
Technical Note

Environmental Impact Assessment: Waste Transfer Facility at Tal-Kus, Ta' Lambert, Xewkija, Gozo

6th August 2004

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1.0.0 Terms of Reference

1.1.0 This technical note is a response to the request of Xewkija Local Council to review the *Environmental Planning Statement* with respect to the construction of a waste transfer facility at Tal-Kus, Xewkija.¹ This statement, dated May 2004, was requested by the Malta Environment and Planning Authority, hereafter referred to as MEPA, in conjunction with outline development planning application PA 7491/03 submitted in December 2003 by WasteServ Malta Ltd of 'Phoenix Building', Old Railway Track, Santa Venera.

1.2.0 The *Environmental Planning Statement*, hereafter referred to as EPS, was prepared by SLR Consulting Ltd in association with AIS Environmental Ltd on behalf of WasteServ Malta Ltd in May 2004. This statement was requested by MEPA in terms of *Environment Impact Assessment Regulations, 2001*.² As per correspondence of the Authority, dated 13th July 2004, comments had to be communicated to same by the local council by not later than Friday 6th February 2004.

2.0.0 Planning Application PA 7491/03 for a Waste Transfer Facility at Tal-Kus

2.1.0 Outline development planning application PA 7491/03 was submitted by the Director General, Works Division, on behalf of WasteServ Malta Ltd. This application for the site at Tal-Kus, Ta' Lambert, Limits of Xewkija, Gozo is for

A controlled facility for the receipt, sorting, processing, interim storage and transfer/transportation of non-hazardous, non-inert wastes. A facility for the interim storage, sorting and transfer of small amounts of hazardous wastes.

¹ A copy of the *Environment Planning Statement* was received by Xewkija Local Council on 5th July 2004.

² Legal Notice 204/2001.

- 2.2.0 The proposed development includes the setting up of the following four units:³
- i. a waste transfer station for the receipt, sorting, bulking up and transport of non-hazardous wastes from Gozo and Comino to Malta for final management and disposal;
 - ii. an interim storage facility for hazardous wastes;
 - iii. a civic amenity facility for the receipt of wastes delivered by the public; and
 - iv. an area for the receipt, storage and treatment of recyclable materials.
- 2.3.0 The application states that the existing use of the site of the proposed waste transfer station, measuring 20,000m² (2 hectares), is a former quarry. It also states the following as reserved measures for further approval: siting, design, means of access, landscaping, external appearance, technical studies, methods statement(s) and others. Furthermore, the section of the application relating to the declaration of scheduled property, protected Areas or other conservation areas falling within the site of the proposed development was deleted by the applicant.
- 2.4.0 The only drawing attached to the application is a site plan at scale 1:2,500 issued by MEPA on 15th December 2003. The application was signed by the Director General on 15th December 2003 and application was filed with MEPA on 16th December 2003.

3.0.0 The Site Selection Exercise for a Waste Transfer Facility in Gozo

3.1.0 Background

- 3.1.1 The site selection exercise for the waste transfer station in Gozo started in the early 1990s⁴ and by June 1995, it was established that “the site most suitable for development of a waste transfer facility” was at the landfill at Il-Qortin ta' GHajn Damma at Xaghra, which was still operating until recently. This site selection exercise was carried out against “a set of determining criteria”, approved by the then Planning Authority. An environmental impact statement was completed by December 1995, but a formal application was never submitted.

³ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, May 2004, Section 1.1.

⁴ Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*, Malta, July 2002, p.13.

3.1.2 The *Waste Management Subject Plan for the Maltese Islands*, put forward a new set of criteria for the site selection exercise of a waste management facility which were subsequently taken into consideration for the *Project Description Statement*⁵ and the *Alternative Site Assessment*⁶.

3.2.0 Project Description Statement for a Solid Waste Transfer Facility in Gozo, July 2002

3.2.1 According to the Project Description Statement,⁷ the proposal to have a waste transfer station at Il-Qortin was rejected, mainly during the preparation of the *Solid Waste Management Strategy for the Maltese Islands* and the *Gozo & Comino Local Plan*⁸

...it has been established that the Il-Qortin site is no longer suitable to accommodate this development. This is primarily due to the nature of the site, the increasingly high volumes of waste (including construction and demolition waste) deposited there over the past several years and the access roads which the previous EIA had also commented on being unsuitable. In view of this, additional sites have been identified for consideration, namely:

- Ta' l-Imghajjen, between Victoria and Xewkija.
- Ta' Brieghen, west of Ghajnsielem.
- Tal-Kus, Ta' Lambert, south-east of Xewkija.

3.2.2 Based on key characteristics and relative merits of each of the three sites, the project description statement recommended that an EIA should focus on Ta' Brieghen and Tal-Kus sites.⁹

3.3.0 Alternative Site Assessment for Solid Waste Transfer Facility, November 2003

⁵ Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*.

⁶ WasteServ Malta Ltd, *Development & Operation of a Solid Waste Transfer Facility for Gozo: Alternative Site Assessment*.

⁷ Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*, p.14.

⁸ Malta Environment and Planning Authority, *Gozo and Comino Local Plan*, Approved Draft, June 2002.

⁹ Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*, p.18.

- 3.3.1 On 15th December 2003, MEPA forwarded Xewkija Local Council with a copy of the report on the site selection exercise dated November 2003 and entitled *Development & Operation of a Solid Waste Transfer Facility for Gozo: Alternative site assessment*. This report was also prepared on behalf of WasteServ Malta Ltd by SLR Consulting Ltd in association with AIS Environmental Ltd. The Local Council had until 6th January 2004 to put forth its comments to MEPA.¹⁰
- 3.3.2 This report is an account of findings on the study of the three short listed sites designated for the development and operation of a solid waste transfer facility for Gozo. The findings, tabulated in the conclusion, and the comparative assessment of the three short listed locations included in the report are being attached to this technical note as Appendices B and C respectively.
- 3.4.0 Project Description Statement for Civic Amenities, November 2003
- 3.4.1 In November 2003 a project description statement for civic amenities¹¹ was published and in December 2003, WasteServ Malta Ltd has submitted an outline application for a civic amenity facility at Ta' L-Imghajjen, Xewkija, Gozo, bearing number PA 7236/03.¹²
- 3.4.2 The site selection factors in the said project description statement include¹³
- A site area of between 2,000 and 7,000 square metres.
 - The site should be derelict land either close to an informal or within existing industrial sites or on land previously used for waste disposal or minerals development or on degraded land outside but adjacent to the Limits to Development boundary

¹⁰ The Local Council informed MEPA that it is not in a position to assess and comment on this report without the studies underlying the findings endorsed in same (Correspondence of Xewkija Local Council with MEPA, dated 8th January 2004). Thus, the Local Council requested MEPA to furnish it with all original environmental surveys that were carried out as part of this exercise.

In the same correspondence, Xewkija Local Council brought to the attention of MEPA the fact that this report was received at the Local Council office on the 17th December 2003 and that it had until 6th January 2004 to put forth its comments, a very inconvenient period of the year when most offices and departments have their Christmas shutdown. As a matter of fact, the Local Council noted that MEPA offices were shut down as at 19th December 2003 until 5th January 2004 and the contact person at MEPA was on leave as from 17th December 2003 till 5th January 2004. So it was impossible for the Local Council to make any queries.

¹¹ WasteServ Malta Ltd, *Project Description Statement: Proposed sites for Civic Amenity Facilities*, November 2003.

¹² This statement is a report common to seven proposed civic amenity facilities in Malta and Gozo and covers the following eight sites: Ta' L-Imghajjen in Gozo, Mgarr, Hal Far, Ta' Qali, Bulebel, Marsa, Imriehel Site A and Imriehel Site B.

¹³ WasteServ Malta Ltd, *Project Description Statement: Proposed sites for Civic Amenity Facilities*, Section 3.1.

- The development of the site should not create significant adverse impacts on existing surrounding land uses...

3.4.3 In a meeting with the Environment Protection Directorate held on 14th June 2004, Xewkija Local Council was informed that the application PA 7236/03 was halted since site lies within an aquifer protection zone.

4.0.0 Planning Framework of Mgarr ix-Xini Area

4.1.0 The natural and cultural heritage of Mgarr ix-Xini area have repeatedly been highlighted by MEPA. In November 2001, two years before the *Alternative Site Assessment* was published, Mgarr ix-Xini Valley, including Tal-Kus quarry, has been scheduled for its ecological, geomorphological and cultural heritage importance.¹⁴ This implies “a general presumption against development”¹⁵ and actually encourages inclusion in international listings of protected areas.¹⁶ The ecological, geological and cultural importance of the area have again been highlighted in the *Gozo & Comino Local Plan* and designated the area as an Area of High Landscape Value with Triq tal-Gruwa/Triq ta' Mgarr ix-Xini as a panoramic route.¹⁷ The *Structure Plan for the Maltese Islands* recognizes the need to safeguard the countryside, the “nation’s most valuable natural resources”, especially in scheduled areas.¹⁸ Moreover, it stipulates that since “natural landscapes are intimately related to agricultural activity, both have to be protected from undue developments.”¹⁹ In fact, the *Gozo & Comino Local Plan* earmarks the area at Tal-Kus as disturbed to be restored back to its original land use.²⁰

¹⁴ *Government Gazette*, November 9, 2001, pp.9110-9121.

¹⁵ *Structure Plan for the Maltese Islands, Explanatory Memorandum*, para.15.34, p.101.

¹⁶ *Ibid.*, para.15.37, p.102.

¹⁷ *Gozo & Comino Local Plan* Map 13.1-B. This map notes that the indicated areas of high landscape value may include disturbed ground which is envisaged to be restored through the rehabilitation of damaged landscapes (see remark in legend of Map 13.1-B).

¹⁸ *Structure Plan of the Maltese Islands*, para. 15.21, p. 91.

¹⁹ *Ibid.*, para. 15.27, p. 92.

²⁰ *Gozo & Comino Local Plan* Map 10.3.3, thus subject to Policy GZ-RLCN-5 which states that The areas indicated ... are indicated as candidate sites for rehabilitation of damaged landscapes. Rehabilitation can also be integrated with the provisions of local plan policies GZ-RECR-1, 2 and 3.

4.2.0 Mgarr ix-Xini area was conspicuously missing from the Natura 2000 ecological network established by MEPA²¹ as part of the Habitats Directive 92/43/EEC, whereby the protected area and its surrounds are protected from deterioration and sustainable developments promoted. It is in this spirit that Xewkija Local Council in conjunction with Sannat Local Council set up the Mgarr ix-Xini Regional Park and a planning application PA 3341/04 was submitted to MEPA on 2nd June 2004. Its underlying philosophy is an inclusive, people-oriented approach in line with the IUCN attitude towards protected area management and grounded in the spirit of the European Landscape Convention.

5.0.0 The Planning Process

5.1.0 The Site Selection Exercise: Justification of a decision

5.1.1 The project description statement for the waste transfer station concluded that an environment impact assessment should focus on Ta' Brieghen²² and Tal-Kus, while the *Alternative Site Assessment* identified Tal-Kus as the best site. The respective site identification and selection exercises of the *Project Description Statement* and the *Alternative Site Assessment* noted the main advantages and disadvantages for the three sites, namely, Ta' l-Imghajjen, Ta' Brieghen and Tal-Kus. A comparison between the advantages and disadvantages of Tal-Kus site as identified by the *Project Description Statement* and the *Alternative Site Assessment* is given in Table 1. Moreover, the *Alternative Site Assessment* commented on the three sites using the site selection criteria suggested by the then Planning Authority (Table 2).

5.1.2 On reviewing the tables included in the *Alternative Site Assessment* and hereby attached as Appendices B and C, it is self evident that the site at Tal-Kus is the least desirable site for the construction of a waste transfer facility. Still the report ends by stating that this site is more suitable to take a waste transfer facility than Ta' l-Imghajjen and Ta' Brieghen despite the fact that the site at Ta' l-Imghajjen is in a

²¹ www.mepa.org.mt

²² Ta' Brieghen site had already been committed by the *Gozo & Comino Local Plan* for a Waste Transfer Facility and a Sewage Treatment Plant (Sections 8.5 and 8.6 and Map 14.13E). The advantages cited for the Ta' Brieghen site are (p.68)

- Distance from inhabited areas
- Good access to harbour
- Land is disturbed
- Visual mitigation measures can be employed
- There is no need to create new access to the site
- The land is in public ownership

highly visible location and with potential exits of significant impacts on local receptors and is²³

... rated highly on access, proximity to the waste, low impact on ecology and heritage and lack of policy conflict

whilst the site at Ta' Brieghen is²⁴

... rated highly on access proximity to waste, low impact on ecology and heritage. The Gozo and Comino Local Plan designate this area as to be kept clear for the possibility of developing a future air-strip for Gozo. At this time we are not aware of any application for such development although through discussions we had with the ministry for Gozo these may well be in the course of being drawn up.

5.1.3 The *Alternative Site Assessment* exercise concluded that Tal-Kus site is the best site since²⁵

On balance we consider advantages outweigh the disadvantages. The apparent areas of potential conflict with policies and land use designations detailed in the Gozo and Comino Local Plan add weight to this argument.

It is concluded therefore, that on balance and with the revisions in the original scope of the P[roject] D[escription] S[tatement] the Tal-Kus site is considered to be the preferred location for the proposed waste transfer facility. It is not a perfect location, but we consider it to be preferable to either of the two alternatives.

5.1.4 The conflict referred to here is the *Gozo & Comino Local Plan* simultaneous designation of the land east of the site as being of Level 3 Ecological Importance, Disturbed and of High Agricultural Value.²⁶ Moreover,

We understand that since completion of the P[roject] D[escription] S[tatement], in June 2002, further discussions (between the Works Division/Waste Serv and MEPA) and assessment have led to the conclusion that the preferred location is the site at Tal-Kus. This is reflected in the Terms of Reference.²⁷

²³ Waste Serv Malta Limited, *Development & Operation of a Solid Waste Transfer Facility for Gozo: Alternative Site Assessment*, p.5.

²⁴ Ibid.

²⁵ Ibid, pp.5-6.

²⁶ Ibid., Tables.

²⁷ Ibid., p. 3.

5.1.5 In a consultation meeting of Xewkija Local Council with SLR Consulting Ltd, AIS Environmental Ltd and WasteServ Malta Ltd, held on 14th January 2004 at the Local Council premises, various issues related to the location of a waste transfer facility in Gozo were discussed. Xewkija Local Council brought to the attention of SLR Consulting Ltd that as per the *Alternative Site Assessment* the Tal-Kus is the least appropriate site for a waste transfer facility and thus the recommendation to use same for such a facility did not follow. SLR Consulting Ltd stated that they had earmarked sixteen sites as possible candidates for a waste transfer station, but these were reduced to three by WasteServ Malta Ltd, who commissioned this report. Moreover, they stated that WasteServ Malta Ltd directed them²⁸

... to focus on Tal-Kus and that is what they did, i.e. the conclusion did not follow, but that was the conclusion WasteServ wanted them to reach.

5.1.6 A meeting between Xewkija Local Council and WasteServ Malta Ltd was held on 19th January 2004. During this meeting, WasteServ Malta Ltd had informed Xewkija Local Council that if the council preferred the waste transfer facility at Tal-Imghajjem to Tal-Kus, then it had to "write to WasteServ in this regard, since this is the right time before the EIA assessment is commissioned on 'Tal-Kus'".²⁹

5.2.0 The Environment Impact Assessment (EIA)

5.2.1 The *Environmental Impact Assessment Regulations, 2001*³⁰ define an EIA as

... 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

These regulations define an EPS as

The result of a limited environmental impact assessment study presented as a report which describes a development listed in Category II of Schedule I to these

²⁸ Meeting of Xewkija Local Council with SLR Consulting Ltd, AIS Environmental Ltd and WasteServ Malta Ltd, Minutes of meeting, 14th January 2004, para. 9. This claim was reiterated by council members present during the Local Council meeting of 20th January 2004 and accordingly minuted (Xewkija Local Council, Minutes of Council Meeting No. 292, 20th January 2004, p.2).

²⁹ Meeting of Xewkija Local Council with WasteServ Malta Ltd, Minutes of meeting, 19th January 2004, para. 3. By then Xewkija Local Council had received from MEPA two outline development planning applications: PA 7491/03 for a waste transfer facility at Tal-Kus and PA 7236/03 for a civic amenity facility at Tal-Imghajjen. The Local Council resolved to formally file an objection against each application (Xewkija Local Council, Minutes of Council Meeting No. 293, 4th February 2004, p.3).

³⁰ Legal Notice 204/2001.

regulations and its effects on the environment indicating how these effects have been taken into account

5.2.2 Alan Gilpin's classic textbook on EIAs, entitled *Environment Impact Assessment (EIA): Cutting Edge for the twenty-first century*,³¹ lists a number of characteristics of a good environment statement. Evaluating the Environmental Planning Statement for the waste transfer facility at Tal-Kus with respect to this checklist, it is self-evident that it significantly fails to comply with this list:

1. The authors of the EPS are not defined;
2. Description of the existing environment likely to be affected by the proposed development are limited thus rendering the EPS deficient in information and baseline conditions;
3. No evidence of credible studies were undertaken with respect to alternative locations and/or alternative processes considered;
4. The EPS does not consider the consequences of the do-nothing option for the developer, the locality, the region and the nation;
5. The EPS does not consider transboundary implications of the development proposal;
6. Proposals for an effective, regular environmental auditing are not included; and
7. Consultation process was not transparent.

5.3.0 Unorthodox Processing of Planning Application by MEPA

5.3.1 Xewkija Local Council, in its meeting of 18th June 2004,³² unanimously condemned MEPA's tactics to hide planning information so important for local government to fulfil its duties at law; duties which the Local Council scrupulously follows. The only correspondence in the file following the objection letter of Xewkija Local Council to application PA 7491/03, dated 12th February 2004, is a letter from the Ministry for Gozo, dated 26th February 2004, stating that it agreed to the conclusions and recommendations of the *Alternative Site Assessment*. Since then the Local Council was constantly inquiring with MEPA for file movements and the reply was that no file movements were registered. On 14th June 2004, the Mayor and Vice Mayor of

³¹ Gilpin, A., *Environment Impact Assessment (EIA): Cutting Edge for the twenty-first century*, Cambridge University Press, 1996 edition, pp. 16-17.

³² Xewkija Local Council, Minutes of Council Meeting No. 298, 18th June 2004, p.2.

Xewkija Local Council had a meeting with officials from the Environment Protection Directorate. At this meeting it transpired that³³

1. Correspondence and other material on the relevant planning application PA7491/03 were filed in a general file bearing reference number GF5/2002 which is not on the Authority's computer system and
2. Documents that in terms of the *Environment Impact Assessment Regulations* 2001 had to be forwarded to the Local Council were never sent – the last consultation with the Local Council was on an early version of the terms of reference for the environment impact assessment, dated August 2002.

5.3.2 Xewkija Local Council formally complained to the Director of Planning on 15th June 2004 that it had been inquiring on the outline development planning application PA 7491/03 soon after it received from MEPA that such an application was submitted for its due consideration. The manner in which the consultation process was seriously manipulated rendered the planning process not transparent.³⁴

6.0.0 Tal-Kus is not Suitable for a Waste Transfer Facility

6.1.0 Alternative Site Assessment

6.1.1 This report tabulates, as part of its conclusion, the strengths and weaknesses of each of the three sites identified for a waste transfer facility (Appendix B). The site at Tal-Kus is rated as inadequate with poor access from road network and remote vis-à-vis proximity of waste. Besides these significant physical constraints, the proposed development is in conflict with current planning policy. Concerns are present with respect to hydrology and hydrogeology of the area. The proposed development has a potentially high impact on nature conservation, whilst limited and minimal impacts with respect to landscape and visual amenity. The impact on the cultural heritage, agriculture, socio-economy and sensitive receptors in the area was considered low.

6.2.0 Tal-Kus is a scheduled area

³³ Correspondence of Xewkija Local Council, signed by Dr Monica Vella, Perit Teddie Busuttil and Mr Reuben Cassar as Mayor, Vice Mayor and Executive Secretary respectively, to Director of Planning, dated 15th June 2004 and received at MEPA on 16th June 2004.

³⁴ Ibid.

- 6.2.1 The EPS cites Structure Plan Policy MIN13 and Waste Management Policy SWM8³⁵ to justify the proposed development as a form of rehabilitation of disused quarries. However, the Tal-Kus quarry is small and further mineral extraction together with engineering works have to be carried out to prepare the site for the waste transfer station. Moreover, some 20,000m³ of inert waste have to be removed from site, which waste is envisaged to be sold as aggregate.³⁶ Other larger, disused quarries in less sensitive areas exist in Gozo. At no stage in the site selection process was any reason/factor given as to why the given sites were selected and it is highly unclear why were vacated industrial blocks ignored completely when they are inherently enclosed spaces, ideal for waste collection points, and when land availability was considered to be a main factor. *Gozo & Comino Local Plan* makes it clear through Policy GZ-RLCN-5 that any rehabilitation in the Tal-Kus area should be restoration to its original land use.³⁷ This is further strengthened by Policy GZ-DARK-1 which considers Tal-Kus area as part of the Dark Sky Heritage Area of Mgarr ix-Xini.
- 6.2.2 In the EPS it is repeatedly stated that the selected design and modus operandi mitigate and nullify most of the potential negative impacts of the proposed facility, even though the site is within a scheduled area. This is not a matter of how an obnoxious development is well hidden from view and how one manages to mitigate any negative impacts, but an issue of consistency and credibility. If the development is approved then it indicates how authorities have failed to comprehend the

³⁵ Policy MIN13 states that

Development proposals involving the reuse of quarried areas will generally be considered favourably by the Planning Authority, subject to satisfactory environmental impacts including protection of groundwater resources. Priority will be given to uses which are difficult to locate elsewhere because of their visual or other undesirable impacts.

Policy SWM8 states that

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:

- (i) The proposed site is located to the likely source(s) of waste...
- (ii) 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 developments; or
 - at a waste management facility provided that the proposed development is connected with the waste management operation ...
- (iii) the proposal will not give rise to unacceptable impact on local communities or the environment.

³⁶ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, Section 5.1.

³⁷ Policy GZ-RLCN-5 states that

The areas indicated ... are indicated as candidate sites for rehabilitation of damaged landscapes. Rehabilitation can also be integrated with the provisions of local plan policies GZ-RECR-1, 2 and 3.

obligations that sustainability and scheduling of areas of importance convey. On the hand, the EPS states that³⁸

Overall there is strong policy justification...Although there are some environmental designations partly covering or adjacent to the site the relevant assessments have confirmed that there would be no unacceptable impacts.

In line with this statement, approval of this planning application runs counter to the local policy framework of the area. This becomes more significant when local governments developed regional initiatives along these policies and their underlying philosophy.

6.3.0 Illegal tipping at Tal-Kus is a recent phenomenon

6.3.1 One main benefit repeatedly stated in the EPS as ensuing from the proposed development is the cessation of illegal tipping on site. Actually, the quarry closed in the 1980s and illegal tipping took place after over a decade its closure. This phenomenon is very recent, post 1998 as proven by the respective aerial photograph, and could have easily been prevented given the poor access to the area. Tal-Kus area does not need such a development to cease illegal tipping, but efficient enforcement. Being part of the area designated as Mgarr ix-Xini Regional Park, Xewkija Local Council has been working hard to secure funding and create awareness in an effort not only to remove illegal tipping but to eradicate such a practice which plagued most of the island of Gozo over the past decade.

6.4.0 Mgarr ix-Xini area is sought after by tourists

6.4.1 A waste management complex in a highly touristic area does not enhance tourism: it detracts it. It has been contended that there is a need for a waste transfer facility since it will clean up Gozo³⁹

It is expected that the Project will make a major contribution towards improving the overall quality of the environment in Gozo. This in turn is likely to generate significant benefits for the economy, particularly the tourist industry for which a clean and attractive environment confers a major competitive advantage.

³⁸ *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement, Section 3.8.*

³⁹ *Ministry for Resources and Infrastructure, Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement, p.33.*

If the main beneficiaries are going to be tourists, then why place the facility in a highly touristic area. But then in the EPS it is stated that⁴⁰

The proposed development ... will be visible only from the high rising grounds of Ta' Cenc and from the users of the nearby heliport.

and that⁴¹

Tourism is recognized as a key element of the economy of Gozo and it is important that no development should have an adverse impact on the tourism potential of Gozo (and Comino). Within the general vicinity of the proposed facility there are several tourist or recreational features including the small hamlet of Mgarr ix-Xini, the area around Ta' Cenc and the Heliport where a number of tourists first arrive on the Island.

6.5.0 Serious Surface Water Drainage Problems

6.5.1 The *Alternative Site Assessment* states that for Tal-Kus area⁴²

Surface water management may be difficult due to the possible need for pumping
Surface water management was highlighted in the project description statement for civic amenities which states that⁴³

Measures will be taken in order to prevent the ingress of surface water and control the effect of precipitation.

However, the EPS makes no direct reference to surface water management, but simply states that⁴⁴

surface water runoff can be expected during storm events and drainage will reflect topography...

⁴⁰ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, Section 6.3.1.

⁴¹ Ibid. Section 15.6.

⁴² Waste Serv Malta Limited, *Development & Operation of a Solid Waste Transfer Facility for Gozo: Alternative Site Assessment*, Tables.

⁴³ WasteServ Malta Ltd, *Project Description Statement: Proposed sites for Civic Amenity Facilities*, Sections 4.2.2. and 4.3.4.

⁴⁴ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, Sections 7.3.3 and 7.7.

and mitigation measures to this effect were not put forth and no concomitant design adjustments were proposed, especially in view of the potential problems highlighted in the *Alternative Site Selection* report.

- 6.5.2 If Tal-Kus area has potential pumping problems, how will the substantial, yet unquantified, amounts of wastewater be pumped out of the site? The project description statement for the waste transfer station states that⁴⁵

At this stage it is proposed that any contaminated wastewater will be collected in a contained drainage system for subsequent treatment or pumped directly to the proposed Gozo sewage treatment plant...

- 6.6.0 A Garigue/Maquis has established itself within Tal-Kus quarry

- 6.6.1 A Garigue/Maquis has already established itself within Tal-Kus quarry and a number of species present within the quarry environs are legally protected.⁴⁶ Garigue, including disturbed garigue, has become a rare habitat in the Maltese Islands and should be protected to a greater extent⁴⁷

The garigue surface area in Malta has diminished considerably in the past decades and thus species that thrive in such habitat type are not so common and therefore vulnerable.

In fact, the garigue habitat is legally protected under Legal Notice 160/2002.

- 6.6.2 The designation by MEPA of Tal-Kus area as a Level 3 Area of Ecological Importance implies that "control is necessary to preserve habitats/species/features in adjacent sites" in accordance with Policy RCO12. Thus, the proposed development is far from being an excellent case of rehabilitation of a disused quarry;⁴⁸ quarry restoration is definitely more appropriate, as envisaged by the *Gozo & Comino Local Plan*.

7.0.0 A Pertinent Issue: Is there a need for a waste transfer facility in Gozo?

⁴⁵ Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*, p. 24.

⁴⁶ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, Section 9.3. Mention is made of for example *Thymus capitatus* and *Pistacia lentiscus* which are both legally protected.

⁴⁷ Ibid.

⁴⁸ Ibid. Section 9.5.

7.1.0 According to the EPS the main reasons for justification of the establishment of a waste transfer facility in Gozo are⁴⁹

- a) the unacceptable practice of landfilling that was taking place at Il-Qortin which was still operating until a few months ago;
- b) in view of the Landfill Directive, organic waste has to be diverted from landfilling and landfill operations have to be upgraded;
- c) the small amounts of wastes that are actually created in Gozo and Comino did not justify a new, contained landfill; and
- d) a landfill had negative impacts on the tourist industry, a main beneficiary of the economic sector in Gozo.

7.2.0 The proposed waste transfer station is designed to handle up to 35,000 tonnes of municipal and industrial waste per annum, while the civic amenity facility is designed to handle up to 2,000 tonnes per annum.⁵⁰

7.3.0 In an effort to mitigate negative visual impacts, an issue inherently present at Tal-Kus, the EPS states that⁵¹

The initial design suggested for the waste transfer station involved lorries unloading into a hopper ... into a waste compactor... This option was discounted due to the prominent appearance of the plant and the lack of flexibility and robustness in the waste transfer arrangements...

Waste imported to the facility by lorry or refuse collection vehicle would be deposited on the floor of the waste transfer station. Commercial and industrial waste, including skip waste may be hand sorted to remove bulk recyclables. The residues would then be loaded, using the loading shovel, into the bulk waste collection vehicles ... No putrescible waste, with the exception of greenwaste, would be stored within the waste transfer building for longer than 72 hours.

This implies that the relatively small amounts of waste and organic wastes generated will not be retained for more than 72 hours,⁵² thus is it a case for waste to be

⁴⁹ Ibid. Section 4.3.

⁵⁰ Ibid. Sections 5.4.1 and 5.4.2.

⁵¹ Ibid. Sections 4.4.1 and 5.3.2

⁵² The Ecology assessment of the EPS (Section 9.6.2) insists that putrescible wastes should not be retained for more than 24 hours. The Air Quality assessment assumes that waste will be left less than one day before being transported to Malta (Section 13.1.7).

transported directly to Malta? Then any financial gains could easily be diverted to create ad hoc ferry transits to Malta rather than the proposed practice of using public transport, which proposal carries a rather high environmental health risk unacceptable to health and safety standards, not to mention the presence of hazardous wastes. It is estimated that an average of 77 tonnes of waste/recyclable materials would be transported to Malta every day, that is about 5-6 loads. These vehicles could be diverted straight to Malta, with superior odour management of putrescible wastes where assessments in the EPS it is repeatedly assumed that such wastes will be retained at the facility for less than a day.

8.0.0 Final Comments

8.1.0 Xewkija Local Council had filed a formal objection letter, dated 12th February 2004, on outline development planning application PA 7491/03 on the following grounds:

1. The development proposal runs counter to the main objectives of the *Structure Plan For The Maltese Islands*;
2. Policy SWM11 of the *Waste Management Subject Plan for the Maltese Islands*;⁵³
3. The *Gozo & Comino Local Plan* states that the preferred site for a solid waste transfer station in Gozo lies due east of the heliport (MAPS 14.2-A and 14.2-E);⁵⁴ and
4. The development proposal is incompatible with other projects designated for this site in line with the environmental planning strategy of MEPA.

8.2.0 The site selection exercise, which the EPS, assumes unquestioned, does not conform to the European Union directive 2001/42/EC with respect to strategic environment assessment. The manner in which the EIA process for Tal-Kus evolved renders the EPS unacceptable on scientific and ethical grounds. As stated by SLR

⁵³ Policy SWM11 states that

The Planning Authority will support proposals for a waste transfer facility on Gozo and at other locations on Malta provided that:

- (i) the proposal is suitably located within an existing industrial site, or on land which is permitted or allocated for industrial or similarly related development, or an area of land which has already been disturbed by development;
- (ii) the proposal is suitably located in relation to the existing network of treatment and disposals sites and to the areas of the wastes arisings, and
- (iii) the proposal will not give rise to unacceptable impact on local communities or the environment.

⁵⁴ *Gozo & Comino Local Plan*, p.68

The advantages [of site shown in MAPS 14.2-A and 14.2-E] include:

- Distance from inhabited areas
 - Good access to harbour
 - Land is disturbed
 - Visual mitigation measures can be employed
 - There is no need to create new access to the site
 - The land is in public ownership
-

Consulting Ltd, the concluding recommendation of the site selection exercise and the decision to identify Tal-Kus as the prospective site for the development of a waste transfer facility in Gozo was an arbitrary decision of WasterServ Malta Ltd and not the resultant conclusion of the *Alternative Site Assessment*.⁵⁵ The EIA process should be conducted such that it reduces subjectivity and increase objectivity. An EIA does not render an unacceptable development proposal acceptable nor is it an excuse to justify it. This approach undermines the whole purpose of the EIA process. In this context, the EPS for Tal-Kus reads as a document attempting to justify the project in line with the brief of the client.

8.3.0 The proposal for a waste transfer facility for Gozo has to be evaluated through a strategic environment assessment of waste management issues in Gozo in light of European and local legislative framework and in light with contemporary norms of sustainable development. The proposed development covered by outline planning application PA 7491/03 lacks a holistic strategic planning perspective. No strategic environmental assessment in line with the Strategic Environment Assessment Directive 2001/42/EC was undertaken. This project is neither viable nor sustainable nor sensitive to the site. Assessed along the environmental surveys undertaken by Xewkija Local Council over the past months and which converge on the strengths and weaknesses identified in the *Alternative Site Assessment*, this development proposal is not feasible.

8.4.0 Developing a waste transfer facility on a site graded by MEPA as level 3 area of ecological importance, a site which forms part of a regional initiative to develop the area of Mgarr lxx-Xini into a regional park is the wrong signal at both local and European levels, at a time when respect to commitments of central and local governments in Malta vis-à-vis sustainable environmental planning is given priority. It is important that local councils endorse initiatives, such as the development of the said regional park, to protect, safeguard, sustain and enhance the human, natural and cultural landscapes occurring within its boundaries. Xewkija Local Council had noted with satisfaction in May 2004 that MEPA was protecting Mgarr lxx-Xini Valley and its environs, including the site of the disused quarry at Tal-Kus, in terms of the

⁵⁵ Xewkija Local Council, Minutes of Council Meeting No. 292, 20th January 2004, p.2.
Meeting of Xewkija Local Council with SLR Consulting Ltd, AIS Environmental Ltd and WasteServ Malta Ltd, Minutes of meeting, 14th January 2004, para. 9.

Development Planning Act, 1992.⁵⁶ Exclusion of this site would surely not be congruent with the holistic and comprehensive environmental planning strategy of MEPA, reinforced by its position as stated in its correspondence of 30th April 2004.

8.5.0 The MEPA Board, the board vested by law to grant the required planning permission, met to discuss planning application PA 7491/03 and agreed that Tal-Kus should be the preferred site subject to an EPS. This was communicated to the applicant on 25th February 2004.⁵⁷ The resolution of the Board shows significant inconsistency and undermines the whole objective of sustainable environmental and development planning in Malta. The whole planning process is flawed:

1. The *Alternative Site Assessment* report was undertaken but the concluding recommendation does not converge with the contents contained therein. Instead of querying the site selection exercise, MEPA uncritically endorsed the recommended conclusion and gave the green light for the EPS to be undertaken on the site at Tal-Kus;
2. Whilst the site is indicated in the planning application as a disused quarry in an area which is neither scheduled nor protected nor of conservation value, it is in fact scheduled as level 3 of area of ecological importance in terms of Section 46 of the *Development Planning Act, 1992* as per *Government Gazette* of 9th November 2001,⁵⁸ a position reinforced by the correspondence of MEPA to Xewkija Local Council dated 30th April 2004.⁵⁹
3. The site area as declared in the planning application is circa 20,000m² (2 hectares) whilst the site as indicated in the plan attached to the outline

⁵⁶ Correspondence from the Integrated Heritage Management Unit of MEPA to the Executive Secretary of Xewkija Local Council dated 30th April 2004 and received at the Local Council on 5th May 2004.

⁵⁷ Environmental Planning Statement, Section 4.4.2.

⁵⁸ In terms of Map 1 of 10 published in the *Government Gazette* (9th November 2001, p.9112), the area at Tal-Kus, including the disused quarry, is scheduled as Level 3 Area of Ecological Importance. In the approved draft of the *Gozo & Comino Local Plan* (Malta Environment and Planning Authority, June 2002), the area at Tal-Kus, excluding the disused quarry, was proposed to be scheduled as area of Level 3 ecological importance (*Gozo & Comino Local Plan: Draft policy maps for public consultation*, Malta Environment and Planning Authority, June 2002, Map 14.13-E).

⁵⁹ This correspondence states that

1. Mgarr Ix-Xini Valley is being scheduled in terms of Structure Plan policies RCO10, RCO12 and UCO7; and
2. The Malta Environment and Planning Authority, in terms of the *Development Planning Act 1992*, will be protecting same.

The relative *Government Gazette*, dated 9th November 2001 (pp.9110-21) and an information leaflet were also attached to the said correspondence.

application is circa 3,000m². This implies that the information contained and/or attached to the application is not correct.⁶⁰

- 8.6.0 The correspondence of Xewkija Local Council to the Director of Planning vis-a-vis the conduct of MEPA not only as regards the EIA process but with respect to the handling of planning application PA 7491/03 is self explanatory.⁶¹

This conduct of the Malta Environment and Planning Authority is not acceptable. It defeats the scope of the legislation which established it. In a culture where information technology and dissemination is an integral part to ensure transparent, democratic decision making, away from centralized government, the conduct of the Authority is repulsive. It is not acceptable in modern democracy 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, let alone the significance and controversial nature of the planning application at Tal-Kus, in a 'general file' becomes more of a serious nature when one notes that Xewkija Local Council had formally filed an objection with the Malta Environment and Planning Authority stating a number of planning policies which the development proposal PA 7491/03 breaches, a submission whereby the Local Council explicitly stated that this proposal is not compatible with other ones which have been earmarked for the area:

"Finally, as you are well aware, this development proposal is not compatible with other projects designated for this site in line with the environmental planning strategy of Malta Environment and Planning Authority".

⁶⁰ In Drawing TK2/1 of the EPS, labelled Site Setting, the proposed development boundary is larger than that indicated in the site plan attached to the planning application while the proposed development boundary tallies with that indicated and stated in the *Project Description Statement*, namely 20,000m².

⁶¹ Correspondence of Xewkija Local Council, signed by Dr Monica Vella, Perit Teddie Busuttill and Mr Reuben Cassar as Mayor, Vice Mayor and Executive Secretary respectively, to Director of Planning, dated 15th June 2004 and received at MEPA on 16th June 2004.

Table 1: A comparison between the advantages and disadvantages of the Tal-Kus site as identified by the *Project Description Statement*, July 2002 and the *Alternative Site Assessment*, November 2003

	<i>Project Description Statement</i>	<i>Alternative Site Assessment</i>
<i>Advantages</i>	<ul style="list-style-type: none"> (i) suitable site layout with potential for future expansion; (ii) minimal visual impact since development could be sited within quarry; (iii) currently site is disused quarry for tipping of inert waste; and (iv) close proximity to main residential areas. 	<ul style="list-style-type: none"> (i) site offers some degree of screening and visual impact is limited; (ii) no socio-economic factors were identified for the site; (iii) the site, a disused quarry, will be restored and stop illegal tipping; (iv) site is not within an aquifer protection zone; (v) site not located within a designated landscape area although just north of an Area of High Landscape Value;
<i>Disadvantages</i>	<ul style="list-style-type: none"> (i) poor access to site; (ii) negative visual impact from site infrastructure and operations; (iii) close proximity to a number of residential units; and (iv) close proximity to Heliport. 	<ul style="list-style-type: none"> (i) the site cannot be expanded since restricted to quarry itself and "highly unlikely that all elements of the scheme could be accommodated on this site"; (ii) poor access and road needs extensive improvement; (iii) engineering works need to be carried out for site preparation; (iv) surface water management is mandatory and difficult since there may be a need for a pumping system; (v) site is adjacent to area of ecological importance; (vi) site in vicinity of area of Archaeological Value; (vii) site is in the vicinity of area of agricultural value; and (viii) some degree of mineral sterilisation.

Sources: Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*, July 2002, pp.17-18.
Waste Serv Malta Ltd, *Development & Operation of a Solid Waste Transfer Facility for Gozo: Alternative Site Assessment*, November 2003, Tables.

Table 2: Concluding remarks of the *Alternative Site Assessment* November 2003, for Ta' I-Imghajjen, Ta' Brieghen and Tal-Kus sites.

Parameter	Concluding Remark
<i>Size of site</i>	Ta' Brieghen offers the greatest potential and flexibility for current and future needs
<i>Waste types and proximity to waste sources</i>	Ta' I-Imghajjen most strategically located, then Ta' Brieghen
<i>Accessibility</i>	Ta' I-Imghajjen most accessible, then Ta' Brieghen
<i>Hydrogeological constraints and availability of materials</i>	Ta' Brieghen has least physical constraints
<i>Surface water and pollution risk potential</i>	Ta' I-Imghajjen and Ta' Brieghen sites are preferred
<i>Groundwater source protection</i>	Ta' I-Imghajjen is preferred
<i>Landscape</i>	Tal-Kus has least impact
<i>Visual impact</i>	Lowest for Tal-Kus
<i>Nature conservation</i>	Equally between Ta' Brieghen and Ta' I-Imghajjen. Tal-Kus highly sensitive if development exceeds quarry boundary
<i>Heritage</i>	Equally between Ta' Brieghen and Ta' I-Imghajjen
<i>Proximity to residences and potential nuisance</i>	Tal-Kus most remote from potentially sensitive receptors
<i>Traffic</i>	Ta' I-Imghajjen, then Ta' Brieghen
<i>Agriculture</i>	Tal-Kus has least impact
<i>Socio-economic factors</i>	Tal-Kus has least impact
<i>Restoration of mineral workings</i>	Tal-Kus has greatest potential
<i>Conflict with policies or land use designations</i>	Ta' I-Imghajjen has least conflict

Source: Waste Serv Malta Limited, *Development & Operation of a Solid Waste Transfer Facility for Gozo: Alternative Site Assessment*, November 2003, Tables.

APPENDIX A:

Other Limitations of the Environment Planning Statement

Without prejudice to the manner in which the EIA process was conducted, the following shortcomings were further identified as a matter of fact:

1. It is unacceptable to discount Local Plan designations on the premise that “These policies are not applicable to the site itself and therefore not considered in further detail.”⁶² The *Structure Plan for the Maltese Islands* in its Explanatory Memorandum makes it clear that such designations imply a “general presumption against development” even in adjacent areas.⁶³
2. Practically all the assessments lacked a specified area of influence, most notably the Landscape and Visual Impact Assessment, the Ecology Assessment and the Agriculture and Soils Assessment, especially in view of the strong policy designation of the area. It is unacceptable to make an assessment of “the site and its immediate vicinity” or “concentrate on the surrounding areas and adjacent habitats”⁶⁴ without stating the radius of the area of influence. It is also unacceptable to mention a Zone of Visual Influence⁶⁵ for the proposed development and then not stating at least what its radius is. Whilst stating an area of influence of 100m radius, the Agriculture and Soils Assessment covers only a fraction of the stated area of influence and omits significant land use points in the immediate vicinity of the area.⁶⁶
3. No systematic land use assessment was carried out even though it was stipulated in the Terms of Reference for the said proposed development. Although Drawing TK9/1 may be considered as a rudimentary land use study, it is not sufficient.

⁶² WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta` Lambert, Xewkija Gozo: Environmental Planning Statement*, Section 8.2.3.

⁶³ *Structure Plan for the Maltese Islands: Explanatory Memorandum*, para. 15.34, p.101.

⁶⁴ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta` Lambert, Xewkija Gozo: Environmental Planning Statement*, for example Sections 8.3.4 and 9.1.

⁶⁵ *Ibid.* Section 8.8.2.

⁶⁶ *Ibid.* Section 11.2.

4. The Landscape and Visual Assessment is unsatisfactory for the following reasons:
- a. it is highly subjective; the establishment of an area of influence would have considerably reduced the bias present in the assessment. Although the assessment gives the impression of faithfully following UK guidelines on the matter, it is actually highly subjective and descriptive at best. It is not an accepted practice to assign landscape designations following short subjective descriptions;
 - b. it is unacceptable to list the viewpoints without a systematic reason for the choice of their location given. Two primary viewpoints and three secondary viewpoints are not sufficient. To state that "Other locations were visited but no record taken due to absence of access or direct views" is not good practice in EIAs.⁶⁷
 - c. it states that the visual impacts of operational movements, mainly vehicular, are negligible⁶⁸ since "for most views for most of the time there would not be a vehicle visible", whilst the Traffic Impact Assessment states that there would be, on average, a vehicle movement every two minutes. What will be the visual impact(s) when such vehicular movement is assumed?
 - d. it is unacceptable to state, without supporting evidence, that⁶⁹
the reuse of the derelict quarry, which has attracted fly tipping, would have a positive beneficial effect on landscape character and perception of the area. The perception of the landscape as predominantly agricultural would not therefore be adversely affected.
Also, the assessment states that there would be⁷⁰
a minor permanent change in landform in the northern section of the site but this would not represent a new element given that the natural topography has previously been modified by extraction of stone.
Two wrongs do not make a right.

5. The Ecology Assessment has serious shortcomings:
- a. it does not include a wet season survey even though this is mentioned in the introductory section to same;⁷¹ the stated 2002 survey mentioned to be

⁶⁷ Ibid. Section 8.4.5.

⁶⁸ Ibid. Sections 8.5.4 and 8.8.2.

⁶⁹ Ibid. Section 8.7.4.

⁷⁰ Ibid. Section 8.7.5.

- inserted as Appendix 9/1 is missing and there is no statement on the mentioned January 2004 wet ecological survey.
- b. it is not best practice in EIAs to list the species present in an area; at least, species frequency should be noted down within an established area of influence.
 - c. no assessment on vertebrates was carried out, especially within the quarry itself.
 - d. it is proposed in the EPS to transplant garigue/maquis plants present in the quarry; this has to be assessed with respect to the fact that garigue/maquis has become a rare habitat in the Maltese Islands and is now a part of our natural patrimony.
6. In the Agriculture and Soils Assessment, Soil Profile 2 taken from the reclaimed land adjacent to the site is described as typical and subsequently described as exceptional; samples taken from this profile were tested for soil quality and results applied to the whole of area A.
7. Livestock units were ignored in the Agriculture and Soils Assessment, although passing comments were made in Section 11.5, such as decrease in body score and milk yield due to noise stress and that "The change in the immediate environment may also likely to affect the animals' general welfare conditions, health and fertility".⁷² Given the proximity of the proposed development, it is imperative that a thorough assessment is carried out to this effect and milk yield and body score be incorporated in the monitoring programme.
8. A clarification is required on the exact magnitude of the direct and indirect impacts of vermin and pests on the surrounding agricultural activity. The recommendation in the EPS on the use of chemical control, without an assessment on pesticide drift, especially in view of the vicinity of scheduled garigue and livestock units, is not acceptable.
9. A clarification is required on the services required by the proposed development. There is no mention on the infrastructure required by the normal operations of the waste management facility and how it is going to be sourced. The air quality

⁷¹ Ibid. Section 9.1.

⁷² Ibid. Section 11.5.

assessment mentions regular cleaning as part of odour management,⁷³ however no mention is made on the source and quantity of water required.

10. Surface water management is weakly presented. In view of potential contamination of groundwater from surface water runoff, it is difficult to comprehend the lack of a monitoring programme to this effect.⁷⁴ Moreover, given the highly obnoxious nature of the development, it is unacceptable to have only oil/petrol interceptors for the drainage from the vehicle circulation part of the facility.⁷⁵

11. The access road for the proposed waste management facility “run[s] through” the area proposed for aviation facilities, north of Tal-Kus.⁷⁶ No impact assessment was carried out to this effect.

12. The project description statement on the waste transfer station states that⁷⁷

The waste reception/tipping and main transfer operations area will be housed in a contained structure/building and will include a negative air pressure ventilation system and dust filtration measures to minimise the potential odorous emissions and dust.

Such mitigation measures are not included in the EPS.

13. To further mitigate negative visual impacts, especially operational impacts, and reduce dust translocation, soft landscaping is imperative. Soft landscaping is mentioned a number of times in the project description statement, but completely ignored in the EPS⁷⁸

⁷³ Ibid. Section 13.1.7.

⁷⁴ WasteServ Malta Ltd, *Project Description Statement: Proposed sites for Civic Amenity Facilities*, Section 4.2.2. Table 7 of the report on the main technical requirements emphasises the need for surface water management. In Section 4.3.1 it is stated that

The wastes delivered to this facility will take a wide variety of forms. The potential for pollution is therefore high as the containment of some materials upon delivery may be inadequate and some wastes may be intrinsically dangerous.

The principal means of minimising the risk of pollution will be to provide an effective means of temporary containment...

⁷⁵ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, Section 5.3.3.

⁷⁶ Ibid. Section 3.7.

⁷⁷ Ministry for Resources and Infrastructure, *Development and Operation of a Solid Waste Transfer Facility, Gozo: Project Description Statement*, p.24.

⁷⁸ Ibid. p.29.

It is envisaged that an appropriate programme of soft landscaping will be developed and implemented once the design has been finalised.

14. No baseline study was carried out for air quality, namely dust and odour, undermining the monitoring programme.⁷⁹ In view of the vicinity of livestock units and upgrade residential units, monitoring is imperative to track any changes in air quality and correlate these with animal welfare criteria⁸⁰

Continual odours from this source [putrescible leachates] could affect the nearest receptor for nearly 7 hours per week on average and could be strong at times.

15. Off site odour and dust management and contingency planning, especially for hazardous wastes, should be mandatory and enforced for environmental health reasons. It is unacceptable to state that “public health risks are negligible”⁸¹ during transit of wastes to Malta when public transport will be used.
16. The recycling depot (Section 2.2.0 iv.) was completely ignored in the EPS.
17. The EPS lacks a coordinated assessment counter to normal practice in environmental impact assessments.
18. The Hydrogeology assessment, the Landscape and Visual Impact assessment and the Agriculture and Soils assessment lack a bibliography of the referenced sources.

⁷⁹ WasteServ Malta Ltd, *Waste Transfer Facility at Tal-Kus, ta' Lambert, Xewkija Gozo: Environmental Planning Statement*, Section 13.1.4.

⁸⁰ Ibid. Section 13.1.7. Although livestock units may be considered as low sensitive receptors, the proximity of the units to the site and animal welfare issues may be considered as overriding factors.

⁸¹ Ibid. Section 13.1.9.

APPENDIX B

Strengths and weaknesses of the three short-listed site locations (from WasteServ Malta Ltd, *Development & Operation of a Solid Waste Transfer Facility For Gozo: Alternative site assessment*, p.5)

<i>Criterion</i>	<i>Ta` l-Imghajjen</i>	<i>Ta` Brieghen</i>	<i>Tal-Kus</i>
<i>Size of site</i>	Adequate	Preferred	Inadequate
<i>Proximity to waste</i>	Preferred	Adequate	Remote
<i>Accessibility</i>	Excellent access	Adequate access	Poor access
<i>Physical constraints</i>	Minimal constraints	No constraints	Significant constraints
<i>Surface water</i>	Minimal concerns	Minimal concerns	Some concerns over need for pumping
<i>Ground water</i>	Minimal concerns	In protection zone	Some concerns
<i>Landscape</i>	High potential impact	High potential impact	Minimal impact
<i>Visual impact</i>	High impact	High impact	Limited impact
<i>Nature conservation</i>	Low impact	Low impact	Potentially high impact
<i>Heritage</i>	Low impact	Low impact	Low impact
<i>Sensitive receptors</i>	High impact	Moderate impact	Low impact
<i>Traffic and proximity to road network</i>	Good access, low traffic impact	Reasonable access, moderate traffic impact	Remote, poor site access from road network
<i>Agriculture</i>	Moderate to high impact	Moderate impact	Low impact
<i>Economic and social</i>	Moderate impact	Moderate impact	Low impact
<i>Beneficial restoration</i>	No benefits	Moderate benefits	Significant benefits
<i>Policy conflict</i>	No policy conflict	Significant areas of potential conflict	Some areas of potential conflict