⁵¹

best available technology not involving excessive costs ... taking into account geographical circumstances.

and that Member States must limit the movements of waste by taking the necessary measures in their management plans.

Council Resolution on a Community strategy for waste management

262. This resolution points out that waste generation within the European Union had continued to grow despite efforts to the contrary.²⁵²

...in view of sustainable development, Community policy on waste management should be guided primarily by the need for a high level of environmental protection taking account of the potential benefits and costs of action or lack of action and having due regard also to the functioning of the internal market

²⁴⁸ The European Community Programme of policy and action in relation to the environment and sustainable development, better known as the Fifth Environmental Action programme, was approved by the Council and the Representatives of the Governments of the Member States on 1st February 1993.

²⁴⁹ The proximity principle sites an activity as close as possible to the source of the resource required by that activity. Thus, waste treatment and disposal facilities should be sited as close as possible to the source of generation of wastes, thus limiting adverse negative impacts from their transportation, especially in case of disposal to third countries.

²⁵⁰ Official Journal L78, 26/3/1991, pp. 32-37, Articles 3 and 4.

²⁵¹ Ibid., Article 9.

²⁵² Official Journal C076, 11/03/1997, p.1-4.

263. The Council Resolution underlined the importance of incorporating the waste hierarchy within the regional and local policies on waste, such that the aims of all Member States should be

to achieve significant reductions in the amount of waste generated and increased levels of reuse, recycling and recovery

depending on environmental and economic effects, with preference given to reuse and recovery.

The Sixth Environment Action Programme of the European Community: Our Future, Our Choice

264. Four priority areas were identified in the sixth action programme for the environment: climate change²⁵³; nature and biodiversity; environment and health and quality of life; and natural resources and waste.²⁵⁴ The Programme aims to emphasise the following venues in order to act on the key areas:

- (i) effective implementation and enforcement of environmental legislation;
- (ii) integration of environmental problems utilising a mixture of techniques; and
- (iii) effective participation of all interested parties and joint work of solutions.

More specifically, seven strategies were identified, including air pollution, urban environment and waste recycling.

Sustainability Concept in an Island Context

265. An environmentally sustainable country may be defined as one which is self-sufficient in environmental services such as biodiversity, clean air, water and arable land. However, this definition is not considered applicable for small countries, especially small island states such as Malta, unable to rely on a mother land. In fact, small states are excluded from the Environment Sustainability Index²⁵⁵ because

²⁵³ This effectively means implementing the Kyoto Protocol on climate change and reducing the greenhouse gas emissions in the energy, transport and industrial sectors, mainly carbon dioxide and methane

²⁵⁴ The Sixth Environmental Action Programme was approved by the European Parliament and the Council of Europe in 2002 and lays a programme for improving actions in key areas for the following decade.

On environmental health, the Programme aims for

Contributing a high level of quality of life and social well being for citizens by providing an environment where the level of pollution does not give rise to harmful effects on human health and the environment and by encouraging a sustainable urban development

The strategy on waste includes measures to ensure source separation and development of environmentally sound waste recycling and treatment technology.

²⁵⁵ This is an international reference tool to compare environmental stewardship on a national basis (Yale Center for Environmental Law and Policy, Yale University and Center for

the nature of the interaction between elements of environmental sustainability is fundamentally different compared to larger countries.

Small states are more comparable to cities rather than countries, because they practically rely on external sources of natural resources and land use tends to be highly urbanized. The Environment Sustainability Index is assigned a separate score to small states, which score includes aspects of the index which are equally applicable regardless of country size, such as air and water quality, but excludes aspects such as recycling rates which are much more difficult to achieve.

266. The *Strategy* points out a number of constraints that may hinder the outcome of the proposed action plan,²⁵⁶ including economic factors. With respect to the effect of economies of scale, the *Strategy* states that²⁵⁷

Some processes that are appropriate elsewhere in Europe are not feasible or cost-effective for use in Malta due to the prohibitive costs of operating on a very small scale.

As regards the market for recyclables, the *Strategy* states that the potential for expansion of the local market for recyclables is likely to remain negligible, with the result that most materials would have to be exported, with considerable handling and shipping costs which far exceed their market cost.²⁵⁸

267. The *Sustainable Development Strategy* states that²⁵⁹

A sufficiently large market for recycled products is yet to be developed to ensure the economic viability of collecting materials.

268. The *Subject Plan* states that²⁶⁰

...As such recycling is unlikely to have a significant impact on reducing the levels of municipal waste requiring final disposal from current levels during at least the first half of the Plan period. In the longer term the geographical location of the Maltese Islands may also act as a limiting factor with respect to the development of markets for recyclable materials on the overall level of recycling and composting that can realistically be achieved.

International Earth Science Information Network, Columbia University, "2005 Environmental Sustainability Index: Benchmarking National Environmental Stewardship", Appendix E: ESI Values in Small States, www.yale.edu/esi/ESI2005).

²⁵⁶ Ministry for the Environment, *A Solid Waste Management Strategy for the Maltese Islands*, October 2001, Carl Bro Global Environment Consortium, pp.42-45.

²⁵⁷ Ibid., p.44.

²⁵⁸ Ibid.

²⁵⁹ National Commission for Sustainable Development, *A Sustainable Development Strategy for the Maltese Islands: 2006-2016*, Third draft, p.25.

²⁶⁰ Planning Authority, *Space for Waste: The Waste Management Subject Plan*, Final Report, October 2001, Envirospire, para.5.24. In paragraph 5.26, the Plan then states that
The level of recycling will determine the levels of residual municipal waste requiring treatment and final disposal...

269. A main objective of the proposed development is to reach landfill and recovery targets.²⁶¹ The planning permit allows for Phase 2 of the project, namely to reach landfill targets until 2013. However, Phase 3 of the project would require a waste-to-energy recovery system. The planning permit has committed the site for this third phase of the project so that Malta would eventually reach its energy recovery quota.²⁶²
270. Integration of waste management facilities is considered sustainable, both economically and environmentally. This is pertinent in an island state context. The sole criterion in the site selection exercise for the proposed development, covered by planning permit PA 2838/03, was site area and current activities. The siting criteria should have encompassed the human health and the environment in line with the *Rio Declaration*, Council Directive 91/156/EEC on waste and the Council Resolution on waste management.
271. Malta needs a consolidated waste management facility, a sound solution, both environmentally and economically. However, the choice of Sant Antrnin as a site was extremely poor due to the high presence of sensitive receptors. That Government was pressing concerned authorities for a go ahead in order not to lose EU funding regardless of the consequences on the environmental health or otherwise, is evident in the correspondence noted in the files PA 2838/03 and GF 3623/03.

The Environmental Impact Assessment Process

272. The environmental impact assessment process is carried out by an independent body to enable MEPA to comprehend the environmental effects of a proposal prior issue of a development planning permit. Environmental assessment should lead to better standards of development with adequate mitigation measures. Provided a planning permit is issued, the environmental impact assessment process evolves into a monitoring exercise to assess the actual impacts against the predicted impacts on the environment.
273. The environmental impact assessment process involves a number of phases:
- (i) Proposal – the proponent submits a Project Description Statement to MEPA;
 - (ii) Screening – MEPA analyses the PDS and decides whether the proposal requires an EIS.

²⁶¹ European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004, p.3-4, 8.

²⁶² The Sunday Times, 9th Jaunary 2005, 'Waste into energy before 2013', p.7.

- (iii) Scoping – MEPA consults other entities to draw up a Terms of Reference for the EIS, where key issues are addressed while significant impacts, alternatives to the proposal and the affected public are identified.
- (iv) EIS Preparation – MEPA approves the consultants to produce the EIS. Baseline studies, that is data capture on the key issues as identified in the scoping phase. Policies relevant to the proposal are examined to ensure the proposal conforms and detailed assessment on the magnitude and significance of predicted impacts, including cumulative impacts, is undertaken. Mitigation measures are then formulated based on the identified key impacts. Thus, the environmental impact assessment process is an iterative process aimed at improving and refining the original proposal to further reduce environmental impacts.
- (v) EIS Review – MEPA and its consultees review the EIS and issue comments which are incorporated in the final version of the EIS. The EIS is certified by the Environment Protection Directorate prior circulation to consultees.
- (vi) Public Hearing – the public is invited to comment on the EIS and express views on the impact of the proposed development.
- (vii) Decision – MEPA decides whether the proposal can take place or not.
- (viii) Construction and Operation Monitoring – MEPA monitors the likely impacts arising during the construction and operation of the project.
- (ix) Post-project Evaluation – MEPA investigates the actual environmental impacts against the predicted impacts identified earlier in the environmental impact assessment process.

The Implication of an Environmental Impact Assessment

274. The keynote on environmental assessments is objectivity when assessing information within a systematic and holistic framework. This enables concerned authorities and the community in general to comprehend the significance of key impacts of a proposal.

275. The concept of significance is a highly subjective notion, depending on the assessor and the cultural background of society. So while development proponents constantly claim that their project has minimal impact on the environment, the affected society maintains that the project will have significant negative impacts.

276. The objectives of an environmental impact assessment are:

- (i) Provide an objective procedure for the full consideration of the possible adverse environmental impacts of projects before any decision to proceed;

- (ii) Provide an avenue for the public to contribute to the decision-making process;
- (iii) Ensure monitoring, annual reporting by the proponent, post-project analysis and independent auditing;
- (iv) Support the search for alternative sites and technology as well as mitigation measures and;
- (v) Promote knowledge building on the dynamics of the environment which will enlighten and make other proponents aware of the environmental sensitivity to developments.

Role of Public Participation

277. Public participation is a fundamental component of the environmental impact assessment process.²⁶³ Public Participation ensures:

- (i) A higher competence at decision-making since local knowledge is included and expert knowledge is publicly examined;
- (ii) A higher legitimacy of the final outcome when potentially affected parties can state their opinion and have an equal chance to influence the outcome;
- (iii) A proper conduct of democratic government in public decision making activities; and
- (iv) The maturation of individuals into responsible democratic citizens once allowed to be involved in working out a mutually acceptable solution.

278. The role and importance of public participation in environmental decision-making has been outlined in the Aarhus Convention.²⁶⁴ Article 1 states that:²⁶⁵

In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.

²⁶³ S. Stec (ed.), *Handbook on access to justice under the Aarhus Convention*, The Regional Environmental Center for Central and Eastern Europe, Szentendre, Hungary, 2003.

Hartley N. and Wood, C., 'Public participation in environment impact assessment – implementing the Aarhus Convention', *Environmental Impact Assessment Review*, Vol. 25 (2005) pp. 319-340.

²⁶⁴ United Nations Economic Commission for Europe, *Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters*, 25th June 1998.

²⁶⁵ *Ibid.*, Article 1.

279. Article 6 of the Aarhus Convention states that public notification about a decision on specific activities should be given early in the process and should be adequate, timely and effective. Public participation should be real and not a formality.
280. The European Union became a strong advocate of public participation, arguing that:²⁶⁶

Effective public participation in the taking of decisions enables the public to express, and the decision maker to take account of, opinions and concerns which may be relevant to those decisions, thereby increasing the accountability and transparency of the decision-making process and contributing to public awareness of environmental issues and support for the decisions taken.

281. Both Directive 2003/35/EC and Legal Notice 74 of 2006 fail to define the terms 'early' and 'effective' participation. At law, public consultation period is thirty (30) days. During this period, the public is expected to make substantive comments on a proposal, often consisting of complex technical and scientific issues, rendering public participation ineffective, especially when members of the public have to hire expertise submit technical comments. Often, there is the tendency that the public is seen as an intruder between the proponent and MEPA. Public hearings are called by MEPA post certification of an EIS and during decision-making. Emphasising public participation towards the end of the environmental impact assessment process increases conflict between proponent and public.
282. Unfortunately, the planning process is rendered into a rubber-stamping exercise, a hurdle race, instead of an interactive tool for sustainable development, resulting in wastage of time and resources. The desired outcome of a planning process is to reach consensus within affected communities through collaboration at an early stage. Public consultation does not mean dishing out information:²⁶⁷ it should be a two-way process, both for the designers of the project and for the public. Certainly, requesting consultation from local councils without them knowing that one had already taken a binding decision on same is certainly not in the spirit of Directive 2003/35/EC. Consultation on the *Alternative Site Assessment* was conducted whilst the Sant Antnin site had already been committed and the environmental impact assessment process had commenced.

Local Councils

283. Local Councils are set up in terms of article 115(A) of the *Constitution of Malta*, elected by the residents of the locality, and each has to fulfil a number of functions

²⁶⁶ Directive 2003/35/EC on public participation, para. 3. Malta endorsed this directive on 24th March 2006 through Legal Notice 74 of 2006, Plans and Programmes (Public Participation) Regulations, 2006.

²⁶⁷ Minute 298 of General File GF3623/03, dated 13th August 2005, letter of Front Kontra l-Impjant ghar-Riciklagg Kif Propost to MEPA, dated 9th August 2005.

set out by law. Thus, although in terms of article 33(2) of the *Local Councils Act*, the proposed development is within the responsibility of central government, in terms of article 33(1)(i) of same, a function of the Local Council, the local government, shall be

To advise and, where applicable, be consulted by, any authority empowered to take any decisions directly or indirectly affecting the Council and the residents it is responsible for;

284. The importance of consultation with Local Councils is well acknowledged in the *Development Planning Act* to the extent that it is deemed to be an interested party for any development within its boundaries (Article 15(1)(d)(iii)) This is reinforced in the EIA Regulations through the environment impact assessment process.
285. However, having correspondence and other material on the relevant planning application PA 2838/03 filed in general file GF 3623/03 which cannot be traced through the Authority's computer system runs counter the spirit of the law. It defeats the scope of the various legislation ensuring effective consultation with Local Councils. In a culture where information technology and dissemination is an integral part to ensure transparent, democratic decision making, away from centralized government, this state of affairs is not tenable. It is not acceptable that local governments, set up precisely to ensure decentralisation, are cheated from an effective consultative process, a process so fundamental to participative democracy. Filing away correspondence relevant to an active planning application of regional and national interest in a 'general file' becomes more of a serious nature when one notes the significance and controversial nature of the proposed development.

Environmental Ethics Considerations

286. Judgements based on ethical conduct should be grounded in facts. Most warranty licences are based on the ability to present factual statements and to aim at objectivity when presenting information. A professional is legally bound to be socially responsible when presenting information. A professional is legally bound to be socially responsible when presenting information and to use his/her skill to enhance human welfare.
287. However, professionals involved in presenting a proposal to the public may be partial in their approach and thus do not present an independent position. There is a thin veil between trying to be truly less subjective, presenting the most reliable, technically feasible from the socio-economic and environmental points of view and being pseudo objective, presenting only the better legally valid view of the project on behalf of the client, leaving the public at large to bring out the weaknesses in the proposal, who in turn are read as the adversaries.

288. Technical reports are sometimes project-advocacy documents, prepared as though for litigation. Commonly, technical reports do not present a disinterested discussion of the technical issues and information available. An environmental impact assessment is neither meant to justify a development nor meant to justify the preferred site as per correspondence of WasteServ to MEPA, dated 18th July 2003²⁶⁸

...as agreed during our meeting with Hon George Pullicino of 15 July, the EIA will seek a justification of the preferred site by evaluating alternatives. As agreed, these alternatives are to be identified jointly with MEPA and a meeting in this regards is to be proposed by MEPA.

Also, an environmental impact assessment is not meant to make a development acceptable and much less is it meant to serve as a document to convince residents of an area and the public in general as was the case for Sant Antnin.

289. This can be overcome by having an independent, critical review of the proposal based on firm baseline studies so that the environment can be truly safeguarded. With a project advocacy attitude, partial truths are presented, professional integrity suffers and public perception is damaged, justifiably inducing the NIMBY syndrome. Clearly, less-than-ethical conduct harms the reputation and public confidence of professions and concerned authorities in protecting society's interests, especially in the sensitive realms of environmental health.

Joint Declaration on Articulating a Code of Environmental Ethics

290. The *Joint Declaration on Articulating a Code of Environmental Ethics*, issued by Pope John Paul II and Ecumenical Patriarch Bartholomew of Constantinople on 10th June 2002 states that:²⁶⁹

... In our time we are witnessing a growth of an ecological awareness which needs to be encouraged, so that it will lead to practical programmes and initiatives. ... It is on the basis of our recognition that the world is created by God that we can discern an objective moral order within which to articulate a code of environmental ethics. In this perspective, ... all ... have a specific role to play in proclaiming moral values and in educating people in ecological awareness that is none other than responsibility toward self, toward others, toward creation

291. Ethical goals listed at the end of the *Joint Declaration on Articulating a Code of Environmental Ethics* are geared for the well-being of present and future generations, the "world's children ... our children":

²⁶⁸ Minute 20 of General File GF3623/03, dated 18th July 2003, letter of WasteServ Malta Ltd to MEPA, dated 18th July 2003.

²⁶⁹ Pope John Paul II and Eastern Orthodox Ecumenical Patriarch Bartholomew, *Joint Declaration on Articulating a Code of Environmental Ethics*, Venice 2002.

The problem is not simply economic and technological; it is moral and spiritual. A solution at the economic and technological level can be found only if we undergo in the most radical way an inner change of heart, which can lead to a change in lifestyle and of unsustainable patterns of consumption and production.

Final Comments

Planning Policies

292. An incomplete PDS, improper site selection exercise and an incomplete environmental impact assessment undertaken to justify the development proposal, rendered the entire planning process flawed. Despite this state of affairs, the development proposal at Sant Antnin runs counter a number of planning policies included in the *Structure Plan*, *South Malta Local Plan* and the *Subject Plan*.

Structure Plan Policies

293. The Sant Antnin site is outside limits to development in terms of Scheme 2 of the Temporary Provision Schemes. Noting the various community uses in the limits of the site of Sant Antnin, the precautionary principle applies and thus *Structure Plan* Policies BEN 1 and BEN 2 which relate to urban areas should be taken into account. The proposed development will have a deleterious impact on existing adjacent uses due to atmospheric pollution, unusually high traffic generation or other characteristics which constitute bad neighbourliness. Furthermore, it does not comply the environmental characteristics of existing adjacent uses.

294. The development proposal is not simply an upgrading of existing facilities, but a major development. In fact, in terms of Policy TRA 2, also referred to in the Development Permit Application Report, a traffic impact statement was prepared.

295. In terms of Policy PUT 14, applications for waste management facilities are subject to an environment impact assessment, and planning consent is granted if the nature and control of the proposed operations not only protect natural resources against pollution, but also the local environment against nuisance; this is certainly not the case for the project at Sant Antnin. The environmental impact assessment did not adequately demonstrate the acceptable impacts of proposed development, at instances completely ignoring significant parameters, and thus did not fulfil the requirements set out in Policy SET 12, incorrectly paraphrased as Policy SET 5 in Section 3.2 of the Development Permit Application Report presented at the MEPA Board when planning application PA 2838/03 was granted planning consent. Furthermore, as approved the proposal breaches Policy PUT 14 because, instead

of providing for an appropriate after use, effectively makes significant further commitments on the site.

Local Plan Policies

296. Marsascalea is a tourist area. This is acknowledged by Policy SMTO 01. Also, the Marsascalea Policy Map MS indicates a site in Wied Sant Antnin as an area to be dedicated for an informal recreational activity and an afforested buffer zone will be provided between the waste management facility and the recreational area. Policy SMM 13 specifically addresses Sant Antnin Waste Management Facility, which policy confirms the committed use of the area for waste management and states that MEPA will favourably consider proposals which will improve operations of the plant and mitigate any resulting environmental impacts. However, the proposal at Sant Antnin covered by PA 2838/03 involves other operations on site: it is not an attempt to improve existing alterations and mitigating existing environments. The permit granted is for restructuring of the plant with introduction of new treatment facilities. Thus, this policy is not applicable to the development.

Subject Plan Policies

297. *Subject Plan* policies support composting and other treatment facilities provided that they do not have any deleterious effect on the human, cultural and natural environs. Provided that impacts on the environment or local communities are acceptable, MEPA supports proposals for composting schemes and anaerobic digestion plants in terms of Policy SWM 16 and Policy SWM 19 respectively. Furthermore, in terms of Policy SWM 8, MEPA supports erection of waste management facilities provided that site is located in an existing industrial site, disused waste disposal site, disused mineral extraction site or at a waste management facility and proposal will not have unacceptable impacts on the environment or local communities and follows the proximity principle. As the case officer stated in comments on the first version of the EIS,²⁷⁰ the siting of Sant Antnin should not be justified with Policy SWM 8 as the site is not close to the main centre of population and waste arising.

298. Policy WDC 4 lists the criteria which need to be satisfied for granting planning consent for waste management facilities. A waste management proposal has to present an economically and technologically feasible and viable solution, with minimal impacts on the surrounding environs and includes adequate measures to ensure no significant risk of pollution, danger to public health or safety. MEPA did not comply with this policy in granting Permit PA 2838/03. One may argue that the planning permit is outline and thus details will be worked out at the full development application stage. This is not acceptable, since an environmental impact

²⁷⁰ Minutes 39, 45 of Planning PA2838/03, dated 1st December 2004.

Minute 53 of Planning File PA2838/03, dated 11th January 2005, internal mail.

assessment requests that technical specifications for a given project are identified at the outset.

299. Policy WDC 3 does not permit the establishment of new waste management facilities within a buffer zone between the proposed facility and the adjacent sensitive land use. The Environment Impact Assessment Guidelines establish a buffer zone of 200m between residential dwellings and non-hazardous waste disposal facilities.²⁷¹ The concept of a buffer zone is grounded in the precautionary principle to prevent commitments to waste management being established too close to sensitive uses on adjoining land to minimise²⁷²

...the potential for the facility to have an adverse environmental effect on the adjoining uses. A further function of the buffer zone is to prevent new uses of a sensitive nature being established too close to waste development.

No buffer zone was taken into account when processing planning application PA 2838/03 and hence ignores Policy WDC 3. The limit of development at Sant Antnin area is circa 360m off site boundary of the proposed development.²⁷³ The nearest residential property is at circa 140m. Thus, planning permit PA 2838/03 runs counter the Environment Impact Assessment Guidelines.

300. A sphere of influence of 200m is insufficient as noted by the Nature Group in their report, dated 30th November 2004.²⁷⁴ This serious deficiency was pointed out by the Environment Protection Directorate when putting forth its comments on the first version of the EIS with respect to archaeology, landscaping, ecology, air quality and others,²⁷⁵ potential negative environmental impacts endorsed through Policy WDC 5. It further noted that only buildings within 100m radius were identified. If one were to consider a study area of, say 600 m radius centred at the proposed site at Sant Antnin area, the scenario will be significantly, more realistically, different. Table 3 indicates the land use at Sant Antnin within this area. The major land use of the area is agricultural, followed by a variety of minor land uses, namely waste management facilities (6.6%), disturbed ground (5.6%) and mineral extraction (4.1%).

²⁷¹ Planning Authority, *Space for Waste: The Waste Management Subject Plan*, Final Report, October 2001, para.7.10.

²⁷² Ibid., para.7.8, 7.9.

²⁷³ Malta Environment and Planning Authority, *South Malta Local Plan*, April 2005, Public Consultation Draft, Map MS5.

²⁷⁴ Minute 204 of General File GF3623/03, dated 3rd December 2004, Nature Trust and Din L-Art Helwa, Comments on the Environmental Statement, dated 30th November 2004.

²⁷⁵ Minute 209 of General File GF3623/03, dated 9th December 2004.

Table 3: Land use within 600 m radius of the site at Sant Antnin, Marsascala.

<i>Type of land use</i>	<i>Area (m²)</i>	<i>Percentage of total area¹ (%)</i>
Agriculture	817958	72.3
Disturbed ground	63020	5.6
Sant Antnin Solid Waste Treatment Plant	53460	4.7
Mineral Extraction	46493	4.1
Sant Antnin Waste Water Treatment Plant	21531	1.9
Residential	19574	1.7
Farmhouses and agricultural related structures	12401	1.1
Concrete Brick Plant	8788	0.8
Razzett tal-Hbiberija	5634	0.5
Tree clumps	5359	0.5
Others ²	77210	6.8

1. Total study area is calculated at 600m radius
2. Others are
 - Cultural heritage structures with a total area of 137m²
 - Waterway with a total area of 536m²
 - Roads, rubble walls, etc. with a total area of 76,537m²

Environment Impact Assessment Regulations, 2001

301. The EIA regulations conform to the European Union EIA Directive. Thus, they are to be interpreted in line with the judgments of the European Court of Justice and other judgments in other Member States with respect to this Directive.

PDS does not conform to Regulations

302. WasteServ was aware that the development proposal falls under Schedule 1 of the EIA Regulations and a project description statement accompanied the planning application PA 2838/03. As noted by the Environment Protection Directorate, the PDS falls short of the information required as per Regulation 5(3) of same.

Alternative Site Assessment not in spirit of EIA Regulations

303. With respect to the EIA Directive, the European Court of Justice has consistently held this directive to be interpreted as having a "wide scope and broad purpose" (Kraaijveld (Dutch Dykes) Case C-72/95). The directive requires that decisions on whether to grant development consent for a given project are taken in the full knowledge of the likely significant impact(s) of a project on the environment. This is crucial in the site selection exercise. The *Alternative Site Assessment*, effectively a justification of the site at Sant Antnin subject of the EIS, is essential to the

environmental impact assessment process. It was not undertaken in the spirit of Regulation 14(1)(c). Decision on this assessment was not taken on the full knowledge of the project and the likely significant impact(s) of same on the environment. Thus, the environmental impact assessment runs counter to the EIA Directive.

EIS certification not valid

304. The EIS was certified on 11th July 2005 by the Environment Protection Directorate.²⁷⁶ In terms of Regulation 24(2) of the EIA Regulations, the Directorate had considered the EIS to be satisfactorily compiled, prepared in a professional manner, is without bias and adequately meets the terms of reference. This certification is not valid. The EIS, which procedures in its preparation are stated in Regulation 13, fails to comply with Regulation 14(1)(c) since a description of the financial feasibility of the development proposal, a description of alternative sites considered, and alternative technologies that could be employed during construction and when in operation, were not included and fails to comply with Regulation 16 because it does not address the effects on the ecology and socio-economy of the region vis-à-vis the social community of the area affected by the development and its supporting socio-economic infrastructure including local and foreign tourism. It does not address hazards and risks arising from the development proposal, and impacts on general environmental health were not investigated. Furthermore, EIS does not include a coordinated environment statement based on the various environmental studies and thus is does not comply with Regulation 11(3).

Incomplete Declarations by EIS Consultants

305. The declaration relating to the authorship of the various studies included in the EIS, sent to the Environment Protection Directorate on 12th August 2005, states that it is being submitted in terms of Regulation 29(1) of the Environmental Impact Assessment Regulations.²⁷⁷ This may be an error on the part of the EIA team since Regulation 28(3) addresses the issue of declaration of authorship of particular studies, or part thereof, included in the EIS. Signed declarations, requested through Regulation 29(1) related to conflict of interest of consultants engaged in the EIA, were were not submitted. In terms of Regulation 29(3), the Planning Directorate and the Environment Protection Directorate shall not approve any EIS when one or more of the consultants are in any way associated with grouping that has any direct or indirect professional interest in the proposed development as per Regulation 29(2). Some of the local EIA consultants are scientific officers within a government department which falls under the auspices of the Ministry for the Environment and Rural Affairs, the ministry also responsible for MEPA and

²⁷⁶ Minute 276 of General File GF3623/03, dated 11th July 2005, email from MEPA to WasteServ Malta Ltd, dated 11th July 2005.

²⁷⁷ Minute 296 of General File GF3623/03, dated 12th August 2005, email from AIS Environmental to MEPA, dated 12th August 2005.

WasteServ, and which department has professional interest in the proposed development.

No reason(s) stated by MEPA for accepting conclusions of EIS

306. Given that an EIS is to be circulated to statutory consultees and made available to the public for comments thereon, both its contents and the comments received followed circulation, must be taken into account by MEPA before arriving at a decision and must give detailed reasons why it accepts or does not accept conclusions therein as per Regulation 44(3) of the EIA Regulations. From conditions stated in the permit issued by MEPA it is evident that it had accepted the conclusions of EIS, but failed to state the reasons why.

Conditions of permit not in spirit of Environment Impact Assessment Directive

307. Condition 1 of permit PA 2838/03 states that if the full development permission is to be carried out in phases, as will be the case,²⁷⁸ a master plan should be submitted for the approval of MEPA indicating said phasing of the project. Case of R v Rochdale MBC ex parte Tew [1999 3PLR74] involves a legal challenge to a decision of the planning authority to grant outline planning permission for an application which included an EIS. The Court upheld the challenge and quashed the planning permission. The planning authority had granted a scheme based on an 'illustrative master plan' showing how the development might be developed whereby all details were left to reserved matters. The EIS assessed the likely environmental impacts of the proposed scheme by reference to this master plan. However, the fact that a different scheme could be developed, the environmental impacts of the proposal would not have been suitably assessed. The Court held that 'illustrative master plan' was not sufficient to enable the main impacts of the scheme to be properly assessed. In the case for the development proposal at Sant Antnin, MEPA granted an outline planning application subject to an EIS, on condition that a master plan is to be submitted prior full development consent. In this case not just the details were reserved matters, covered by Conditions 8 and 9 of permit, but the master plan for the project in toto. Hence the environmental impacts of the proposal would not have been suitably assessed and hence in breach of Schedule 1 of the EIA Regulations.

308. Also, this case law is applicable to MEPA's decision of 24th June 2004 on the alternative site assessment. Contrary to what the chairman argued in this meeting, the site selection did prejudice the whole environment impact assessment process.²⁷⁹ This was reinforced by the discussion at same MEPA session. As per same minutes.

²⁷⁸ European Commission, Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta, The Cohesion Fund 2000-2006, Application for Assistance: Environment, 16th Sept 2004

²⁷⁹ Minute 134 of General File GF3623/03, dated 5th July 2004

Members cannot be asked to decide on the most suited location for these facilities when the strategy was not available. The whole approach to the issue was being reversed. Before the site can be identified, the technology being proposed had to be known. The site depended on the technology and not vice versa. Naturally, the technology depended on the successful tender...

309. MEPA granted a permit based on this site selection exercise. The fact that one cannot identify the suitable site without knowledge of the technology to be employed in the development, the environmental impacts of the proposal could not have been suitably assessed in EIS.
310. In case *R v Cornwall County Council ex parte Jill Hardy* [2001 JPL 786], an EIS was prepared and accepted, and planning consent granted. The EIS did not investigate an existing condition on site and thus the planning authority, advised by the English Heritage, imposed a condition on the applicant to carry out a survey prior to commencing works. The Court overturned the decision arguing that such information should have formed part of the EIS or otherwise the authority would not have complied with the EIA Regulations. Conditions in planning permits are designed to mitigate effects and not to substitute for environment impact assessment or to get around the requirements laid down in the EIA Directive. Similarly, Conditions 3, 4 and 7 laid down in permit PA 2838/03 are not designed to mitigate the likely impacts of the development proposal but used to make good for an incomplete EIS thus circumventing the EU Directive and EIA Regulations.

Development Planning Act, 1992

Disclosure of interest in matter before MEPA Board

311. In terms of Article 5 of First Schedule to the *Development Planning Act*, a member of the Authority shall disclose the nature of his/her interest, direct or indirect, in any matter coming before said authority not later than the first meeting held after the relevant circumstances have come to his/her knowledge. Such disclosure is to be minuted in the meeting. Furthermore, this article states that such a member "shall not take part in any discussion or decision of the Authority with respect to that matter". As per minutes of the MEPA Board when Authority discussed and decided on the *Alternative Site Assessment* and when issuing permit PA 2838/03, on 24th June 2004 and 22nd September 2005 respectively, none of the board members disclosed any interest in the matter before the Board. One may question whether public officers, appointed in terms of Article 3(2)(a) of the *Development Planning Act*, may disclose the direct or indirect interest of their respective departments in a project of central government. Certainly no doubt exists when members are appointed in terms of Article 3(2)(b).

MEPA decision on Alternative Site Assessment is ultra vires

312. Article 13(5) addresses the issue of meetings of MEPA, specifically regulating the Development Control Commission. All meetings shall be open to the public and votes shall be conducted in public and no secret vote is allowed. Given that the development covered by planning application PA 2838/03 which fell in the remits of Article 36(A), MEPA did not delegate the Commission to determine it. Still in deciding about the application, the MEPA meetings had to be open to the public and votes conducted in public. MEPA Board meeting of the 22nd September 2005 complied with the terms of this article. But this discussion and decision was based on an earlier discussion and decision of the 24th June 2004 when during this MEPA Board meeting votes were not conducted in public; the decision of the 24th June 2004 is the crux of the issue; it is the binding decision of the project. The Authority had endorsed the Planning and Environment Protection Directorates' recommendation of the *Alternative Site Assessment's* conclusions, that "Sant` Antnin Compost Facility is the only identified location suitable for the proposed development."²⁸⁰

Local Councils denied by MEPA information on changes to submitted plans

313. A Local Council, in terms of Article 15(1)(d)(iii), is an interested third party provided that it had complied with the provisions of Article 32(5) which relates to statutory time frame when one may make representations to MEPA on a given planning application. Thus, the Local Council was obliged to be informed by MEPA as from when it was considered to be a valid objector in terms of law, of any changes to the submitted plans during the assessment process of this application. MEPA failed to inform the Local Council when fresh plans submitted by WasteServ on 22nd September 2004 and thus denied the Council the right at law to know of any changes to the proposed development.

Recommendation

314. In view of the above, and including the appeal submitted by the Local Councils of Marsascala and Zejtun and the attached list of documents which both form an integral part of this technical submission, the Local Councils of Marsascala and Zejtun, the appellants, respectfully request the Planning Appeals Board to revoke the decision of the Malta Environment and Planning Authority and quash planning permission PA 2838/03.

Lino Bianco A.&C.E.

²⁸⁰ Minute 134 of General File GF3623/03, dated 5th July 2004, internal mail.

Documents which form an integral part of this technical submission

Correspondence in Planning Directorate file PA 3623/03
(Numbers corresponds to the minute sheet of the relative file)

- 1 A notification dated 16th May 2003, to the Lands Department about the application for the improvement works at Sant Antnin Waste Treatment Plant.
- 2 Building Levy Calculation Sheet - Receipt of Outline Application, undated.
- 3 Two letters, dated 16th May 2003, from Joseph Zahra to notify Vince Magri and Charles Farrugia to pay the additional amounts outstanding regarding their application.
- 4 Receipt dated 21st May 2003.
- 5 Two letters, dated 27th May 2003, sent by Joseph Zahra to notify Vince Magri and Charles Farrugia that MEPA is offering them to check the status of their application.
- 6 Information on the Application, undated.
- 7 Notification of Development Application dated 28th May 2003.
- 10 MEMO from Silvio Farrugia to Stephen Farrugia regarding PA 2838/03.
- 11 Email dated 25th June 2003, from Rachel Portelli to Vince Magri, Chris Ciantar, Vincent Gauci and Michelle Piccinino stating that the PDS contains sufficient information to determine that an EIA is required, but lacks to mention alternative sites.
- 12 Letter dated 16th July 2003, from Vincent Gauci to inform Vince Magri that the PDS has been approved by MEPA.
- 13 Letter dated 20th August 2003, from Michelle Piccinino asking John Mangion for comments regarding the proposed development.
- 14 Letter dated 25th June 2003, from Marsascalea Local Council to Josianne Vassallo regarding the Council position about the proposed development.
- 15 Letter from MRA, Energy Directorate, to draw the attention of Michelle Piccinino on two comments regarding facility.
- 16 Letter dated 28th August 2003, from R. Vella to Michelle Piccinino regarding electricity requirements by the facility.
- 17 Letter dated 17th September 2003, from Michelle Piccinino to Charles Farrugia asking him for further information as required by Enemalta and MRA.

- 19 Letter dated 22nd September 2003, from MRA, Water Directorate, asking Michelle Piccinino regarding the location where the sludge and compost generated by the plant will be stored or disposed.
- 20 Letter dated 21st October 2003, from Michelle Piccinino to inform Vince Magri that further information is required regarding sludge.
- 21 Letter dated 4th November 2003, from Chris Agius to Michelle Piccinino and Enemalta regarding the required power for this development.
- 22 Letter dated 21st November 2003, from Michelle Piccinino to MRA, Energy Directorate, asking for their comments regarding proposed development.
- 23 Correspondence, dated 28th November 2003, between Michelle Piccinino and Vince Magri regarding information from MRA.
- 24 Letter dated 25th November 2003, from MRA, Energy Directorate, to Michelle Piccinino showing no objection to the facility.
- 25 Email dated 1st March 2004, from Vincent Gauci to Michelle Piccinino regarding questions and guidance in the change of technology for the facility.
- 26 Enquiries, dated 2nd March 2004, concerning possible applicable restrictions for site development.
- 27 Correspondence, dated 23rd March 2004, between Godwin Cassar and Michelle Piccinino regarding meeting.
- 28 Correspondence between Michelle Piccinino, Josianne Vassallo and Michael Mason regarding planning issues.
- 30 Letter dated 8th April 2004, from Vincent Gauci to Vince Magri regarding list of consultants.
- 31 Letter dated 5th July 2004, from Michelle Piccinino to inform Charles Farrugia that the MEPA Board agreed that the site at Sant Antnin is the most suitable site for the proposed facility.
- 32 Correspondence, dated 15th July 2004, between Chris Ciantar and Michelle Piccinino regarding change of architect for the development applications.
- 33 Letter dated 12th August 2004, from Marsascula Local Council to MEPA with the Council Meeting minutes.
- 34 Letter dated 22nd September 2004, from Joseph Pace to MEPA regarding drawings for EIS.
- 37 Letter dated 8th November 2004, dated 8th April 2004, from MEPA to inform Vince Magri that the application is being re-advertised and a new site notice will be issued.
- 38 Notification of Development Application, dated 8th November 2004.

- 39 Comments on EIS, undated.
- 40 Letter dated 25th November 2004, from Zejtun Local Council to remark MEPA about the wrong title of application and about the lack of consultation.
- 43 Correspondence, 1st December 2004, between Michelle Piccinino and Stephen Dimech regarding MRA request for information about sludge.
- 45 Sant Antnin – Environment Statement – Traffic Impact Study, dated 4th November 2004.
- 47 Correspondence, dated 11th January 2005, between Claire Schembri and Michelle Piccinino regarding job request to the IT Section.
- 48 Correspondence, dated 6th December 2004, between Michelle Piccinino, Christopher Borg, and Marthese Triganza regarding drafting of TOR.
- 49 Correspondence, dated 6th December 2004, between Josianne Vassallo and Sabrina Mifsud regarding Joseph Buhagiar objection list.
- 50 Correspondence, dated 7th December 2004, between Michelle Piccinino and Michael Mason regarding Zejtun Local Council's comments and objection.
- 51 Correspondence, dated 10th December 2004, between Michelle Piccinino and Stephen Dimech regarding sludge at Sant Antnin.
- 52 Letter dated 10th December 2004, from the Malta Tourism Authority to MEPA with comments on the EIS.
- 53 Comments, undated.
- 55 Newspaper cuttings.
- 56 Letter dated 13th January 2005, from Michelle Piccinino to inform the Water Directorate, MRA, regarding the requested information on the sludge and compost.
- 57 Letter dated 24th January 2005, from Michelle Piccinino to the Civil Protection Department and the Occupation Health and Safety Authority requesting their comments on the Bio Gas plant.
- 58 Correspondence, dated 24th January 2005, between Vince Magri and Godwin Cassar regarding clarifications regarding throughput of the waste facility.
- 59 Meeting of the Monitoring Committee for the Cohesion Funds - Agenda is set down, dated 8th March 2005.
- 60 Acknowledgement letter dated 1st March 2005, from Malta Resources Authority, Water Directorate.

- 61 Letter dated 4th February 2005, from J. Newell to MEPA regarding access and facilities for the fire service.
- 62 Letter dated 23rd February 2005, from the Health and Safety Authority to MEPA regarding the requested comments on the proposed development.
- 63 Email dated 22nd March 2005, from Michelle Piccinino to Stephen Dimech and Chris Ciantar requesting information regarding Bio Gas generation at Sant Antnin.
- 64 Email dated 5th April 2005, from Stephen Dimech to Michelle Piccinino regarding Bio Gas at Sant Antnin.
- 65 Email dated 19th May 2005, from Aurelio Attard to Michelle Piccinino regarding the maximum amount of biogas that will be produced at Sant Antnin.
- 66 Correspondence, dated 21st February 2005, between Josianne Vassallo and Michelle Piccinino regarding IPPC permit.
- 67 Correspondence, dated 19th April 2005, between Sharon Micallef, Sylvana Debono, Evelyn Pisani and Sabrina Mifsud regarding an objection email sent by Joseph Buttigieg.
- 68 Objection letter dated 31st May 2005, from Joe Sant to Michelle Piccinino regarding the proposed development.
- 70 Letter dated 13th June 2005, from MEPA to inform Joe Sant regarding his request of information.
- 71 Email dated 5th July 2005, from Michelle Piccinino to Chris Ciantar and Stephen Dimech regarding if there are any changes the developer needs to make in the development proposal.
- 72 Letter dated 26th July 2005, from Michelle Piccinino to inform Joseph Pace regarding extending the period stipulated to determine the PA 02838/03.
- 73 Fil-Prim Awla tal-Qorti Civili – Kunsill Lokali Zejtun, Zabbar u Marsascala kontra WasteServe Malta Limited u l-Awtorita ta' Malta dwar l-Ambjent u l-Ippjanar – protest ta' Joseph Attard, Dominic Agius u Charlot Mifsud, dated 1st September 2005.
- 74 Letter dated 3rd September 2005, from Joseph Pace to MEPA including the requested information on the drawings and photomontages.
- 75 Letter dated 11th September 2005, from Il-Kumitat kontra l-Impjant ghar-Riciklagg kif propost to MEPA to remark several points of consideration before they object to the proposed development.
- 76 Objection letter dated 12th August 2005, to MEPA from Gudja Local Council.

- 77 Letter dated 11th September 2005, from Zabbar Local Council to MEPA to remark several points of consideration before they object to the proposed development.
- 78 Letter dated 11th September 2005, from Marsascala Local Council to MEPA to remark several points of consideration before they object to the proposed development.
- 79 Objection letter dated 9th August 2005, to MEPA from Front Kontra l-Impjant ghar-Riciklagg kif Propost.
- 80 Correspondence, dated 24th August 2005, between Christopher Borg and Vincent Gauci regarding Zejtun Local Council claims that developers did not take them into account during the consultation process.
- 81 Acknowledgement letter dated 26th August 2005, from Marsascala Local Council to MEPA.
- 83 Objection letter dated 19th August 2005, to MEPA from Zejtun Local Council.
- 85 Objection letter dated 19th August 2005, to MEPA from Marsascala Local Council.
- 86 Objection letter dated 19th August 2005, to MEPA from Gudja Local Council.
- 87 Objection letter dated 19th August 2005, to MEPA from Fgura Local Council.
- 88 Objection letter dated 19th August 2005, to MEPA from Tarxien Local Council.
- 89 Objection email dated 22nd August 2005, to MEPA from Il-Moviment Favur Il-Harsien tal-Wied tal-Maghluq.
- 90 Email dated 2nd March 2005, from Michael Mason to Josianne Vassallo including comments regarding SLR comments.
- 91 Observations of 2nd Draft, dated 1st July 2005.
- 92 A document, undated, with all the representations and comments presented by objectors.
- 94 Letter dated 15th September 2005, from Vince Magri to MEPA regarding the Development Planning Application Report.
- 96 A set of letters, dated 15th September 2005, from Francis Tabone to inform Vince Magri, S. Sultana, Steve Borg, Joe Sant, Joseph Pace, Ruben Buttigieg, Joseph Buhagiar, Zabbar Local Council, Fgura Local Council, Gudja Local Council, Tarxien Local Council, Ghaxaq Local Council, Zejtun Local Council and Marsascala Local Council about that a meeting is going to be held on the 22nd September 2005.
- 97 Extract from PA 39-04/05 held on 22nd September 2005.

- 98 Letter dated 27th September 2005, from Francis Tabone to inform Vince Magri about the decision taken.
- 99 Letter dated 28th September 2005, from Francis Tabone to Joseph Buhagiar regarding copy of a decision taken by MEPA.
- 100 Letter dated 28th September 2005, from Francis Tabone to Joseph Buttigieg regarding copy of a decision taken by MEPA.
- 101 Letter dated 28th September 2005, from Francis Tabone to Joseph Pace regarding copy of a decision taken by MEPA.
- 102 Letter dated 28th September 2005, from Francis Tabone to Marsascala Local Council regarding copy of a decision taken by MEPA.
- 103 Letter dated 28th September 2005, from Francis Tabone to Zejtun Local Council regarding copy of a decision taken by MEPA.
- 104 Letter dated 28th September 2005, from Francis Tabone to Ghaxaq Local Council regarding copy of a decision taken by MEPA.
- 105 Letter dated 28th September 2005, from Francis Tabone to Tarxien Local Council regarding copy of a decision taken by MEPA.
- 106 Letter dated 28th September 2005, from Francis Tabone to Gudja Local Council regarding copy of a decision taken by MEPA.
- 107 Letter dated 28th September 2005, from Francis Tabone to Fgura Local Council regarding copy of a decision taken by MEPA.
- 108 Letter dated 28th September 2005, from Francis Tabone to Zabbar Local Council regarding copy of a decision taken by MEPA.
- 109 Letter dated 28th September 2005, from Francis Tabone to Joe Sant regarding copy of a decision taken by MEPA.
- 110 Letter dated 28th September 2005, from Francis Tabone to Steve Borg regarding copy of a decision taken by MEPA.
- 111 Letter dated 28th September 2005, from Francis Tabone to S. Sultana regarding copy of a decision taken by MEPA.
- 112 Letter dated 13th October 2005, from Francis Tabone to inform Joe Sant that to appeal there is a nominal fee.
- 113 Letter dated 21st October 2005, from Francis Tabone to inform Joe Sant that he, on the behalf of Kumitat Kontra l-Impjant ghar-Riciklagg, cannot appeal because the time deadline has been exceeded.
- 114 Fil-Prim Awla tal-Qorti Civili – Kunsill Lokali Tarxien, Fgura, Gudja u Ghaxaq kontra L-Awtorita ta' Malta dwar l-Ambjent u L-Ippjanar u WasteServ Malta Limited, dated 24th October 2005.

- 115 Ittra ta' Appell, dated 25th October 2005. – Appellant: Mr Buhagiar.
- 116 Ittra ta' Appell, dated 25th October 2005. – Appellant: Zejtun Local Council.
- 117 Ittra ta' Appell, dated 25th October 2005. – Appellant: Marsascala Local Council.
- 118 Fil-Prim Awla tal-Qorti Civili – Kunsill Lokali Zejtun, Zabbar u Marsascala kontra l-Awtorita ta' Malta dwar l-Ambjent u l-Ippjanar - Kontro-protest ta' l-Awtorita ta' Malta dwar l-Ambjent u l-Ippjanar, dated 28th October 2005.
- 119 Fil-Bord ta' L-Appell dwar l-Ippjanar – fl-atti ta' l-appell numru PAB 322/2005 fl-ismijiet Kunsill Lokali Marsascala kontra L-Awtorita ta' Malta dwar l-Ambjent u L-Ippjanar u WasteServ Malta Limited- Risposta ta' applicant WasteServ Malta Limited, dated 25th October 2005.
- 120 Fil-Bord ta' L-Appell dwar l-Ippjanar – fl-atti ta' l-appell numru PAB 320/2005 fl-ismijiet Mr Buhagiar kontra L-Awtorita ta' Malta dwar l-Ambjent u L-Ippjanar u WasteServ Malta Limited- Risposta ta' applicant WasteServ Malta Limited, dated 25th October 2005.
- 121 Fil-Bord ta' L-Appell dwar l-Ippjanar – fl-atti ta' l-appell numru PAB 321/2005 fl-ismijiet Kunsill Lokali Zejtun kontra L-Awtorita ta' Malta dwar l-Ambjent u L-Ippjanar u WasteServ Malta Limited- Risposta ta' applicant WasteServ Malta Limited, dated 25th October 2005.
- 122 Report to the Planning Appeals Board dated 1st December 2005.
- 123 Letter dated 2nd December 2005, from Marthese Cassar Debono (Secretary of Reconsiderations & Appeals Board) in response to Mr Magri request of information.
- 124 Letter dated 2nd December 2005, from Marthese Cassar Debono (Secretary of Reconsiderations & Appeals Board) in response to Marsascala Local Council request of information.
- 125 Letter dated 2nd December 2005, from Marthese Cassar Debono (Secretary of Reconsiderations & Appeals Board) in response to Zejtun Local Council request of information.
- 126 Letter dated 2nd December 2005, from Marthese Cassar Debono (Secretary of Reconsiderations & Appeals Board) in response to Joseph Buhagiar request of information.
- 127 Letter dated 2nd December 2005, from Marthese Cassar Debono (Secretary of Reconsiderations & Appeals Board) in response to Tony Abela request of information.
- 129 Seduta Nru. 2 – Appell Numru 320/05, 321/05 u 322/05, dated 27th January 2006.

- 130 Fil-Bord ta' L-Appell dwar l-Ippjanar – Joseph Buhagiar, Zejtun Local Council u Marsascula Local Council kontra l-Awtorita ta' Malta dwar l- Ambjent u l-Ippjanar - Risposta ta' l-Awtorita' ta' Malta dwar l-Ambjent u l-Ippjanar, dated 30th January 2006.
- 131 Fil-Bord ta' L-Appell dwar l-Ippjanar - Rikors tal-Kunsill Lokali Zejtun, dated 31st January 2006.
- 132 PAB 321/05 – Zejtun Local Council kontra l-Awtorita ta' Malta dwar l- Ambjent u l-Ippjanar – Digriet, dated 3rd February 2006.
- 133 PAB 320/05 – Joseph Buhagiar kontra l-Awtorita ta' Malta dwar l- Ambjent u l-Ippjanar – Digriet, dated 3rd February 2006.
- 134 PAB 322/05 – Marsascula Local Council kontra l-Awtorita ta' Malta dwar l- Ambjent u l-Ippjanar – Digriet, dated 3rd February 2006.

Correspondence in Environment Protection Directorate file GF 3623/03, Volume 1
(Numbers corresponds to the minute sheet of the relative file)

- 1 Correspondence, dated 18th June 2003, between Rachel Portelli, Josianne Vassallo, Ciantar, Vince Magri, Adrain Mifsud, Kevin Mercieca and Vincent Gauci regarding the PDS guidelines.
- 2 Correspondence, dated 1st July 2003, between Rachel Portelli, Josianne Vassallo and Vincent Gauci regarding PDS.
- 3 Correspondence, dated 1st July 2003, between Rachel Portelli, Christopher Ciantar and Vince Magri regarding PDS.
- 4 MEMO dated 1st July 2003, from Vincent Gauci to Godwin Cassar regarding the inclusion of alternative sites is appropriate or not.
- 5 Letter dated 27th June 2003, from Vince Margi to Godwin Cassar showing concern that any changes at this stage will jeopardize EU Funding.
- 6 Email, dated 27th May 2003, from Aurelio Attard to Rachel Portelli and Vince Magri regarding PDS.
- 7 Correspondence, dated 5th June 2003, between Rachel Portelli, Franck Lauwers, Kevin Mercieca and Vincent Gauci regarding PDS of Composting Plant.
- 8 Correspondence, dated 25th June 2003, between Rachel Portelli, Stephen Farrugia, and Vincent Gauci regarding shortcomings of the PDS.
- 9 'Acceptance of PDS': Email dated 16th July 2003, from Josianne Vassallo to inform Vince Magri that the PDS was approved by MEPA, but they have to mention that alternative sites are to be considered in the EIA.

- 10 Letter dated 16th July 2003, from Vincent Gauci to inform Vince Magri that MEPA approved the PDS that was submitted on 27th May 2003.
- 11 Correspondence, dated 16th July 2003, between Godwin Cassar, Stephen Farrugia, Josianne Vassallo and Vincent Gauci regarding the EIA process, TOR, and adverts.
- 12 Correspondence, dated 17th July 2003, between Godwin Cassar and Vincent Gauci regarding the EIA process, TOR, and adverts.
- 13 'GF 3623/03 – Composting Plant': Email dated 16th July 2003, from Josianne Vassallo requesting information from Vince Margi prior to the EIA process can take off.
- 14 Correspondence, dated 17th July 2003, between Vincent Gauci and Josianne Vassallo regarding TOR.
- 15 Correspondence, dated 17th July 2003, between Vincent Gauci and Christopher Ciantar regarding TOR.
- 16 Correspondence, dated 17th July 2003, between Vincent Gauci and Michelle Piccinino regarding holding a meeting to discuss the potential sites for composting.
- 17 Letter dated July 2003, from Vince Margi to Vincent Gauci regarding PDS and alternative sites.
- 18 Letter dated 18th July 2003, from Josianne Vassallo to Claire Schembri regarding EIA advert on the Independent.
- 19 Email dated 18th July 2003, from Josianne Vassallo to Ivan Fenech and Vincent Gauci regarding EIA advert.
- 20 Letter dated 18th July 2003, from Vince Margi to Godwin Cassar regarding EIA for the upgrading of the Sant Antnin Composting Plant.
- 21 Correspondence, dated 18th July 2003, between Vincent Gauci, Josianne Vassallo and Michelle Piccinino regarding holding a meeting to discuss the potential sites for composting.
- 22 Two letters, dated 18th July 2003, sent by Josianne Vassallo to request feedback from Alfred Baldacchino and Louis Vella about the PDS of the upgrading of Sant Antnin.
- 23 A set of letters, dated 18th July 2003, sent by Josianne Vassallo to request feedback from the Department of Agriculture, Marsascala Local Council, Nature Trust, Malta Tourism Authority, Superintendency of Cultural Heritage, Malta Resources Authority (Mineral, Water and Energy Directorate) and Department of Public Health about the PDS of the upgrading of Sant Antnin.

- 24 Letter dated 18th July 2003, from Josianne Vassallo to inform Vince Magri about the departments notified regarding the development application.
- 25 Correspondence, dated 21st July 2003, between Josianne Vassallo, Ruth Gauci, and Ivan Fenech regarding EIA advert.
- 26 Email dated 21st July 2003, from Vince Margi to Vincent Gauci and Josianne Vassallo re PDS.
- 27 'EIA Adverts in Government Gazette': Email dated 22nd July 2003, from Josianne Vassallo to Joseph Casingena.
- 29 Letter dated 14th August 2003, from MRA – Energy Directorate with the requested comments about the final TORs.
- 30 Advert, dated 27th July 2003, inviting the public to submit any issues to be included in the TOR.
- 31 'Site Plans': Email dated 29th July 2003, from Michelle Piccinino to Josianne Vassallo.
- 32 Site Plans of the alternative sites.
- 34 Acknowledgement letter dated 13th August 2003, from Marsascala Local Council to Josianne Vassallo.
- 35 Letter dated 14th August 2003, from Marsascala Local Council with comments requested about the final TORs.
- 36 Acknowledgement letter dated 18th August 2003, from Vincent Gauci to Joseph Caruana (Marsascala Local Council Executive Secretary).
- 37 Letter dated 18th August 2003, from Vincent Gauci to inform Vince Margi about Marsascala Local Council comments.
- 38 Letter dated 14th August 2003, from Marsascala Local Council with comments requested about the final TORs.
- 39 'Comments for Composting EIS': Email dated 21st August 2003, from Anthony Sammut with comments requested about the final TORs.
- 40 Email dated 22nd August 2003, from Josianne Vassallo to Vincent Gauci regarding TOR.
- 41 'Final TOR Composting': Email dated 22nd August 2003, from Vincent Gauci to Ms Vassallo regarding TOR amendment.
- 42 Letter dated 23rd August 2003, from Vincent Gauci to Vince Magri regarding the copy of the final terms of reference for the project, including a copy of the document.

- 43 'Reminder': Email dated 25th August 2003, from Josianne Vassallo to Louis Vella regarding IPCC requirements.
- 44 'Composting plant – alternative sites': Email dated 1st September 2003, from Vincent Gauci to Vince Magri regarding the site plans for the alternative site.
- 45 Email dated 1st September 2003, from Vincent Gauci to Josianne Vassallo regarding EIA consultants.
- 46 Email dated 1st September 2003, from Josianne Vassallo to Vincent Gauci regarding EIA consultants.
- 47 'EU EIA experts': Email dated 1st September 2003, from Vincent Gauci to Aurelio Attard, Vince Magri and Josianne Vassallo regarding the consultants that will cover each section of the Terms Of References.
- 48 Email dated 1st September 2003, from Aurelio Attard to Vincent Gauci and Josianne Vassallo regarding the considered alternative sites.
- 49 Correspondence, dated 1st September 2003, between Vincent Gauci, Stephen Dimech, Josianne Vassallo and Aurelio Attard regarding alternative sites.
- 50 Correspondence, dated 2nd September 2003, between Vincent Gauci and Josianne Vassallo regarding EU EIA experts.
- 51 Correspondence, dated 2nd September 2003, between Vincent Gauci and Josianne Vassallo regarding EU EIA experts.
- 52 Correspondence, dated 23rd February 2004, between Josianne Vassallo and Vince Magri regarding EIA consultants.
- 53 Letter dated 21st August 2003, from MRA to Josianne Vassallo regarding the Upgrading of Sant Antnin Composting Plant and MRF Facility, including recommended comments on EIAs Terms of References.
- 54 Letter dated 19th August 2004, from Public Health Department to Josianne Vassallo regarding the Upgrading of Sant Antnin Composting Plant and MRF Facility, including recommended comments on EIAs Terms of References.
- 55 Correspondence, dated 2nd September 2003, between Vincent Gauci, Aurelio Attard and Josianne Vassallo regarding EU EIA experts.
- 56 Correspondence, dated 3rd September 2003, between Vincent Gauci, Aurelio Attard, Christopher Ciantar Josianne Vassallo, and Vince Magri regarding EU EIA experts.
- 57 Correspondence, dated 10th November 2003, between Josianne Vassallo, Vincent Gauci, and Stephen Dimech regarding EIA consultants.
- 58 Correspondence, dated 1st December 2003, between Josianne Vassallo, Vincent Gauci, Rachel Portelli and Stephen Dimech regarding EIA consultants.

- 59 Correspondence, dated 2nd December 2003, between Josianne Vassallo, Vincent Gauci, Rachel Portelli and Stephen Dimech regarding EIA consultants.
- 60 Correspondence, dated 3rd December 2003, between Josianne Vassallo and Stephen Dimech regarding EIA consultants.
- 61 Correspondence, dated 23rd February 2004, between Josianne Vassallo and Vince Magri regarding EIA consultants.
- 62 Correspondence, dated 24th February 2004, between Stephen Dimech and Josianne Vassallo regarding EIA consultants.
- 63 Correspondence, dated 24th February 2004, between Josianne Vassallo, Rachel Portelli and Vincent Gauci regarding the approval of EIA consultants.
- 64 Correspondence, dated 25th February 2004, between Josianne Vassallo, Rachel Portelli and Vincent Gauci regarding the approval of EIA consultants.
- 65 Letter dated 25th February 2004, from Vincent Gauci to Mr Magri regarding EIA consultants.
- 66 Correspondence, dated 26th February 2004, between Josianne Vassallo and Mr Dimech regarding time-frames for the EIA different stages.
- 67 Correspondence, dated 26th February 2004, between Josianne Vassallo and Mr Dimech regarding queries on the TOR.
- 68 Solid Waste Processing Project at Sant Antnin – detail sheet, undated.
- 69 Correspondence, dated 1st March 2004, between Vincent Gauci and Michelle Piccinino regarding change of technology for the composting plant.
- 70 Correspondence, dated 1st March 2004, between Vincent Gauci, Josianne Vassallo and Rachel Portelli regarding EIA consultants.
- 71 Correspondence, dated 3rd March 2004, between Vincent Gauci and Stephen Dimech regarding EIA consultants.
- 72 Correspondence, dated 3rd March 2004, between Vincent Gauci and Stephen Dimech regarding EIA consultants.
- 73 Correspondence, dated 1st March 2004, between Vincent Gauci and Michelle Piccinino regarding change of technology for the composting plant.
- 74 Letter dated 1st March 2004, from WastServ to Vincent Gauci regarding clarifications to the letter sent on the 25th February 2004. Points are listed.
- 75 Correspondence, dated 25th March 2004, between Josianne Vassallo and Michelle Piccinino regarding TOR for the TIS.
- 76 'Standard TOR for TIS': Email dated 29th March 2004, from Robert Galea to Stephen Dimech regarding the Standard TOR for TIS.

- 77 Correspondence, dated 1st April 2004, between Stephen Dimech and Vincent Gauci regarding MEPAs approval and CVs of the proposed consultants (attached).
- Not Enumerated A letter, dated 11th July 2004, from the Ministry of Resources and Infrastructure to the Director General of MEPA regarding Co-Funding Projects.
- 78 Correspondence, dated 5th April 2004, between Josianne Vassallo and Vincent Gauci regarding amended proposed terms of reply for WasteServ.
- 79 Correspondence, dated 7th April 2004, between Josianne Vassallo and Vincent Gauci regarding EIA consultants.
- 80 Correspondence, dated 7th April 2004, between Josianne Vassallo and Vincent Gauci regarding EIA consultants.
- 81 Correspondence, dated 5th April 2004, between Josianne Vassallo and Stephen Dimech post the 26th March meeting.
- 82 Correspondence, dated 20th May 2004, between Josianne Vassallo and Mr Dimech outlining a list of entities to which a hard copy of the site selection exercise is to be distributed.
- 83 Correspondence, dated 21st May 2004, between Josianne Vassallo and Mr Dimech regarding alternative sites.
- 84 'Composting Plant & MRF Site Selection Exercise': Email dated 24th May 2004, from Josianne Vassallo to inform all the stakeholders to submit their comments by 1st of June 2004.
- 85 Comments, dated 24th May 2004, of Tony Ellul on the Composting Plant & MRF Site Selection Exercise.
- 86 Fax dated 24th May 2004, from Josianne Vassallo to Stephen Dimech including a list of agencies to which the site selection exercise must be forwarded.
- 87 Comments, dated 24th May 2004, of Alfred Baldacchino on the Composting Plant & MRF Site Selection Exercise. No sufficient time is allocated.
- 88 Comments, dated 25th May 2004, of Darren Stevens on the Composting Plant & MRF Site Selection Exercise. No sufficient time is allocated.
- 89 Correspondence, dated 25th May 2004, between Josianne Vassallo, Vincent Gauci, Vince Margi and Rachel Portelli regarding distribution of the Composting Plant & MRF Site Selection Exercise.
- 90 Correspondence, dated 25th May 2004, between Josianne Vassallo and Kevin Mercieca regarding the Composting Plant & MRF Site Selection Exercise.

- 91 Correspondence, dated 25th May 2004, between Josianne Vassallo and Michael Mason (and others) on the preliminary Traffic Impact Study.
- 92 Correspondence, dated 26th May 2004, between Josianne Vassallo and WasteServ regarding the preliminary Traffic Impact Study.
- 93 Correspondence, dated 26th May 2004, between Josianne Vassallo and Louis Vella regarding comments on the EIS.
- 94 Joseph Gauci's comments, dated 26th May 2004, on the Composting Plant & MRF Site Selection Exercise – IMP – *it appears that the alternative sites did not qualify as alternative sites ... therefore the choice for the Sant Antnin site was a foregone conclusion from the beginning.*
- 95 Comments, dated 27th May 2004, of Michelle Borg on the Site Selection Exercise: *it is futile to look at alternative sites that do not meet the required specifications for the proposed development.*
- 97 MEMO from Miraine Rizzo to Josianne Vassallo regarding Alternative Sites Assessment.
- 98 Correspondence, dated 1st June 2004, between Vincent Gauci, Rachel Portelli and Josianne Vassallo regarding a letter to be sent to Marsascala Local Council.
- 99 Email, dated 1st June 2004, with comments on site selection from Michelle Piccinino to Josianne Vassallo.
- 100 Correspondence, dated 2nd June 2004, between Vincent Gauci, Rachel Portelli and Josianne Vassallo regarding internal comments on the Alternative Site Assessment.
- 101 Correspondence, dated 2nd June 2004, between Josianne Vassallo, Darren Stevens and Dolores Farrugia regarding Composting Plant & MRF Site Selection Exercise.
- 103 'MEMO – Composting': Email dated 3rd June 2004, sent by Josianne Vassallo to Vincent Gauci and Rachel Portelli regarding the submission to PDS prior to the issue of Terms of References.
- 104 Correspondence, dated 4th June 2004, between Rachel Portelli and Godwin Cassar regarding timeframes for the EIA.
- 105 Correspondence, dated 4th June 2004, between Josianne Vassallo, Godwin Cassar, Rachel Portelli and Stephen Dimech regarding the EIA process.
- 106 Correspondence, dated 10th June 2004, between Vincent Gauci, Rachel Portelli and Godwin Cassar regarding timeframe for EIA.
- 107 Correspondence, dated 10th June 2004, between Vincent Gauci and WasteServ regarding guidelines for the PDS.

- 108 Correspondence, dated 12th June 2004, between Vincent Gauci and Godwin Cassar regarding timeframe for EIA.
- 110 Correspondence, dated 14th June 2004, between Vincent Gauci and Godwin Cassar regarding timeframe for EIA.
- 111 Correspondence, dated 14th June 2004, between Vincent Gauci and Godwin Cassar regarding the way forward for the EIA.
- 112 Correspondence, dated 14th June 2004, between Josianne Vassallo and Vincent Gauci regarding whether briquetting should be considered in the EIA.
- 113 Correspondence, dated 16th June 2004, between Josianne Vassallo and Vincent Gauci regarding the meeting that is to be held between the Minister, DG and WasteServ,
- 114 Correspondence, dated 15th June 2004, between Josianne Vassallo and Vincent Gauci regarding the date when the comments on the Alternative Site Assessment were sent to WasteServ.
- 115 Correspondence, dated 3rd June 2004, between Vincent Gauci and WasteServ regarding EIA schedule.
- 116 Correspondence, dated 15th June 2004, between Vincent Gauci and Godwin Cassar regarding proposed timetable of work.
- 117 Correspondence, dated 22nd June 2004, between Vincent Gauci and Josianne Vassallo regarding the site selection exercise for the upgrading of the existing facilities.
- 118 Correspondence, dated 22nd June 2004, between Josianne Vassallo and Vincent Gauci regarding presentation to MEPA Board.
- 119 Correspondence, dated 22nd June 2004, between Josianne Vassallo and Vincent Gauci regarding MEPA Board Guidance Note. Document attached.
- 120 Correspondence, dated 23rd June 2004, between Josianne Vassallo and Vincent Gauci regarding amendments on the MEPA Board Guidance Note. MEMO is attached.
- 121 Correspondence, dated 23rd June 2004, between Michelle Piccinino, Josianne Vassallo and Vincent Gauci regarding MEPA Board Guidance Note.
- 122 Correspondence, dated 23rd June 2004, between Josianne Vassallo and Vincent Gauci regarding amendments on the MEPA Board Guidance Note.
- 123 'Presentation: Composting & MRF': correspondence, dated 23rd June 2004, between Josianne Vassallo and Vincent Gauci regarding power point presentation to be presented tomorrow to MEPAs Board. Presentation is attached.

- 124 Correspondence, dated 25th June 2004, between Josianne Vassallo and Vincent Gauci regarding the outcome from MEPA Board meeting.
- 125 'Traffic Appraisal': Email dated 25th June 2004, from Josianne Vassallo to Vincent Gauci.
- 126 'Traffic Appraisal': Email dated 26th June 2004, from Josianne Vassallo to Vincent Gauci.
- 127 Correspondence, dated 28th June 2004, between Josianne Vassallo and Vincent Gauci regarding the outcome from MEPA Board meeting.
- 128 Correspondence, dated 28th June 2004, between Josianne Vassallo and Vincent Gauci regarding EIA consultants.
- 129 Correspondence, dated 28th June 2004, between Josianne Vassallo, Michelle Piccinino and Rachel Portelli regarding the commencement of the EIS.
- 130 Correspondence, dated 30th June 2004, between Mr Owen and Rachel Portelli requesting amendments to the Terms of References for the project.
- 131 Correspondence, dated 1st July 2004, between Josianne Vassallo and Mr Owen regarding composting EIA.
- 132 Letter dated 1st July 2004, from Vincent Gauci to Vince Magri stating that MEPA's Board agreed that the site of Sant Antnin is the most suitable location for PA 2838/03.
- 133 Correspondence, dated 30th June 2004, between Josianne Vassallo and Stephen Dimech regarding comments on EIA consultants.
- 134 Correspondence, dated 2nd July 2004, between Josianne Vassallo and Yoanne Muscat regarding MEPA Board minutes with respect to Sant Antnin Waste Treatment Plant (Guidance) held on 24th June 2004.
- 135 Correspondence, dated 5th July 2004, between Josianne Vassallo and Michelle Piccinino regarding Alternative Site Assessment review.
- 136 Email dated 5th July 2004, from Josianne Vassallo to inform Stephen Dimech that the EPA has sent a letter to Vince Magri regarding MEPA Board Decision.
- 137 Email dated 5th July 2004, from Josianne Vassallo to Mr Sammut regarding MRA's input in Terms of References.
- 138 Correspondence, dated 6th July 2004, between Josianne Vassallo and Vincent Gauci regarding Terms of Reply for the request sent by SLR.
- 139 Correspondence, dated 6th July 2004, between Josianne Vassallo and Charmaine Vassallo regarding IPPC regulations.

- 140 'Composting – revised alternative sites assessment': Email dated 7th July 2004, from Stephen Dimech to Vincent Gauci regarding revised Alternative Sites Assessment.
- 141 Correspondence, dated 7th July 2004, between Stephen Dimech and Josianne Vassallo regarding large openings in the ground at Sant Antnin.
- 142 Correspondence, dated 7th July 2004, between Josianne Vassallo and Charmaine Vassallo regarding IPPC regulations.
- 143 Correspondence, dated 7th July 2004, between Josianne Vassallo and Keith Owen regarding revised Terms of References, including the revised document.
- 144 Correspondence, dated 7th July 2004, between Josianne Vassallo and Stephen Dimech regarding the proposed list of consultants.
- 145 Correspondence, dated 8th July 2004, between Josianne Vassallo and Vincent Gauci regarding the proposed list of consultants.
- 146 Correspondence, dated 8th July 2004, between Josianne Vassallo and WasteServ to hold a meeting.
- 147 'Composting plant – site investigation': correspondence, dated 9th July 2004, between Stephen Dimech, Josianne Vassallo and Vincent Gauci.
- 148 Correspondence, dated 9th July 2004, between Stephen Dimech and Josianne Vassallo regarding the preparation of the EIA.
- 149 Correspondence, dated 9th July 2004, between Josianne Vassallo and Keith Owen regarding Terms of References.
- 150 'Barbara Carroll for composting': Email dated 9th July 2004, from Josianne Vassallo to Vincent Gauci.
- 151 'Composting – revised alternative sites assessment': WasteServ forwarded the final report of Alternative Site Assessment, dated 9th July 2004.
- 152 Correspondence, dated 9th July 2004, between Vincent Gauci and Stephen Dimech regarding The Alternative Site Assessment Report.
- 153 Correspondence, dated 9th July 2004, between Josianne Vassallo to Keith Owen regarding who will perform the requested studies.
- 154 'Composting – revised alternative sites assessment': Michelle Piccinino commented on the change in the description of the project as requested by Vincent Gauci, dated 12th July 2004.
- 155 Correspondence, dated 12th July 2004, between Josianne Vassallo to Vincent Gauci regarding who will carry out the requested studies.
- 156 Correspondence, dated 12th July 2004, between Josianne Vassallo to Dimitrio Duca regarding revised Terms of References and queries of Keith Owen.

- 157 Correspondence, dated 12th July 2004, between Josianne Vassallo to Keith Owen regarding revised Terms of References.
- 158 'Further revision of Sant Antnin Terms of References: Email dated 13th July 2004, from Josianne Vassallo to Vincent Gauci.
- 159 Proposed Terms of Reply to SLR, dated 13th July 2004.
- 160 Correspondence, dated 13th July 2004, between Josianne Vassallo to Keith Owen regarding who will carry out the requested studies.

Not Enumerated Revised Terms of Reference
 July 2004

- 161 Email dated 13th July 2004, from Josianne Vassallo to Keith Owen informing him about further revisions to the Sant Antnin Terms of References with respect to ecology.
- 162 Correspondence, dated 7th July 2004, between Stephen Dimech, Vincent Gauci and Michelle Piccinino regarding change in the description of the project.
- 163 Correspondence, dated 13th July 2004, between Michael Mason and Tom Green regarding TIS for the Alternative Site Assessment Report.
- 164 'Composting revised TOR': Email dated 19th July 2004, by Josianne Vassallo to Vincent Gauci to inform him that SLR did not respond regarding revised Terms of References.
- 165 A set of letters dated 2nd August 2004, sent by Josianne Vassallo to the Department of Agriculture, Nature Trust, Department of Public Health, Malta Resources Authority, Zejtun Local Council, Malta Tourism Authority, Superintendent of Cultural Heritage, Marsascala Local Council, Naxxar Local Council, Birzebbuga Local Council, Kalkara Local Council, Xghajra Local Council, Zejtun Local Council, Zabbar Local Council and Fgura Local Council. The Alternative Site Assessment Report was provided to comment on by not later than 06/09/04.
- 166 Fax dated 29th July 2004, from Stephen Dimech to Josianne Vassallo regarding the list of agencies to which one copy of the alternative site assessment report must be forwarded.
- 167 Correspondence, dated 9th July 2004, between Vincent Gauci and Josianne Vassallo regarding the approved report of alternative sites.
- 168 'Location of boreholes for Sant Antnin': Email dated 23rd July 2004, from Stephen Dimech to Vincent Gauci.
- 169 Correspondence, dated 1st August 2004, between Vincent Gauci and Josianne Vassallo regarding the approved report of alternative sites.

- 170 A set of letters dated 2nd August 2004, sent by Vincent Gauci to the Department of Agriculture, Nature Trust, Department of Public Health, Malta Resources Authority, Zejtun Local Council, Malta Tourism Authority, Superintendent of Cultural Heritage, Marsascala Local Council, Naxxar Local Council, Birzebbuga Local Council, Kalkara Local Council, Xghajra Local Council, Zejtun Local Council, Zabbar Local Council and Fgura Local Council. The Alternative Site Assessment Report was provided to comment on by not later than 06/09/04.
- 171 Undated copy of signed receipt of all stakeholders receiving the Alternative Site Assessment Report.
- 172 Transmission Verification Report dated 26th August 2004.
- 173 Letter dated 25th August 2004, from Naxxar Local Council to MEPA regarding the Alternative Site Assessment Report.
- 174 Email dated 31st August 2004, from Nature trust to Vincent Gauci including the comments regarding the Alternative Site Assessment Report.
- 175 Letter dated 23rd August 2004, from Marsascala Local Council to MEPA – ‘... now that you (MEPA) have received the minutes of the Council's decisions and proposals, you are requested to imply all matters indicated in the said minutes’.
- 176 Letter dated 30th August 2004, from Charles Bonnici (Principal Health Inspector) to Vincent Gauci to notify that the department has no further comments regarding the Alternative Site Assessment report.
- 177 Letter dated 25th June 2004, from Vincent Gauci to Vince Magri regarding PA 2838/03.
- 178 ‘Marsascala Local Councils new address’: Email dated 22nd September 2004, to notify the new address of the Local Council.
- 179 Acknowledgement letter dated 21st July 2004, from Marsascala Local Council to Josianne Vassallo.
- 180 ‘Copy of Sant Antnin EIS’: Email dated 14th October 2004, from Josianne Vassallo to Stephen Dimech – query on the number of copies of EIS.
- 181 ‘Delivery note for EIS’: Email dated 25th October 2004, from Josianne Vassallo to Stephen Dimech.
- 182 ‘EIS document’: Email dated 29th October 2004, from Stephen Dimech to Josianne Vassallo, Keith Owen, Ian Roberts, Mario Schembri and Vincent Gauci regarding the official submission of the First Draft Version of the EIS.
- 183 ‘Signed receipts’: Email dated 1st November 2004, from Stephen Dimech to inform Josianne Vassallo about the fax with the signed receipt of all stakeholders who received a copy of the EIA.
- 184 A set of letters dated 1st November 2004, from Josianne Vassallo to the Department of Agriculture, Nature Trust, Kummissjoni Ambjent, Department of

- Public Health, Malta Resources Authority, Zejtun Local Council, Malta Tourism Authority, Superintendent of Cultural Heritage, Marsascala Local Council, Zabbar Local Council and Fgura Local Council. EIS was provided to comment on by not later than 22/11/04.
- 185 Acknowledgement letter dated 8th November 2004, from Marsascala Local Council to Josianne Vassallo.
- 186 A set of letters dated 2nd November 2004, from Josianne Vassallo to Denise Attard, Charles Farrugia, Louis Vella, Dimitrio Duca, Joseph Magro Conti, Miraine Rizzo and Michael Mason. EIS was provided to comment on by not later than 22/11/04.
- 187 Letter dated 9th November 2004, from Malta Resources Authority, Mineral Resources Directorate, stating that this Directorate finds no objection to the proposed works at Sant Antnin.
- 188 'Sant Antnin Composting Plant EIS': Email dated 15th November 2004, from Josianne Vassallo to Charmaine Vassallo regarding IPPC permit.
- 189 'EIS Sant Antnin': Email dated 16th November 2004, from Josianne Vassallo to Michelle Piccinino regarding deadline for comments.
- 190 'Sant Antnin – Traffic Impact Study': MEMO dated 8th November 2004, from Michael Mason to Josianne Vassallo including comments on the TIS.
- 191 Letter dated 8th November 2004, from Malta Resources Authority, Water Resources Directorate, with comments on the EIS.
- 192 'Comments on EIA Sant Antnin Waste Plant': Email dated 15th November 2004, from Joe Magro Conti to Josianne Vassallo regarding Archaeology and heritage section of EIS.
- 193 'Improvement works at Sant Antnin Waste Treatment': Email dated 17th November 2004, from Charles Farrugia to Josianne Vassallo including comments on the ecology section of the EIS.
- 194 Correspondence, dated 19th November 2004, between Mr Vella, Charmaine Vassallo and Josianne Vassallo – time extension regarding submitting comments is needed.
- 195 'Landscape and Visual Impact': Email dated 19th November 2004, from Miraine Rizzo to Josianne Vassallo, including the comments on the Landscape and Visual Impact section of the EIS.
- 196 'ES for the Sant Antnin Composting Plant and Materials Recycling Facility': Email dated 19th November 2004, from Ms Attard (from the Waste Management Unit) to Josianne Vassallo regarding waste generated during the construction phase.
- 197 'Comments on EIA': Email dated 22nd November 2004, from Michelle Piccinino to Josianne Vassallo – several points to be observed.

- 198 'EIS Review': correspondence, dated 18th November 2004, between Dimitrio Duca, Josianne Vassallo and Vincent Gauci regarding the geology, hydrology and hydrogeology. Dimitrio Duca said that the survey is ok but has one reservation. He added that the issue of mineral resources could have been better assessed.
- 199 'EIA: Sant Antnin': Email dated 26th November 2004, by Nadine Axisa to Josianne Vassallo regarding the Air Quality Chapter of Sant Antnin EIS.
- 200 'Impjant ta' 200,000 tunnellata skart ghar-Riciklagg f'Sant Antnin': Email dated 29th November 2004, from Zejtun Local Council to MEPA to draw the attention on the inadequate application title with the proposed works – 25/11/04. Josianne Vassallo informed persons in concern re: the application title amendment.
- 201 'Sant Antnin Air Quality': correspondence, dated 30th November 2004, between Josianne Vassallo and Vincent Gauci.
- 202 Email dated 30th November 2004, from Nadine Axisa to Josianne Vassallo: regarding IPPC permit,
Email dated 30th November 2004, from Louis Vella to Josianne Vassallo: regarding dust generation solutions.
- 203 'EIA: Sant Antnin':
Email dated 26th November 2004, from Nadine Axisa to Josianne Vassallo: regarding IPPC permit,
Email dated 26th November 2004, from Louis Vella to Josianne Vassallo: regarding dust generation solutions,
Email dated 26th November 2004, from Josianne Vassallo to Louis Vella: regarding environmental permit,
Email dated 2nd December 2004, from Vincent Gauci to Josianne Vassallo: plant requires a waste management permit.
- 204 'Composting Plant and Materials Recycling Facility at Sant Antnin Waste Treatment Plant': Email dated 2nd December 2004, sent from Nature Trust Secretary to Vincent Gauci outlining the comments of Nature Trust on the proposed development.
- 205 'PA 2838/03 – Sant Antnin Plant': Email dated 7th December 2004, from Michael Mason (Zejtun Local Council) to Josianne Vassallo regarding the objections of this Council to the Sant Antnin EIS. Objection points are listed in another email sent to Michelle Piccinino on the same day.
- 206 'Re: PA 2838/03 - EIS Review': Correspondence dated 6th December 2004, by email between Josianne Vassallo and Kevin Fsadni (MTA Product Planning & Development) regarding comments on the EIS.
- 207 Letter dated 24th November 2004, from Marsascalea Local Council regarding the Upgrading of Sant Antnin composting plant and materials recovery facility – outlines several points which are the result of a meeting held within the Council.

- 208 List of objections, dated 30th November 2004, in connection with the proposed upgrading of the Sant Antnin recycling plant – a letter from Carmen Vassallo (MEPA) to Joseph Buhagiar.
- 209 'Comments Sant Antnin': Email dated 9th December 2004, from Josianne Vassallo to Rachel Xuereb – comments on the first draft of Sant Antnin EIS.
- 210 'Sant Antnin Facility – Review Comments': Email dated 10th December 2004, from Josianne Vassallo to Vincent Gauci, including the first draft document of EIS.
- 211 'Sant Antnin Facility – Review Comments': Email dated 14th December 2004, from Vincent Gauci to Josianne Vassallo.

Correspondence in Environment Protection Directorate file GF 3623/03, Volume 2
(Numbers corresponds to the minute sheet of the relative file)

- 212 'PA 2838/03 – EIS Sant Antnin Facility': Email dated 14th December 2004, sent by Josianne Vassallo to Vince Magri, Stephen Dimech and Mario Schembri. Comments from the different agencies and the result of the consultation process are attached.
- 213 Correspondence, dated 15th December 2004, between Michelle Piccinino and Stephen Dimech regarding MEPA consultation with MRA Water Directorate.
- 214 A list of objections from Joseph Buhagiar dated 6th December 2004.
- 215 Letter dated 10th December 2004, from the Malta Tourism Authority with their comments on the project.
- 216 Letter dated 10th December 2004, from Josianne Vassallo to Mario Schembri regarding comments from Malta Tourism Authority.
- 217 Correspondence, dated 14th January 2005, between Josianne Vassallo and Stephen Dimech regarding comments from Malta Tourism Authority.
- 218 Letter dated 11th January 2005, from Marsascala Local Council requesting the name of MEPA's representative in the public consultation meeting.
- 219 Acknowledgement email dated 13th January 2005, sent by Vincent Gauci to Carmelo Mifsud (Marsascala Local Council).
- 220 Correspondence, dated 13th January 2005, between Vincent Gauci and Josianne Vassallo regarding consultation with Zejtun Local Council.
- 221 Correspondence, dated 13th January 2005, between Vincent Gauci, Josianne Vassallo and Stephen Dimech regarding the lack of consultation with Zejtun Local Council.

- 222 Letter dated 23rd December 2004, from Anthony Borg (f/Director of Agriculture) to the Environment Protection Directorate regarding the effects of the facility on the surrounding agricultural land.
- 223 Description of events till 14/12/04, undated.
- 224 Correspondence, 20th January 2005, between Vincent Gauci, Josianne Vassallo, Reuben Seychell, Sylvana Debono and Rachel Xuereb regarding queries from Zejtun Local Council concerning traffic issue.
- 225 Correspondence, 17th January 2005, between Godwin Cassar, Vincent Gauci and Josianne Vassallo regarding the capacity of the facility.
- 226 Correspondence, 17th January 2005, between Godwin Cassar, Vince Magri and Andrew Calleja regarding the capacity of the facility.
- 227 Correspondence, 19th January 2005, between Josianne Vassallo, Kevin Morris and Vincent Gauci regarding requested list of consultants.
- 228 Correspondence, dated 21st January 2005, between Josianne Vassallo, Godwin Cassar and Vincent Gauci regarding Louis Vella comments.
- 229 Email dated 21st January 2005, sent by Vincent Gauci to Vince Magri requesting to take into account comments put forward by Louis Vella on Chapter 13 of the EIA.
- 230 Email dated 21st January 2005, sent by Stephen Dimech to Aurelio Attard regarding Chapter 15 of Sant Antnin EIA.
- 231 Correspondence, dated 21st January 2005, between Vincent Gauci, Josianne Vassallo and Rachel Xuereb regarding clarifications on Ghallis. Meeting with the Minister document is attached.
- 232 Correspondence, dated 24th January 2005, between Vincent Gauci, Josianne Vassallo and Rachel Xuereb regarding clarifications on Ghallis.
- 233 Letter dated 11th November 2004, from Claudine Cardona to Josianne Vassallo with comments on the EIS.
- 234 Letter dated 24th January 2005, from Godwin Cassar to Vince Magri regarding clarifications on EIA details.
- 235 Letter dated 31st January 2005, from Vince Magri to Godwin Cassar regarding clarifications on EIA details.
- Not enumerated SLR comments on the 1st Draft Report, undated.
- 236 Email dated 15th February 2005, from Krista Falzon to Vincent Gauci and Josianne Vassallo regarding SLR meeting.

- 237 Correspondence, dated 21st February 2005, between Josianne Vassallo and Charmaine Vassallo regarding IPPC permit. No IPPC permit is required but another form of environmental permit is required.
- 238 Correspondence, 1st March 2005, between Josianne Vassallo, Vincent Gauci, Stephen Dimech and Chris Ciantar regarding clarification meeting regarding Sant Antnin EIA.
- 239 Correspondence, dated 2nd March 2005, between Josianne Vassallo and Michael Mason regarding comments on TIS.
- 240 Correspondence, dated 2nd March 2005, between Josianne Vassallo, Vincent Gauci and Michelle Piccinino regarding terms of reply. An article regarding Alternative Sites that appeared on Malta Today is attached.
- 241 Correspondence, dated 2nd March 2005, between Josianne Vassallo and Dimitrio Duca regarding comments on the geology and hydrology. Comments attached.
- 242 Correspondence, dated 2nd March 2005, between Josianne Vassallo and Miraine Rizzo regarding comments on the landscape and visual impact section. Comments attached.
- 243 Correspondence, dated 2nd March 2005, between Josianne Vassallo and Charles Farrugia regarding the possibility of surface run-off reaching il-Magħluq from the facility. Comments attached.
- 244 Correspondence, dated 7th March 2005, between Josianne Vassallo and Michelle Piccinino regarding comments.
- 246 Correspondence, dated 7th March 2005, between Josianne Vassallo and Vincent Gauci regarding MEPA's comments.
- 247 Correspondence, dated 8th March 2005, between Josianne Vassallo, Stephen Dimech, Vincent Gauci and Michelle Piccinino regarding MEPA's comments to SLR's responses. A document with the comments is attached.
- 248 Email dated 8th March 2005, from Marlene Bonnici to MEPA and WasteServ regarding the Monitoring Committee on the Cohesion Funds.
- 249 Correspondence, dated 8th March 2005, between Vincent Gauci and Josianne Vassallo regarding queries about documents sent to Zejtun Local Council.
- 250 Email dated 10th March 2005, by Vincent Gauci to Kevin Mercieca, Franck Lauwers and Josianne Vassallo regarding the WM permit for the operation of the facility – tentative dates listed.
- 251 Email dated 16th March 2005, from Chris Ciantar to several MEPA officials regarding presentation entitled *Upgrading the Solid Waste Treatment Plant in Marsascalea*.
- 252 Description of events, undated.

- 253 Email dated 18th March 2005, from Joseph Degiorgio sent to MEPA officials regarding Monitoring Committee for Cohesion Funds.
- 254 Presentation entitled *Upgrading the Solid Waste Treatment Plant in Marsascala*, dated 21st March 2005.
- 255 Schematic diagram of the EIA process, undated.
- 256 Correspondence, dated 18 March 2005, between MEPA and WasteServ regarding timeframe for Sant Antrnin.
- 257 Correspondence, dated 21st March 2005, between MEPA and WasteServ regarding odour standards.
- 258 Correspondence, dated 22nd March 2005, between Michelle Piccinino, Stephen Dimech, Chris Ciantar and Josianne Vassallo regarding biogas at Sant Antrnin.
- 259 Leaflet, undated, produced by WasteServ to educate the public regarding the development.
- 260 Correspondence, dated 21st March 2005, between Vincent Gauci, Godwin Cassar, Marie Briguglio, Michelle Piccinino and Josianne Vassallo regarding meeting with the Monitoring Committee.
- 261 Correspondence, dated 28th March 2005, between MEPA and WasteServ regarding timetable.
- 262 Correspondence, dated 29th March 2005, between MEPA and WasteServ regarding timetable.
- 263 Article dated 20th March 2005, on The Malta Independent on Sunday by Chris Ciantar in response to a previous article by a resident in Marsascala.
- 264 Correspondence, dated 26th May 2005, between Vincent Gauci and Michael Mason regarding the routes to Sant Antrnin.
- 265 Correspondence, dated 21st April 2005, between Vincent Gauci, Chris Ciantar, Vince Magri, and Josianne Vassallo about the comments put forward by Reuben Buttigieg on the behalf of Marsascala Shops Association. Comments included.
- 266 Correspondence, dated 25th April 2005, between Vincent Gauci, Chris Ciantar, Mario Schembri, Vince Magri, and Josianne Vassallo regarding the final stage of the EIA process.
- 267 Article dated 6th June 2005, on the Malta Independent Online by Mark Micallef – Sant Antrnin waste recycling plant: explosion hazard equivalent to four gas cylinders.
- 268 Correspondence, dated 19th May 2005, between Josianne Vassallo and Michelle Piccinino regarding biogas generation.

- 269 Correspondence, dated 6th May 2005, between Josianne Vassallo and Stephen Dimech regarding EIA process and its timeframe.
- 270 'Flimkien Inharsu Fejn Nghixu': Email dated 13th June 2005, from Vincent Gauci to Sylvana Debono, Josianne Vassallo and Michelle Piccinino regarding terms of reply.
- 271 Letter dated 17th June 2005, from Vince Magri to Vincent Gauci – *I trust that this 2nd draft be accepted by MEPA, and be certified at the earliest possible.*
- 272 Correspondence, dated 27th June 2005, between Josianne Vassallo, Vincent Gauci and Stephen Dimech regarding 2ND draft of Sant Antnin EIA.
- 273 Email dated 1st July 2005, from Michael Mason with comments on the second draft of Sant Antnin EIA.
- 274 Correspondence, dated 5th July 2005, between Vincent Gauci and Josianne Vassallo regarding addendum and digital copy of EIS, including a whole list of minor amendments.
- 275 Correspondence, dated 8th July 2005, between Chris Ciantar, Vincent Gauci, Josianne Vassallo, Vince Magri and Stephen Dimech regarding finalizing the documents.
- 276 'Certification of the EIS for the Sant Antnin facility': Email dated 11th July 2005, from Vincent Gauci to Vince Magri and Chris Ciantar regarding EIS.
- 277 Letter dated 11th July 2005, from Vincent Gauci to inform Vince Magri that the EIS is satisfactory.
- 278 Correspondence, dated 12th July 2005, between Chris Ciantar, Stephen Dimech, Daniela Vella, Aurelio Attard, Mario Aguis, Mario Schembri, Vince Magri and Josianne Vassallo regarding Sant Antnin Public Hearing.
- 279 Correspondence, dated 12th July 2005, between Josianne Vassallo and Chris Ciantar about Sant Antnin Public Hearing.
- 280a Letter dated 13th July 2005, from Josianne Vassallo to inform Aurelio Attard about the amendments made to the description of the proposed development as requested by Nature Trust.
- 280b Letter dated 13th July 2005, from Josianne Vassallo to inform Anthony Sammut about the amendments made to the description of the proposed development as requested by MRA.
- 281 Correspondence, dated 15th July 2005, between Josianne Vassallo, Stephen Dimech and Chris Ciantar regarding Sant Antnin public hearing.
- 282 Correspondence, dated 19th July 2005, between Josianne Vassallo and Claudine Cardona regarding boreholes within the vicinity of the composting plant.

Correspondence in Environment Protection Directorate file GF 3623/03, Volume 3
(Numbers corresponds to the minute sheet of the relative file)

- 283 Receipt, dated 28th July 2005, of the certified EIS, addendum and separate NTS for the Sant Antnin Waste Treatment Plant.
- 284 Correspondence, dated 27th July 2005, between Josianne Vassallo and Vincent Gauci regarding Sant Antnin EIA certification.
- 285 Correspondence, dated 29th July 2005, between Chris Ciantar, Vincent Gauci, Josianne Vassallo, Stephen Dimech, Vince Magri and Mario Schembri regarding the 29th meeting that MEPA officials and WasteServ officials had on Sant Antnin EIA.
- 286 Correspondence, dated 1st August 2005, between Josianne Vassallo and Vincent Gauci regarding uploading whole EIS on MEPA'S website.
- 287 Correspondence, dated 1st August 2005, between Josianne Vassallo and Peter Gingell regarding updating website that EIA is undergoing consultation.
- 288 a - Correspondence, dated 1st August 2005, between Stephen Dimech and Josianne Vassallo regarding photos of the site notice.
b- Correspondence, dated 1st August 2005, between Stephen Dimech and Josianne Vassallo regarding photos of the site notice.
- 289 Correspondence, dated 1st August 2005, between Josianne Vassallo and Sylvana Debono regarding public hearing adverts.
- 290 Correspondence, dated 1st August 2005, between Sylvana Debono and Emanuel Abela regarding adverts of public hearing on the government gazette.
- 291 Correspondence, dated 2nd August 2005, between Vincent Gauci and Godwin Cassar regarding uploading the whole EIS on MEPA's website.
- 292 Letter dated 8th August 2005, from Vince Magri to notify Vincent Gauci that a notice has been affixed on the site.
- 293 Correspondence, dated 10th August 2005, between Mario Schembri, Chris Ciantar and Josianne Vassallo regarding preparation of a CD for general distribution.
- 294 Correspondence, dated 10th August 2005, between Vincent Gauci, Michelle Piccinino and Josianne Vassallo regarding comments from Committee Front Kontra l-Impjant ghar-Riciklagg kif Propost.
- 295 Correspondence, dated 12th August 2005, between Liz Curmi and Josianne Vassallo regarding signatures of the consultants who were involved in the EIA.
- 296 Correspondence, dated 12th August 2005, between Liz Curmi and Josianne Vassallo regarding document with the signatures of the consultants who were involved in the EIA.

- 297 Job Sheet, dated 11th August 2005.
- 298 Objection letter dated 11th August 2005, from Front Kontra l-Impjant Ghar-Riciklagg kif Propost to MEPA.
- 299 Correspondence, dated 25th July 2005, between Josianne Vassallo and Vincent Gauci regarding MEPA Board minutes.
- 300 Correspondence, dated 26th July 2005, between Chris Ciantar and Josianne Vassallo regarding the Local Councils signing EIS.
- 301 Correspondence, dated 29th July 2005, between Josianne Vassallo and Vincent Gauci regarding public hearing adverts.
- 302 Correspondence, dated 29th July 2005, between Josianne Vassallo and Vincent Gauci regarding public hearing adverts.
- 303 Correspondence, dated 29th July 2005, between Josianne Vassallo and Chris Ciantar regarding public hearing adverts.
- 304 Correspondence, dated 29th July 2005, between Josianne Vassallo and Chris Ciantar regarding public hearing adverts.
- 305 Correspondence, dated 29th July 2005, between Josianne Vassallo and Vincent Gauci regarding public hearing adverts.
- 306 Correspondence, dated 1st August 2005, between Josianne Vassallo and Sylvana Debono regarding public hearing adverts.
- 307 Correspondence, dated 1st August 2005, between Josianne Vassallo and Peter Gingell regarding updating website that EIA is undergoing consultation.
- 308 Correspondence, dated 10th August 2005, between Mario Schembri, Chris Ciantar and Josianne Vassallo regarding preparation of a CD for general distribution.
- 309 Correspondence, dated 10th August 2005, between Vincent Gauci, Michelle Piccinino and Josianne Vassallo regarding comments from Committee Front Pontra l-Impjant ghar-Riciklagg kif Propost.
- 310 Correspondence, dated 10th August 2005, between Josianne Vassallo and Vincent Gauci regarding the letter received from Committee Front Kontra l-Impjant ghar-Riciklagg kif Propost.
- 311 Correspondence, dated 11th August 2005, between Josianne Vassallo and Liz Curmi regarding list of consultants.
- 312 Objection letter dated 11th August 2005, from Marsascala Local Council to MEPA.

- 313 Correspondence, dated 19th August 2005, between Vincent Gauci and Josianne Vassallo regarding preparation of the public hearing.
- 314 Correspondence, dated 19th August 2005, between Vincent Gauci and Josianne Vassallo regarding submissions received during the public consultation of the EIS.
- 315 A set of letters, dated 22nd August 2005, from Josianne Vassallo to notify the following agencies and groups - Marsascala Local Council, Zabbar Local Council, Zejtun Local Council, Fgura Local Council, Nature Group c/o, Kummissjoni Ambjent, Department of Agriculture, Department of Public Health, Malta Tourism Authority, Superintendent for Cultural Heritage AND Front kontra l-Impjant ghar-Riciklagg kif propost – about a meeting to be held on the 5th September 2005.
- 316 Correspondence, dated 22nd August 2005, between Josianne Vassallo, Chris Ciantar and Vincent Gauci regarding objections to the 2nd draft ES.
- 317 Letter dated 23rd August 2005, from Josianne Vassallo to Mario Schembri regarding the objections that MEPA received.
- 318 Correspondence, dated 23rd August 2005, between Josianne Vassallo, Chris Ciantar, Vincent Gauci and Mario Schembri regarding objections to the second draft ES.
- 319 Correspondence, dated 23rd August 2005, between Josianne Vassallo, Stephen Dimech and Chris Ciantar regarding comments of Zejtun Local Council.
- 320 Correspondence, dated 23rd August 2005, between Josianne Vassallo and Chris Ciantar regarding comments of Zejtun Local Council.
- 321 Correspondence, dated 24th August 2005, between Josianne Vassallo and Michelle Piccinino regarding Marsascala objections.
- 322 Objection letter dated 11th August 2005, from Marsascala Local Council to MEPA regarding ES 2005.
- 323 'Sant Antnin Submissions': Email dated 25th August 2005, from Josianne Vassallo to WasteServ with an objection lists from Marsascala Local Council.
- 324 Correspondence, dated 25th August 2005, between Josianne Vassallo and Vincent Gauci regarding Terms of Reply.
- 325 Correspondence, dated 25th August 2005, between Vincent Gauci and Josianne Vassallo regarding Terms of Reply.
- 326 'Sant Antnin Submissions': Email dated 25th August 2005, from Josianne Vassallo to WasteServ with objection lists.
- 327 Letter dated 25th August 2005, from Kunitat Kontra l-Impjant ghar-Riciklagg kif Propost to notify MEPA that the time allocated to study the EIS is too short prior to the 5th September meeting.

- 328 Correspondence, dated 26th August 2005, between Vincent Gauci and Ingrid Zerafa regarding Terms of Reply.
- 329 Acknowledgement letter dated 24th August 2005, from Marsascala Local Council to MEPA.
- 330 Correspondence, dated 31st August 2005, between Josianne Vassallo, Chris Ciantar, Mario Schembri, Stephen Dimech and Vincent Gauci regarding comments sent by Nature Trust.
- 331 Correspondence, dated 31st August 2005, between Josianne Vassallo and Stephen Dimech regarding comments on EIS.
- 332 Correspondence, dated 31st August 2005, between Josianne Vassallo and Mario Schembri regarding comments sent by Nature Trust.
- 333 Correspondence, dated 31st August 2005, between Josianne Vassallo and Vincent Gauci regarding comments sent by Nature Trust.
- 334 Objection letter dated 24th August 2005, from Zabbar Local Council.
- 335 Fax dated 31st August 2005, sent by Josianne Vassallo to Chris Ciantar, Stephen Dimech and Mario Schembri regarding comments from Zabbar and Ghaxaq Local Councils.
- 336 Email dated 1st September 2005, from Josianne Vassallo to notify Gudja and Ghaxaq Local Councils about the 5th September meeting at Corinthia Jerma Palace Hotel.
- 337 Correspondence, dated 1st September 2005, between Josianne Vassallo and Vincent Gauci regarding public hearing.
- 338 Correspondence, dated 5th September 2005, between Josianne Vassallo, Vincent Gauci and Ian Stafrace regarding EIA consultation.
- 339 Email dated 5th September 2005, from Sylvana Debono to MEPA. Comments attached.
- 340 Correspondence, dated 5th September 2005, between Godwin Cassar, Vincent Gauci, and Josianne Vassallo regarding Kummissjoni Knisja comments.
- 341 A copy of the Directive 2003/35/EC of the European Parliament and of the Council providing for public participation in respect of the drawing up of certain plans and programmes relating to the environment and amending with regard to public participation and access to justice.
- 342 Declaration by Chris Ciantar dated 5th September 2005.
- 343 Newspaper Article, dated 6th September 2005: 'Laqgħa pubblika dwar l-izvilupp propost fl-impjant għar-riciklagħ: Ma Rriduhx' by Norman Vella in L-Orizzont.

- 344 Newspaper Article dated 6th September 2005: 'Marsascala waste recycling plant: Stormy public hearing offers no solutions for residents' by Gerald Fenech in The Malta Independent Online.
- 345 A set of objection letters, dated 18th-22nd June 2005, sent by Gudja, Fgura and Tarxien Local Councils, Il-Moviment Favur Il-Harsien tal-Wieq tal-Maghluq and Il-Kumitat Kontra L-Impjant Ghar-Riciklagg Kif Propost, to MEPA.
- 346 'Comments from Kummisjoni Knisja': Email dated 6th June 2005, from Josianne Vassallo to Mario Schembri and Liz Curmi.
- 347 Amendment to the description of the proposed development, undated.
- 348 'Public Hearing Minutes': correspondence, dated 9th September 2005, between Vincent Gauci and Josianne Vassallo. Report is attached.
- 349 Correspondence, dated 9th September 2005, between Liz Curmi and Josianne Vassallo regarding Sant Antnin response format.
- 350 Amendment to the description of the proposed development.
Undated
- 351 Post- presentation to MEPA Board correspondence, dated 9th September 2005, between Michelle Piccinino and Josianne Vassallo.
- 352 'Public hearing Comments': Email dated 12th September 2005, from Josianne Vassallo to Chris Ciantar, Mario Schembri, Liz Curmi and Michelle Piccinino regarding public comments.
- 353 A list of objections, dated 12th September 2005, sent by unknown persons to MEPA.
- 354 A list of objections, dated 5th September 2005, from Sultana family to MEPA.
- 355 Fax dated 12th September 2005, from Chris Agius to Josianne Vassallo which includes a whole list of comments.
- 356 Correspondence, dated 12th September 2005, between Josianne Vassallo and Chris Ciantar regarding minutes of a meeting held on 5th September 2005.
- 357 Fax dated 12th September 2005, from Chris Agius to Josianne Vassallo which includes a whole list of comments.
- 358 New objections, dated 13th September 2005, to proposed facility from Joseph Buhagiar (Curator of Argotti Herbarium and Botanic Gardens).
- 359 Job Sheet dated 14th September 2005.

Other related reports

Application for Assistance to EU Commission, *Upgrading of the Waste Treatment Plant and Material Recycling and Recovery Facility, Malta*, Cohesion Fund 2000-2006.

SLR Consulting Ltd., *Improvement of the Sant Antnin Composting Plant and Materials Recovery Facility: Alternative Sites Assessment*, WasteServ, Malta, July 2004.

SLR Consulting Ltd., *Composting Plant and Materials Recycling Facility at Sant Antnin Waste Treatment Plant, Malta*, WasteServ, Malta, October 2004

SLR Consulting Ltd., *Re-development of existing Waste Management Facility at Sant Antnin, Malta*, WasteServ, Malta, June 2005.

WasteServ Malta Ltd., *Improvement of the Sant Antnin Composting Plant and Materials Recovery Facility: Project Description Statement*, WasteServ Malta, May 2003.

Witteveen+Bos, *Technical Assistance for the Preparation of a Project to Upgrade the Composting plant and Material Recycling and Recovery Facility: Traffic Impact Statement*, WasteServ Malta Ltd., May 2004.

Witteveen+Bos, *Environmental appraisal of proposed waste management facilities at Sant Antnin*, WasteServ Malta Ltd., April 2004.