



## **Comments on the Environmental Impact Statement for proposed coastal defences at Marsaxlokk (PA 4576/09)**

### **1. Introduction**

Reference is made to ERA's consultation period for the above mentioned EIS, for which Nature Trust Malta and BirdLife Malta would like to submit the following comments after having reviewed the Coordinated Assessment Document (dated 8<sup>th</sup> July 2016) and the Appropriate Assessment Document (dated 8<sup>th</sup> July 2016), prepared by AIS Environment Limited. The Appropriate Assessment Document particularly refers to the il-Ballut ta' Marsaxlokk SAC (MT0000014) for which there is a risk of impact caused by the proposed development.

Both organisations have looked into the predicted direct and indirect impacts and proposed mitigation measures for the two different alternatives being considered by the developer, and would like to comment as follows, especially with regards to the impacts on the il-Ballut ta' Marsaxlokk SAC, which is considered as being a highly sensitive area.

Both alternatives being considered for the proposed development have a range of impacts of varying nature and intensity, and although overall it appears that alternative 2 is the option which shall cause the least impact overall, neither the Appropriate Assessment nor the Coordinated Assessment point to a preferred alternative being considered or proposed by the developer. The preferred alternative needs to be made clear at this stage of the development application process, so as to guide both PA and ERA as to whether the proposed development should be permitted or otherwise, and the permit conditions that need be considered. While there is an understanding of the economic and social needs of the proposed development, one needs also understand what direction the respective developer wishes to undertake, such that the respective authorities, in full consultation of the impact assessment studies, make an informed decision.

### **2. The il-Ballut ta' Marsaxlokk SAC – organisations' position**

Nature Trust Malta had been involved with the safeguarding of il-Ballut (Maghluq) ta' Marsaxlokk Bay marshland since the early 1980's when killifish (buzaqq) – were transferred to il-Maghluq of Marsascala – to safeguard the species. It later transpired that the killifish were obliterated from the Marsaxlokk Marshland.

The il-Ballut Marshland was granted Natura 2000 status due to the species it contains and being a rare habitat. In the early 1990, due to the Freeport Construction and the Power Station, the area was dumped with marine debris from dredging works in the bay. Such dredging works led to increased erosion of the coastal area, so much so that an artificial embankment has now been nearly obliterated. Continuous mismanaged MEPA decisions led to the obliteration of *Vitex* species from the area. It was with regret that Nature Trust had decided to abandon any management plans for the

area – not only because of lack of proper enforcement and management practices by MEPA but also due to lack of funding.

Nature Trust believes that the area still has potential and should be safeguarded at all costs. In fact it is the intention of the Killifish project to reintroduce the killifish in the area should the marshland be eventually restored.

BirdLife Malta believes that the SAC in question presents a form of rare and threatened habitat for the Maltese Islands which should be protected at all costs. The EIS and AA in question have clearly documented that the area has suffered from a prolonged erosion of the coastline which is already threatening the future of this SAC site. The Southern part of Malta has a serious lack of designated nature reserves, and the il-Ballut ta' Marsaxlokk area presents a unique pocket of protected habitat which is in dire need of restoration and protection. Although the site is not a Special Protection Area and has currently no documented breeding bird species of international importance, the site may offer (if managed effectively) an important stopover site for migratory species especially waders and herons which are devoid of suitable roosting sites at this part of the Maltese Islands. Unpublished recent studies carried out between 2014 and 2016, show that the area is actively used by various migratory species, despite the state it is found in. The il-Ballut SAC, being also a designated bird sanctuary where hunting and trapping is not permitted, presents a small yet safe haven for migratory birds in contrast with the densely hunted and trapped areas of Delimara, notorious for illegal hunting and trapping activities. Accordingly there is no question about the invaluable natural heritage that this small site offers, and the need for its protection.

### **3. Indirect impacts to the il-Ballut ta' Marsaxlokk SAC**

Being situated a distance away from the proposed sites of intervention, the impacts of the proposed development are being considered as indirect, not indicating a lesser degree of importance but due to the effect of wave dynamics which the site has already suffered from, as clearly documented from aerial photography over the past years.

Both the EIS and AA fully recognise that there is a risk of the proposed development accentuating the ongoing coastal erosion that is threatening the il-Ballut ta' Marsaxlokk SAC. This area, a Natura 2000 site, is listed as a Level 1 Area of Ecological Importance. Here both the water flow as well as the sediment supply to the salt marsh are of concern since breakwaters are well known for their negative impacts on the supply of sediments by reducing them behind the breakwater. Although it appears that alternative 2 has an overall lower probability of accentuating this impact, the EIS and AA both do not guarantee that the proposed development shall not cause a serious impact to this SAC site, despite the mitigation measures being proposed. As things stand, the SAC is already threatened as a result of the wave dynamics effected by past coastal constructions. As things are planned, these threats will be maintained as well as possibly amplified.

With respect to the mitigation measures proposed in the Appropriate Assessment, a number of incorrect assumptions have been made by the consultant/developer, which we would like to clarify as follows:

1. Nature Trust (Malta) was never approached to manage the site despite the interest NTM had in this salt marsh since the 1980s. Thus contrary to what is stated in the EIS report on pg 64

– **there is no management agreement whatsoever** between Nature Trust and ERA. To date the area has no site manager and there are no funds dedicated to its management. This is clearly documented in the Natura 2000 management plan (Epsilon-Adi, undated), which states: “Even though Nature Trust have taken interest in the site and organised clean-ups they were never formally and officially designated as site managers”.

2. The Appropriate Assessment erroneously refers to Nature Trust Malta as being the site managers (pgs 12 & 37), and places the responsibility onto Nature Trust Malta to monitor and assess the condition of the marshland. **Nature Trust Malta declares it has no intention to do so** as it was never entrusted with such management, nor even given any funds or human resources to manage this site. There is no management agreement in place. Accordingly the AA cannot simply place this responsibility on the NGO as a mitigation measure. Nature Trust Malta absolves itself from any responsibility which these reports have erroneously put on the NGO, which is not managing the site.
3. Moreover Nature Trust Malta and BirdLife Malta disagree with the mitigation measure (pg 37 of the Appropriate Assessment report) to expand the saline marshland into adjacent agricultural land. This constitutes third party property and is cultivated land, beyond the responsibility of any NGO. Such a mitigation measure is inappropriate unless there is a commitment by the developer to purchase such land and restore it to an appropriate habitat. In any case, mitigating the destruction of protected habitat with the improbable creation of further habitat on third party land does not in reality mitigate any impact. This mitigation measure is accordingly improbable and unacceptable to propose as a way of lessening the impact of the proposed development.

With respect to the above observations, it has to be noted that the conclusions reached by the AA on the residual impacts with the proposed mitigations measures in place, need accordingly to be revised on the basis of the realistic situation with the (non)management of the SAC site and the impacts it is already suffering from. **Both BirdLife Malta and Nature Trust Malta accordingly disagree with the summary of impacts for alternative 1 being listed as Minor.** The proposed mitigation measures are inadequate and better measures need to be considered should the development be considered any further. Nature Trust Malta moreover insists that any mitigation measures should be properly tested to ensure that coastal erosion will not increase towards the SAC, which will lead to the permanent loss of this marshland.

#### **4. Direct impacts of the proposed development**

With respect to the location of the proposed development,, a number of further (direct impacts) are recognised in the EIA and AA, which we would like to comment as follows.

- The works proposed shall involve the dredging of silt material from the seabed which carries a high risk of being of detriment to the neighbouring ecology. Permit conditions should be made in place ensuring the mitigation measures being proposed are adhered to by the developer, so as to limit the impact as much as possible.

- The use of pre-cast underwater concrete should be limited to the use of more natural materials such as hard stone which would lessen the impact associated with the introduction of artificial surfaces in the water body.
- The EIS states that depending on the rock formations in the area, some form of trimming might be required. However, it states that this will be determined during the works. We propose that the identification of whether trimming is required should be carried out prior to the construction phase. This should help identifying more appropriately the expected impacts of such works.
- During the construction phase, possible extra pollution by vehicles and machinery might be caused. This will in turn negatively affect the ecosystem present. In order to prevent this from happening, pollution should be kept at the lowest level possible by ensuring that firstly machinery used on site is up to standard (Euro 6 standard or better). A pollution prevention/clean-up plan should be considered a requirement for the site, owing to its proximity to sensitive habitats. Monitoring of the works by ERA should also be carried out to ensure that the developer adheres to such conditions.
- Pile coring is also a threat, not only to the environment, but also to human health and the infrastructure. Pile coring is known to negatively impact the geology of the area, mainly by slope failure. This is bad since it might also impact the Delimara power station and also the integrity of the cliffs in the area. In order to eliminate a possible threat of slope failure, a geotechnical model should be carried out. The EIS identifies this as a possible impact, yet the mitigation measures proposed appear to not solve the risk considered.
- Section 5.4 of the AA points out to the resulting light illumination which is expected to be most relevant during the operational phase of the development. There is absolutely no information on the light pollution from the beacons of the proposed coastal defence at Marsaxlokk. Being a coastal area, there should be every measure in place to reduce light pollution as much as feasibly possible for such an area. Whereas it is recognised that Marsaxlokk bay is already an area highly affected by coastal light pollution, it should be determined whether the proposed development will contribute any further to this.

## **5. Concluding remarks**

The proposed development in its various forms of the proposed alternatives appears to not solve the ongoing erosion that threatens the il-Ballut ta' Marsaxlokk SAC, but rather risks accentuating the impact caused by the past development of coastal structures in Marsaxlokk Bay. The mitigation measures proposed are moreover inappropriate, and further realistic and doable measures should be considered so as to protect the SAC site.

The Appropriate Assessment briefly considers a zero (do-nothing) option, as well as that of a redesign of the breakwater systems to not only diminish the impact of the proposed development, but possibly even reverse the impacts caused by the structure over past years on the SAC site, by promoting sediment replenishment of the SAC area. These alternatives should be adequately explored further so as to mitigate properly the effects of the proposed development and explore all measures possible that will help replenish and reverse the erosion of the Ballut ta' Marsaxlokk SAC.