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NOTIFIKAZZJONI TAL-GVERN

Nru. 104

ATT DWAR L-IPPJANAR TA' L-IŻVILUPP (KAP. 356)

ATT TA' L-2001 DWAR IL-ĦARSIEN TA' L-AMBJENT (KAP. 435)

BIS-SAĦĦA tal-poteri mogħtija bl-artikolu 9 u 10 ta' l-Att ta' l-2001 dwar il-Ħarsien ta' l-Ambjent, il-Ministru għall-Affarijiet Rurali u l-Ambjent, wara konsultazzjoni ma' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar qegħdin b'din jippubblikaw dan l-abbozz ta' regolamenti fejn jippermettu lil kull persuna perjodu ta' erba' ġimgħat biex tagħmel rappreżentazzjonijiet lid-Direttur għall-Ħarsien ta' l-Ambjent ta' l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar, fejn tiddikjara kif fil-fehma tagħha r-regolamenti proposti ma jkunux jipproteġu biżżejjed l-ambjent jew kif dawn ikunu restrittivi ż-żejjed bla bżonn jew jikkaġunawlha diffikultà jew telf ekonomiku u titlob għal reviżjoni ta' dak l-abbozz:–

Regolamenti ta' l-2007 dwar l-Istudju dwar l-Impatt Ambjentali.

It-2 ta' Frar, 2007

GOVERNMENT NOTICE

No. 104

DEVELOPMENT PLANNING ACT (CAP. 356)

ENVIRONMENT PROTECTION ACT, 2001 (CAP. 435)

BY virtue of the powers conferred by article 9 and 10 of the Environment Protection Act, 2001, the Minister for Rural Affairs and the Environment, after consultation with the Malta Environment and Planning Authority are hereby publishing the following draft regulations to allow any person a period of four weeks to make representations to the Director for Environment Protection of the Malta Environment and Planning Authority, stating how in his opinion the proposed regulations do not sufficiently respect the environment or how they are too unnecessarily restrictive or cause him hardship or economic loss and asking for a revision of such draft:–

Environmental Impact Assessment Regulations, 2007.

2nd February, 2007

ATT DWAR L-IPPJANAR TA' L-IŻVILUPP
(KAP. 356)

Regolamenti ta' l-2006 dwar l-Istudju dwar l-Impatt Ambjentali

BIS-SAĦĦA tas-setgħat mogħtija bl-artikolu 60 ta' l-Att dwar l-Ippjanar ta' l-Iżvilupp u l-artikoli 9 u 10 ta' l-Att dwar il-ħarsien ta' l-Ambjent, il-Ministru għall-Affarijiet Rurali u l-Ambjent, fuq ir-rakkomandazzjoni ta' l-Awtorita' ta' Malta dwar l-Ambjent u l-Ippjanar, għamel dawn ir-regolamenti li ġejjin:

L-EWWEL TAQSIMA

DISPOSIZZJONIJIET ĠENERALI

Titolu fil-qosor u bidu fis-seħħ.

1. (1) It-titolu ta' dawn r-regolamenti huwa r-Regolamenti ta' l-2006 dwar l-Istudju dwar l-Impatt Ambjentali.

(2) Dawn ir-regolamenti għandhom jibdew iseħħu fid-data tal-pubblikazzjoni tagħhom, minbarra t-Taqsima VI, li għandha tidħol fis-seħħ f'dik id-data li l-Ministru responsabbli għall-Ambjent jista' jistabbilixxi b'avviż fil-Gazzetta, u jistgħu jiġu hekk stabbiliti dati differenti dwar disposizzjonijiet differenti jew għanijiet differenti ta' dawn ir-regolamenti.

Tifsir.

2. F'dawn ir-regolamenti, kemm-il darba r-rabta tal-kliem ma teħtieġx xort'oħra -

"aġenzija tal-Gvern" tfisser enti morali mwaqqaf b'liġi u kumpannija li fiha l-Gvern jew enti bħal dak, jew it-tnejn flimkien, għandhom interess li jikkontrollaw jew li hija sussidjarja ta' kumpannija bħal dik; iżda ma tinkludix lill-Awtorità;

"ambjent" tinkludi xi wieħed minn, jew aktar minn, jew taħlita minn dawn li ġejjin:

(a) l-arja, l-art u l-ilma;

(b) il-pjanti u l-annimali ħajjin;

(ċ) il-kundizzjonijiet soċjali, ekonomiċi u kulturali;

(d) kull żvilupp magħmul mill-bniedem;

(e) kull oġġett solidu, likwidu, gass, riħa, sħana, dawl, ħoss, vibrazzjoni u radjazzjoni;

(f) kull riżorsa naturali; u

(ġ) kull parti jew taħlita ta' l-affarijiet hawn qabel imsemmija kif ukoll ir-relazzjoni li tgħaddi bejn tnejn jew aktar minn dawn l-istess affarijiet;

"ambjent naturali" tfisser:

(a) karatteristiċi naturali li jikkonsistu f'formazzjonijiet fiżiċi u bioloġiċi jew gruppi ta' dawk il-formazzjonijiet;

(b) formazzjonijiet ġeoloġiċi u fiżjografiċi, ġeomorfoloġiċi, litostratigrafiċi, paleontoloġiċi u idroloġiċi u arei li huma indikati bi preċiżjoni li jikkostitwixxu l-ħabitat ta' speċi ta' flora u fawna li jinsabu fil-periklu;

(ċ) siti naturali jew arei indikati bi preċiżjoni ta' valur mill-punto di vista ta' xjenza, valur xeniku, konservazzjoni jew sbuħija naturali;

"ambjent uman" tinkludi l-ambjent naturali u fiżiku u r-relazzjoni bejn il-bnedmin (inklużi mpjegati, ġirien, konsumaturi, u turisti) ma' dak l-ambjent;

"applikant" tfisser kull applikant li japplika għall-permess għal żvilupp u jinkludi dipartiment jew aġenzija tal-Gvern;

"*aquifer*" tfisser is-saffi ta' blat li fihom ilma maħżun taħt l-art u li huma kapaċi li jipprovdu l-ilma, u jinkludi ħażniet ta' ilma ta' taħt l-art, arei li fihom jinġabar l-ilma ta' taħt l-art, l-ilma li jinsab fil-formazzjonijiet ġeoloġiċi tal-blat, inkluż il-fissuri u l-fratturi, u l-istrutturi li fihom ħażniet ta' ilma fossili maqbuda f'saffi ta' blat;

"arkeoloġija" tfisser l-istudju ta' kulturi qodma permezz ta' skavi u analiżi tal-fdalijiet fiżiċi;

"Assessur Anzjan ta' l-Impatt" tfisser konsulent dwar studju dwar l-impatt ambjentali li għandu l-kwalifiċi rikjesti f'dixxiplina

ta' l-ambjent partikolari u għarfien u esperjenza fit-tekniċi u l-metodi ta' l-istudju dwar l-impatt ambjentali;

"Assessur *Junior* ta' l-Impatt" tfisser konsulent dwar studju dwar l-impatt ambjentali li għandu l-kwalifiċi meħtieġa f'dixxiplina ambjentali partikolari imma m'għandux esperjenza u għarfien fit-tekniċi u l-metodi tal-istudju dwar l-impatt ambjentali;

"l-Att" tfisser l-Att dwar l-Ippjanar ta' l-Iżvilupp; Kap. 356.

"l-Awtorità" tfisser l-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar imwaqqfa skond l-artikolu 3 ta' l-Att u tinkludi wkoll kull korp jew persuna oħra li taġixxi f'isimha skond poteri delegati mill-Awtorità skond l-Att;

"*baseline studies*" tfisser studji tekniċi ippreparati minn konsulenti li jiddeskrivu fid-dettal il-karatteristiċi ambjentali, soċjali u ekonomiċi eżistenti ta' dik iż-żona li tkun qegħda tiġi stmata, u kif dawn jistgħu jiżviluppaw mingħajr intervent;

"Bord ta' Reġistrazzjoni" tfisser il-Bord ta' Reġistrazzjoni mwaqqaf skond is-subregolament (1) tar-regolament 35 ta' dawn ir-regolamenti;

"ċertifikat" tfisser ċertifikat ta' reġistrazzjoni maħruġ skond id-disposizzjonijiet tas-subregolament (4) ta' regolament 35 ta' dawn ir-regolamenti;

"dikjarazzjoni dwar l-ippjanar ambjentali" tfisser ir-riżultat ta' studju dwar l-impatt ambjentali limitat li jiġi ppreżentat bħala rapport li jiddeskrivi żvilupp imsemmi f'Kategorija II ta' l-Iskeda IA li ma' dawn ir-regolamenti u l-effetti tagħhom fuq l-ambjent fejn tindika kif dawn l-effetti jkunu ttieħdu in konsiderazzjoni;

"dikjarazzjoni dwar l-impatt ambjentali" tfisser ir-riżultat ta' studju dwar l-impatt ambjentali sħiħ li jiġi ppreżentat bħala rapport li jiddeskrivi żvilupp imsemmi f'Kategorija I ta' l-Iskeda IA ma' dawn ir-regolamenti u l-effetti tagħhom fuq l-ambjent fejn tindika kif dawn l-effetti jkunu ttieħdu in konsiderazzjoni;

"dipartiment tal-Gvern" tfisser kull dipartiment jew Awtorità oħra tal-Gvern, kull Ministru jew Segretarju Parlamentari, kull uffiċjal pubbliku u kull membru, impjegat jew aġent ta' xi awtorità li ssemmiet qabel; iżda ma tinkludix aġenzija tal-Gvern;

"Direttur għall-ħarsien ta' l-Ambjent" tfisser id-Direttur tad-Direttorat għall-ħarsien tal-Ambjent fi ħdan l-Awtorità u tinkludi kull persuna jew korp ta' persuni li taġixxi f'ismu jew taħt l-awtorità tiegħu;

"*Director Environment Policy and Initiatives*" tfisser id-Direttur responsabbli mill-*Policy* u inizjattivi appuntat mill-Ministru u tinkludi kull persuna jew korp ta' persuni li taġixxi f'ismu jew taħt l-awtorità tiegħu;

"Direttur ta' l-Ippjanar" tfisser id-Direttur ta' l-Ippjanar maħtur skond l-artikolu 6 ta' l-Att u tinkludi kull persuna oħra li taġixxi f'ismu jew taħt l-awtorità tiegħu;

"effetti" tinkludi:

(a) effetti diretti, li jiġu kawżati minn xi azzjoni;

(b) effetti indiretti, li jiġu kawżati minn xi azzjoni jew azzjonijiet u li huma tardivi fiż-żmien jew aktar 'il bogħod f'termini ta' distanza, imma li xorta waħda jistgħu jiġu raġonevolment imbassra; u tinkludi effetti li jirregolaw it-tkabbir u effetti oħra li huma relatati ma' tibdil mġiegħel fl-iskema ta' l-użu tal-art, densità tal-popolazzjoni jew rata ta' tkabbir, u effetti relatati fuq l-arja u l-ilma u sistemi naturali oħra inklużi l-ekosistemi;

(ċ) effetti ekoloġiċi (inkluż l-effetti fuq ir-riżorsi naturali u fuq il-komponenti, l-istrutturi u l-funzjonament ta' ekosistemi milquta);

(d) effetti estetiċi, storiċi, kulturali, sew diretti sew indiretti jew kumulattivi;

(e) effetti soċjo-ekonomiċi (inkluż impatti fuq salarji, impjiegi, kambju tal-munita barranija, opportunitajiet rikreattivi u edukattivi, strutturi soċjali, kultura, saħħa, sigurta', trasport u faċilitajiet ġenerali), sew jekk dawn ikunu pożittivi jew negattivi, sew jekk dawn ikunu diretti jew indiretti permezz ta' ġenerazzjoni ta' impatti ambjentali;

(f) dawk l-effetti li huma riżultat ta' azzjonijiet li jistgħu jkollhom kemm effetti benefiċjali u detrimentali, anke jekk fit-totalità l-konsulenti huma tal-fehma li l-effetti jkunu benefiċjali;

(ġ) effetti sekondarji, kumulattivi, qosra, medji jew twal, permanenti, temporanji, pożittivi u negattivi;

"ekoloġija" tfisser l-istudju ta' l-interazzjonijiet bejn organiżmi ħajjin ma' individwi oħrajn ta' l-ispeċi tagħhom jew ta' speċi differenti minn tagħhom, u ma' l-ambjent tagħhom;

"ekosistema" tfisser il-kumpless dinamiku ta' pjanti, annimali u organiżmi żgħar ħafna li jgħixu f'komunitajiet, kif ukoll l-ambjent tagħhom li huwa bla ħajja li lkoll jaġixxu bħala *unit* funzjonali;

"estenzjoni" tfisser kull żieda għal żvilupp, u tista tinkludi żieda fil-firxa, għoli, volum jew kapaċita;

"fawna" tfisser kull tip ta' annimal;

"flora" tfisser kull tip ta' ħxejjex;

"ġeoloġija" tfisser ix-xjenza tal-qoxra tad-dinja, l-istrata u l-oriġini tal-blat tagħha;

"ħabitat" tfisser dak is-sett ta' postijiet li jissodisfaw ir-rekwiżiti f'termini ta' riżorsi ta' speċi u fejn dik l-ispeċi tkun tista' taqdi il-funzjoni ekoloġika tagħha;

"impatt kumulattiv" tfisser l-effett kombinat fuq l-ambjent ta' żewġ jew aktar proġetti, jew partijiet minn proġetti, inkluż l-effetti sinerġiċi;

"impatti" għandha l-istess tifsira mogħtija lilha fit-tifsira ta' l-espressjoni "effetti" f'dawn ir-regolamenti;

"interferenza ambjentali" tfisser ħsara lil riżorsi ħajjin, l-ekosistemi u l-ben esseri tal-bniedem (inkluż is-saħħa, is-sigurta', u l-attività kulturali, kummerċjali, ta' trasport, rikreattiva u edukattiva), proprjeta' materjali, faċilitajiet jew użi oħra leġittimi ta' riżorsa naturali jew ta' l-ambjent, ikkawżati, direttament jew indirettament, mill-bniedem permezz ta' sustanzi li jniġġsu, radjazzjoni li tijonizza, ħsejjes, splussivi, vibrazzjoni jew forom oħra ta' enerġija, jew moviment ta' materja, flora, fawna, mard, għargħar, soffokazzjoni jew mezzi oħra simili u tinkludi l-qerda ta' dawk il-fatturi li jsostnu l-ambjent;

"konservazzjoni" tfisser l-immaniġġar jew il-kontroll ta' użu uman ta' riżors naturali jew ta' l-ambjent b'tali mod illi jista' jipproduċi l-akbar benefiċċju sostenibbli għall-ġenerazzjonijiet

preżenti filwaqt illi jżomm il-potenzjal li jlaħħaq mal-bżonnijiet u ma' l-aspirazzjonijiet ta' ġenerazzjonijiet futuri; u tinkludi l-preservazzjoni, manutenzjoni, użu sostenibbli, restawr, riabilitazzjoni, treġġija lura għall-istat oriġinali u titjib ta' riżors naturali jew ta' l-ambjent;

"konsulent" għandha l-istess tifsira mogħtija fis-subregolament (3) tar-regolament 35 ta' dawn ir-regolamenti lil konsulent li jħejji studju dwar l-impatt ambjentali;

"kontributuri" tfisser esperti tekniċi li jagħtu kontribut minimu għall-proċess ta' l-istudju dwar l-impatt ambjentali iżda li bl-ebda mod ma jistmaw l-impatt tal-proġett;

"ko-ordinatur" tfisser konsulent li jħejji studju dwar l-impatt ambjentali li għandu l-kwalifiċi xierqa u li għandu tagħrif u taħriġ fit-tekniċi u fil-metodi ta' l-istudju dwar l-impatt ambjentali u li jkun qed jikkordina t-tħejjija ta' studju dwar l-impatt ambjentali, iħejji l-istudju koordinat u li jikteb id-dikjarazzjoni dwar l-impatt ambjentali relattiva jew id-dikjarazzjoni dwar l-ippjanar ambjentali relattiva, skond kif ikun il-każ;

"Kumitat" tfisser il-Kumitat Interdipartimentali dwar l-Ippjanar imwaqqaf skond is-subartikolu (1) ta' l-artikolu 17D ta' l-Att;

"kunsill" għandha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar il-Kunsilli Lokali; Kap. 363.

"*landscape*" tfisser il-karatteristiċi, il-*patterns*, il-forom u l-istrutturi ta' l-ambjent, inkluż l-fattizi, il-*patterns*, il-forom u l-istrutturi ta' area ġeografika speċifika, il-komposizzjoni bioloġika tagħha, l-ambjent fiżiku tagħha, il-ġeoloġija tagħha, il-ġeomorfoloġija tagħha, il-palaeontoloġija tagħha, il-litostratigrafija tagħha u l-*patterns* antropoġeniċi u soċjali tagħha;

"li taffettwa" tfisser li se taffettwa jew li jista' jkollha effett fuq;

"lokalità" għandha l-istess tifsira mogħtija lilha fl-artikolu 2 tal-Att dwar il-Kunsilli Lokali; Kap. 363.

"il-Ministru" tfisser il-Ministru responabbli għall-ambjent;

"mitigazzjoni" tinkludi:

(a) li tevita l-impatt kollu kemm hu billi ma tieħux azzjoni partikolari jew parti minn dik l-azzjoni;

(b) li tnaqqas l-impatti negattivi billi tillimita l-grad jew il-kobor ta' l-azzjoni u l-implimentazzjoni tagħha;

(ċ) li żżid l-impatti pożittivi ta' l-iżviluppi;

(d) li tirranġa l-impatt billi ssewwi, tirriabilita, jew tirristawra l-ambjent milqut;

(e) li tnaqqas jew telimina l-impatt fuq medda ta' żmien permezz ta' operazzjonijiet ta' konservazzjoni li jittieħdu matul iż-żmien ta' l-azzjoni;

(f) li jikkompensa għall-impatt billi jbiddel jew jipprovdi riżorsi jew ambjenti alternattivi;

"ordni dwar żvilupp" tfisser ordni magħmul skond u għall-fini ta' l-artikolu 31 ta' l-Att;

"permess għal żvilupp" tfisser il-permess mogħti mill-Awtorità biex isir żvilupp sew wara li tkun saret applikazzjoni għal dak l-iskop jew sew skond ordni dwar żvilupp;

"persuni konsultati" tfisser dipartimenti u aġenziji tal-Gvern, kunsilli lokali jew kull korp ieħor li d-Direttur għall-ħarsien ta' l-Ambjent jista' jitlob lill-konsulenti biex jikkonsultaw;

"prinċipju tal-prekawzjoni" ifisser l-adozzjoni ta', jew t-teħid ta' miżuri preventivi fejn hemm bażi raġonevoli li wieħed jinkwieta illi jista' jkun hemm theddid ta' ħsara serja jew irriversibbli li jikkaġunaw dannu lill-ambjent ukoll jekk ikun hemm nuqqas ta' evidenza xjentifika; iżda dik l-inċertezza m'għandhiex tintuża bħala raġuni biex jiġu posposti miżuri li jevitaw, jirriduċu, jipprevenu, jantiċipaw jew jikkontrollaw dak it-theddid jew dannu lill-ambjent;

"proġett" tfisser l-iżvilupp propost li għalih ikun qed jintalab permess għal żvilupp;

"pubbliku" tfisser persuna jew persuni fiżiċi jew legali, u skond leġislazzjoni u prattiċi lokali, l-organizzazzjonijiet, assoċjazzjonijiet u gruppi tagħhom;

"pubbliku konċernat" tfisser il-pubbliku li huwa effetwat jew li x'aktarx ser ikun effetwat, jew li għandu interess fil-proċess ta'

teħid ta' deċiżjonijiet ambjentali skond kif stipulat f'dawn ir-regolamenti; għall-iskop ta' din id-definizzjoni, organizzazzjonijiet mhux governattivi li jippromwovu l-protezzjoni ta' l-ambjent u li jkunu stabbiliti skond il-leġislazzjoni lokali għandhom ikunu ikkunsidrati li għandhom interess:

Iżda kull fejn tintuża il-kelma "pubbliku" f'dawn ir-regolamenti, din għandha tinkludi lill-"pubbliku konċernat";

"rapport dwar *survey* ambjentali" tfisser l-istudji tekniċi oriġinali preparati mill-konsulenti għal aspetti partikolari ta' studju dwar l-impatt ambjentali (bħalma huma, l-ekoloġija, skarigar fl-arja, arkeoloġija, eċċ.);

"Reġistru" tfisser ir-Reġistru ta' Konsulenti dwar l-Istudju dwar l-Impatt Ambjentali mwaqqaf fis-sub regolament (1) tar-regolament 34 ta' dawn ir-regolamenti;

"*scoping*" tfisser il-proċess li fih jiġu identifikati l-fatturi prinċipali, l-azzjonijiet sinifikattivi, l-alternattivi u l-impatti li għandhom jiġu kkunsidrati fi studju dwar l-impatt ambjentali;

"sinfikattiv" teħtieġ li jiġu kkunsidrati kemm il-kuntest kif ukoll l-intensità:

(a) il-kuntest - dan ifisser li t-tifsir ta' azzjoni għandha tiġi analizzata f'ħafna kuntesti bħalma hu dak ta' soċjeta' kollha kemm hi, l-ambjent ta' madwar ta' proġett, l-interessi li se jintlaqtu, is-sit tal-proġett u d-distribuzzjoni ta' fatturi relevanti arkeoloġiċi, ekoloġiċi, xjentifiċi, idroloġiċi, ġeoloġiċi jew ta' valur xeniku;

(b) l-intensità - din tfisser s-severità ta' l-impatt u dawn l-elementi li ġejjin għandhom jiġu ikkunsidrati meta tiġi evalwata l-intensità:

(i) l-impatti li jistgħu jkunu benevoli, negattivi jew newtrali;

(ii) il-grad li l-proġett jkun se jaffettwa s-saħħa u s-sigurtà pubblika;

(iii) karatteristiċi ġeografiċi ta' l-area uniċi jew xort'oħra rari jew ta' valur li jolqtu r-relazzjoni ma' l-ambjent naturali u ma' l-ambjent kulturali;

(iv) il-grad li l-proġett ikun se jaffettwa l-kwalità ta' l-ambjent uman;

(v) il-grad li l-effetti possibbli fuq l-ambjent uman ma jkunux ċerti jew jinvolvu riskji uniċi jew mhux magħrufa;

(vi) il-grad li fih l-azzjoni tista' tistabilixxi preċedent għal azzjonijiet futuri li jkollhom effett potenzjali sinifikattiv jew jirrapreżentaw deċiżjoni ta' prinċipju dwar kunsiderazzjonijiet futuri;

(vii) jekk l-azzjoni tkunx relatata għal azzjonijiet oħra li jkollhom impatti individwali insinifikanti iżda li jkollhom impatti kumulattivi sinifikattivi;

(viii) jekk l-azzjoni theddidx li tikser xi liġi jew xi disposizzjoni li tistabbilixxi *policy* għall-protezzjoni ta' l-ambjent;

(ix) jekk l-azzjoni hijiex permanenti jew li tista' titreġġa' lura;

"siti u arei protetti" tfisser:

(a) kull propjetà skedata skond id-disposizzjonijiet ta' l-artikolu 46 ta' l-Att;

(b) kull proprjetà li, għalkemm ma tkunx ġiet skedata skond id-disposizzjonijiet ta' l-artikoli 46 u 48 ta' l-Att, hija protetta skond id-disposizzjonijiet ta' l-artikolu 47 ta' l-Att permezz ta' ordni ta' emerġenza għal konservazzjoni;

(ċ) kull siġra skedata skond id-disposizzjonijiet ta' l-artikolu 48 ta' l-Att;

(d) kull area, bini, sit jew fdalijiet arkeoloġiċi protetti skond id-disposizzjonijiet tal-Att dwar il-Ħarsien tal-Ambjent jew kull liġi oħra li tista' minn żmien għal żmien tibdilha; Kap. 348.

(e) kull oġġett kif imfisser fl-artikolu 2 ta' l-Att dwar il-Wirt Kulturali, li huwa protett skond id-disposizzjonijiet ta' dak l-Att jew kull liġi oħra li tista' minn żmien għal żmien tibdilha; Kap. 54.

(f) kull area ta' konservazzjoni urbana dikjarata skond il-Pjan ta' Struttura u kull pjan ieħor ta' żvilupp;

(ġ) kull area ta' konservazzjoni rurali dikjarata skond il-Pjan ta' Struttura u kull pjan ieħor ta' żvilupp;

(ħ) kull qalba tar-raħal dikjarata skond l-Iskemi ta' Provvedimenti Temporanji; u

(i) kull oġġett ieħor, area jew sit li huwa protett skond xi disposizzjoni ta' xi liġi oħra;

Kap. 348. "skart tossiku" għandha l-istess tifsira mogħtija lilha fl-Att dwar il-Ħarsien ta' l-Ambjent jew skond regolamenti magħmulin skond dak l-Att jew kull liġi jew regolamenti oħra li minn żmien għal żmien jibdlu dak l-Att jew dawk ir-regolamenti;

"stqarrija dwar id-deskrizzjoni ta' proġett" tfisser id-deskrizzjoni tas-sit u tal-iżvilupp propost magħmula b'dettal suffiċjenti biex jiġu identifikati l-impatti li jista' jkun hemm fuq l-ambjent u kif jista' jiġi aċċettat skond ċerti *policies* li jinsabu fil-Pjan ta' Struttura, fi pjani ta' żvilupp oħra u f' *policies* ta' ppjanar;

"studju dwar l-impatt ambjentali" tfisser il-proċess li fih jiġu identifikati, imbassra, evalwati u mnaqqsa l-impatti fuq l-effetti biofiżiċi, soċjali, ekonomiċi u ta' fatturi relevanti oħra ta' proġett propost u l-attivitajiet fiżiċi qabel ma jittieħdu deċiżjonijiet maġġuri u qabel ma wieħed jintrabat;

"tniġġiż" tfisser l-introduzzjoni mill-bniedem, direttament jew indirettament, ta' kull sustanza jew enerġija fl-ambjent li tirriżulta f'effetti li jikkawżaw ħsara bħal dawk li huma ta' periklu għas-saħħa tal-bniedem, li jikkaġunaw dannu għar-riżorsi ħajjin, għall-ekosistemi u għall-proprjetà materjali u li jfixklu l-użu ta' faċilitajiet jew li jinterferixxu ma' użi oħra leġittimi ta' l-ambjent;

"trattat" għandha l-istess tifsira mogħti lilha fl-artikolu 2 tal-
Kap. 304. Att dwar ir-Ratifika ta' Trattati;

"użu ta' riżorsa naturali" tfisser il-kondotta umana li, direttament jew indirettament, tieħu vantaġġ mill-benefiċċji ta' riżorsa naturali fil-forma ta' preservazzjoni, esplojtazzjoni u telf possibbli, konsum jew xort'oħra;

"wirt kulturali" tfisser:

(a) monumenti - dawn huma xogħlijiet arkitettoniċi, opri ta' skultura u tpinġija monumentali, elementi jew strutturi ta' natura arkeoloġika, iskrizzjonijiet, għerien li fihom kienu jgħixu n-nies u fatturi mwaħħdin;

(b) gruppi ta' bini - dawn huma gruppi ta' bini separati minn jew konnessi ma' xulxin jew l-ispazju ta' bejniethom, bini waħdieni jew il-madwar immedjat tagħhom li għandhom jiġu konservati minħabba l-karattru arkitettoniku, l-omoġenità tagħhom jew posthom fil-*landscape*;

(ċ) siti - dawn huma xogħlijiet il-bniedem jew xogħol imħallat tan-natura u tal-bniedem u arei li jinkludi siti arkeoloġiċi li huma ta' valur mill-punto di vista ta' storja, arti, xjenza, kultura, estetika, etnografija, antropoloġija u jinkludu wkoll il-madwar tagħhom;

"żvilupp" għandha l-istess tifsira mogħtija lilha skond is-subartikolu (2) ta' l-artikolu 30 ta' l-Att;

"żviluppatur" tfisser dik il-persuna li tapplika għal permess għal żvilupp ta' proġett pubbliku jew privat;

(2) It-tifsir ta' xi kelma jew espressjoni fir-subregolament (1) ta' dan ir-regolament għandha tinkludi kull varjazzjoni grammatikali u espressjonijiet relatati ta' dik il-kelma jew espressjoni hekk kif ġew imfissra hawn qabel.

(3) Kull kelma jew espressjoni użata f'dawn ir-regolamenti li hija mogħtija tifsira fl-artikolu 2 ta' l-Att għandha l-istess tifsira kif mogħtija għal dik il-kelma jew espressjoni f'dak l-artikolu ta' l-Att.

IT-TIENI TAQSIMA

TIPI TA' STUDJI DWAR L-IMPATT AMBJENTALI

Studju dwar l-impatt ambjentali.

3. (1) L-Awtorità ta' l-Ippjanar u d-Dipartiment għall-Ħarsien ta' l-Ambjent għandhom ikunu l-awtoritajiet kompetenti responsabbli li jaqdu d-doveri msemmija f'dawn ir-regolamenti.

(2) Studju dwar l-impatt ambjentali għandu l-għan li jidentifika, jiddeskrivi u jistma f'manjiera xierqa, fil-kuntest ta' kull proposta individwali għal żvilupp u skond id-disposizzjonijiet ta' dawn ir-regolamenti, l-effetti diretti u indiretti ta' dak l-iżvilupp fuq dawn il-fatturi li ġejjin:

(a) il-fawna u l-flora, kif ukoll il-komponenti ħajjin ta' l-ambjent;

(b) il-ħamrija, l-ilma, l-arja, il-klima, il-*landscape*, u l-komponenti bla ħajja tal-ambjent;

(ċ) l-interazzjoni bejn il-fatturi msemmija fil-paragrafi (a) u (b) ta' dan is-subregolament;

(d) assi materjali u l-wirt kulturali; u

(e) il-bnedmin u l-interazzjoni tagħhom mal-fatturi msemmija fil-paragrafi (a) sa (d) ta' dan is-subregolament.

(3) Studju dwar l-impatt ambjentali, skond ix-xorta ta' żvilupp, għandu jieħu waħda minn dawn il-forom li ġejjin:

(a) jew studju dwar l-impatt ambjentali sħiħ; jew

(b) studju dwar l-impatt ambjentali limitat.

(4) Kull żvilupp imsemmi f'Kategorija I ta' l-Iskeda IA ma' dawn ir-regolamenti għandu jeħtieġ studju dwar l-impatt ambjentali sħiħ billi titħejja dikjarazzjoni dwar l-impatt ambjentali, sakemm l-Awtorità ma tirrifjutax il-permess kif jingħad fis-subregolament (2) tar-regolament 4 ta' dawn ir-regolamenti.

(5) Bla ħsara għas-subregolament (6) ta' hawn aktar 'l isfel, kull proposta ta' żvilupp li tiġi ppreżentata u li taqa' fil-parametri indikati fl-Iskeda imsemmija f'Kategorija II ta' l-Iskeda IA ma' dawn ir-regolamenti, għandha teħtieġ studju dwar l-impatt ambjentali limitat billi titħejja stqarrija dwar l-ippjanar ambjentali, sakemm l-Awtorità ma tirrifjutax il-permess kif imsemmi fis-subregolament (2) tar-regolament 4 ta' dawn ir-regolamenti:

Iżda meta tiġi sottomessa applikazzjoni għall-Iżvilupp imsemmi fil-Kategorija II ta' l-Iskeda IA ma' dawn ir-regolamenti li dwarha ma jkunx hemm parametri stabbiliti f'din l-Iskeda; id-Direttur għall-Ħarsien ta' l-Ambjent għandu jiddeċiedi jekk tali żvilupp għandux jew x'aktarx ikollu effett sinjifikanti fuq l-ambjent, tenut kont tal-kriterji stabbiliti fl-Iskeda IB. Abbażi ta' din l-evalwazzjoni għandu jiġi deċiż jekk hemmx il-ħtieġa ta' dikjarazzjoni dwar l-ippjanar ambjentali.

(6) Id-Direttur ta' l-Ippjanar jista' jitlob lill-applikant, f'każ ta' kull applikazzjoni għall-permess għal żvilupp li għandha x'taqsam ma' żvilupp li ma jkunx inkluż f'Kategorija I ta' l-Iskeda IA li tinsab

ma' dawn ir-regolamenti (ukoll jekk dak l-iżvilupp jista' jkun inkluż f'Kategorija II ta' l-Iskeda IB li tinsab ma' dawk ir-regolamenti) li jħejji dikjarazzjoni dwar l-impatt ambjentali sħiħ jekk huwa jkun tal-fehma li jistgħu jirrikorru impatti sinifikattivi, tenut kont tal-kriterji stabbiliti fl-Iskeda IB, u li applikazzjoni għall-permess normali jew dikjarazzjoni dwar l-ippjanar ambjentali ma jipprovdux bażi xierqa sabiex dak l-iżvilupp ikun jista' jiġi evalwat.

(7) Minkejja d-disposizzjonijiet tas-subregolamenti (4), (5) u (6) ta' dan ir-regolament, id-Direttur ta' l-Ippjanar jista' jitlob lill-applikant, f'każ ta' kull applikazzjoni għall-permess għal żvilupp li għandha x'taqsam ma' żvilupp li ma jkunx inkluż f'Kategorija I jew f'Kategorija II ta' l-Iskeda IA li tinsab ma' dawn ir-regolamenti li jħejji dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali jekk id-Direttur ta' l-Ippjanar ikun tal-fehma li jistgħu jirrikorru impatti sinifikattivi minħabba fil-karatteristiċi u l-post ta' fejn tkun qegħda ssir il-proposta, tenut kont tal-kriterji stabbiliti fl-Iskeda IB, u li applikazzjoni għall-permess għal żvilupp normali ma tkunx tista' tipprovdi bażi xierqa sabiex dak l-iżvilupp ikun jista' jiġi evalwat.

(8) Minkejja d-disposizzjonijiet tas-subregolament (5) ta' dan ir-regolament, id-Direttur għall-Ħarsien ta' l-Ambjent jista' jeżenta lill-applikant milli jħejji studju dwar l-impatt ambjentali limitat minkejja l-fatt li dak l-iżvilupp ikun wieħed imsemmi f'Kategorija II ta' l-Iskeda IA li tinsab ma' dawn ir-regolamenti jekk huwa jkun tal-fehma li l-istqarrija dwar id-deskrizzjoni tal-proġett ippreżentata ma' l-applikazzjoni skond id-disposizzjonijiet tas-subregolament (1) tar-regolament 5 ta' dawn ir-regolamenti, tkun ħadet in konsiderazzjoni b'mod suffiċjenti l-kwistjonijiet li jolqtu l-ambjent b'dan illi t-tħejjija ta' studju dwar l-impatt ambjentali limitat ma jkunx se jżid informazzjoni ġdida u li l-Awtorità jkollha l-informazzjoni kollha neċessarja sabiex tiddeċiedi dik l-applikazzjoni. F'dan il-każ, għandha tingħata ġustifikazzjoni dettaljata għalfejn studju dwar l-impatt ambjentali ma jkunx intalab u din għandha tiġi wkoll ippubblikata. Id-Direttur għall-Ħarsien ta' l-Ambjent għandu wkoll jippubblika l-informazzjoni li jkun hemm fl-istqarrija dwar id-deskrizzjoni tal-proġett.

(9) Bla ħsara għad-disposizzjonijiet tas-sub-regolamenti (6), (7) u (8) ta' dan ir-regolament, il-proċedura ta' l-istudju dwar l-impatt ambjentali tista tintuża f'każ ta' proposta ta' żvilupp ankè qabel ma tiġi ppreżentata applikazzjoni formali għall-permess għal dak l-iżvilupp, kemm il-darba, il-proposta ta' l-iżvilupp tkun, *prima facie*, aċċettabbli fil-prinċipju. F'dan il-każ, dawk il-provvedimenti kollha f'dawn ir-regolamenti rigward il-preparazzjoni ta' dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali għandhom japplikaw *mutatis mutandis*.

Rifjut ta' permess għal żvilupp fejn l-ebda studju dwar l-impatt ambjentali ma jkun sar.

4. (1) Bla ħsara għad-disposizzjonijiet tas-subregolament (8) tar-regolament 3 ta' dawn ir-regolamenti, l-ebda permess għal żvilupp m'għandu jinħareġ mill-Awtorità li jawtorizza xi żvilupp imsemmi fl-Iskeda IA li tinsab ma' dawn ir-regolamenti jekk l-ebda studju dwar l-impatt ambjentali ma jkun ġie ppreżentat lill-Awtorità skond id-disposizzjonijiet ta' dawn ir-regolamenti.

(2) Bla ħsara għad-disposizzjonijiet tas-subregolament (8) tar-regolament 3 ta' dawn ir-regolamenti, l-Awtorità għandha tirrifjuta permess għal żvilupp f'każ li żvilupp li jkun xort'oħra jeħtieġ studju dwar l-impatt ambjentali, ankè jekk l-ebda studju dwar l-impatt ambjentali ma jkun ġie sottomess lill-Awtorità skond id-disposizzjonijiet ta' dawn ir-regolamenti:

(a) fejn ikun ċar li l-iżvilupp jikser pjan ta' żvilupp approvat jew *policy* ta' ippjanar; jew

(b) fejn l-iżvilupp jista' jikkomprommetti fil-futur li jista' jiġi mbassar it-tħejjija ta' pjan ta' żvilupp; jew

(ċ) fejn ikun ċar li l-effetti ta' pjan ta' żvilupp m'humiex aċċettabli; jew

(d) jekk l-istqarrija dwar id-deskrizzjoni ta' proġett tindika li l-iżvilupp propost se jkollu impatti ambjentali inaċċettabli.

Stqarrija dwar id-deskrizzjoni ta' proġett.
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5. (1) Bla ħsara għad-disposizzjonijiet tar-regolament 3 tar-Regolamenti ta' l-1992 għal Permess ta' Żvilupp (Metodu ta' Applikazzjoni) u b'żieda mar-rekwiżiti msemmija fis-sub regolament (2) ta' dak ir-regolament, applikazzjoni għal permess għal żvilupp li tikkonċerna xi żvilupp li tista teħtieġ studju dwar l-impatt ambjentali taħt il-provvedimenti tar-regolament 3 ta' dawn ir-regolamenti, għandha jkollha magħha stqarrija dwar id-deskrizzjoni ta' proġett.

(2) Jekk applikazzjoni għal permess għal żvilupp ma jkollhiex magħha stqarrija dwar id-deskrizzjoni ta' proġett kif provdut fis-sub regolament (1) ta' dan ir-regolament u, fl-opinjoni tad-Direttur għall-Ħarsien ta' l-Ambjent skond il-provvedimenti tar-regolamenti 3(4), (5), (6) u (7), dik l-applikazzjoni tkun waħda li tista teħtieġ studju dwar l-impatt ambjentali, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jinforma lill-applikant illi l-applikazzjoni tista teħtieġ studju dwar l-impatt ambjentali, u a tenur tal-provvedimenti ta' l-artikolu 36(2) ta' l-Att, il-perjodu imsemmi fl-artikolu 36(1) ta' l-Att li fih għandha tiġi determinata applikazzjoni, jiġi sospiż sakemm l-applikant jipprovdi lill-Awtorità stqarrija dwar id-deskrizzjoni ta' proġett skond is-subregolament (1) ta' dan ir-regolament.

(3) Stqarrija dwar id-deskrizzjoni ta' proġett għandu jkun fiha din l-informazzjoni li ġejja:-

(a) dettalji tal-persuna li tixtieq tagħmel l-iżvilupp;

(b) spjegazzjoni dwar in-natura ta' l-opportunitajiet u l-problemi li jkunu se jiġu ndirizzati mill-iżvilupp, u ta' l-għanijiet ġenerali ekonomiċi, soċjali u ambjentali tiegħu;

(ċ) deskrizzjoni tal-istrateġija ġenerali li tkun se tintuża, u tal-proċessi tal-produzzjoni u tal-metodi operattivi li jkunu se jintużaw, u kull metodu alternattiv li jkun se jiġi kkunsidrat, biex jintlaħqu l-għanijiet soċjali, ambjentali u ekonomiċi ta' l-iżvilupp;

(d) indikazzjoni taż-żmien propost biex isir il-proġett u għalfejn dak iż-żmien huwa mixtieq;

(e) indikazzjoni dwar jekk il-proġett ikunx ekonomikament vijabbli;

(f) il-post fejn jinsab is-sit tal-iżvilupp propost b'indikazzjoni fuq mappa b'mod ċar tal-konfini tas-sit;

(ġ) indikazzjoni qasira tal-użi alternattivi u tal-postijiet li ttieħdu in konsiderazzjoni, inklużi postijiet alternattivi adattati u postijiet għall-iżvilupp propost u użi alternattivi jew arranġamenti ta' użi ta' l-art, fis-sit propost;

(ħ) deskrizzjoni tal-karatteristiċi fiżiċi inklużi daqs, skala, disinn u l-fażijiet tal-iżvilupp bl-użu ta' mudelli, ritratti, diagrammi, pjanti u mapep fejn meħtieġ;

(i) deskrizzjoni ta' l-użi ta' l-art preżenti u l-karatteristiċi ambjentali tas-sit;

(j) deskrizzjoni qasira tal-użi ta' l-art ta' madwar, u n-natura, il-kobor u l-karatteristiċi ambjentali tagħhom;

(k) deskrizzjoni tas-servizzi, l-ilma, drenaġġi għall-ilma maħmuġ, drenaġġ għall-ilma tal-wiċċ, inkluż id-drenaġġ ta' ilma tax-xita, u sorsi ta' l-enerġija li jeżistu fis-sit;

(l) estimi tan-numru ta' persuni li jkunu ser jiġu mpjegati b'estimi għal kull fażi ta' l-iżvilupp;

(m) in-natura u l-kwantitajiet ta' materja prima li tkun ser tintuża, u l-iskart ġenerat waqt il-fażijiet ta' kostruzzjoni u ta' operazzjoni; il-metodu propost ta' magazzinaġġ u l-irfiegħ ta' materjali u ta' skart, u l-makkinarju li se jkun hemm bżonn kemm waqt il-fażi ta' kostruzzjoni kemm waqt il-fażi operattiva;

(n) arranġamenti ta' dħul u ħruġ, ħtiġijiet ta' ipparkjar u arranġamenti ta' ipparkjar fi u barra mis-sit, kemm waqt il-fażi ta' kostruzzjoni u kemm waqt il-fażi operattiva;

(o) proposti biex jiġu mnaqqsa l-effetti negattivi ta' l-iżvilupp;

(p) kull informazzjoni oħra meħtieġa mid-Direttur għall-Ħarsien ta' l-Ambjent.

(4) Minkejja għad-disposizzjonijiet tas-subregolamenti (1) u (2) ta' dan ir-regolament, l-Awtorità tista' titlob li tiġi preparata stqarrija dwar id-deskrizzjoni ta' proġett ankè qabel ma jkun hemm sottomissjoni ta' applikazzjoni formali għall-permess ta' l-iżvilupp. F'dan il-każ, il-provvedimenti tas-subregolament (3) ta' dan ir-regolament jibqgħu japplikaw.

Baseline studies.

6. (1) Minkejja għall-provvedimenti ta' dawn ir-regolamenti dwar il-preparazzjoni ta' studju dwar l-impatt ambjentali u stqarrija dwar l-ippjanar ambjentali wara li tkun ġiet ippreżentata applikazzjoni għall-permess ta' l-iżvilupp, l-Awtorità tista', f'dawk il-każijiet fejn hija tħoss in-neċessità fl-interess tal-proċess ta' pjanar u disinn li jkunu kkunsidrati il-limitazzjonijiet u materji ambjentali li jistgħu jaffetwaw l-iżvilupp, titlob lil min ikun qiegħed jagħmel il-proposta sabiex jikkummissjona l-preparazzjoni ta' *baseline studies* ta' l-area li tkun tista' tintlaqat bl-iżvilupp propost, u dan ankè qabel ma tiġi ppreżentata applikazzjoni għall-permess ta' l-iżvilupp, u qabel ma jiġi kkummissjonat l-istudju dwar l-impatt ambjentali jew stqarrija dwar l-ippjanar ambjentali.

(2) Il-*baseline studies* msemmija fis-subregolament (1) ta' dan ir-regolament għandhom ikunu ppreparati minn konsulenti reġistrati taħt it-Taqsima VI ta' dawn ir-Regolamenti u skond dawk it-termini ta' referenza ppreparati mid-Direttur għall-Ħarsien ta' l-Ambjent. It-termini ta' referenza għandhom jieħdu in konsiderazzjoni il-provvedimenti tar-regolament 15 ta' dawn ir-regolamenti.

(3) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jagħti kopja tat-termini ta' referenza lill-applikant, lill-perit jew konsulenti ta' l-applikant kif ukoll lil kull persuna li jidhirlu xieraq.

(4) Il-*baseline studies* preparati skond il-provvedimenti tas-subregolament (1) ta' dan ir-regolament, għandhom jittieħdu in konsiderazzjoni meta jkun qiegħed jitfassal il-proġett u dan bil-għan illi jiġu mnaqqsa l-impatti ta' l-iżvilupp propost f'dan l-istadju ta' tfassil. Għall-fini ta' dawn ir-regolamenti, il-*baseline studies* għandhom jitqiesu bħala parti ntegrali mill-istudju dwar l-impatt ambjentali jew l-istqarrija dwar l-ippjanar ambjentali meta dawn jiġu kummissjonati.

(5) Meta id-Direttur għall-Ħarsien ta' l-Ambjent jitlob lill-applikant biex dana jipprepara *baseline studies*, m'għandu bl-ebda mod jinftiehem li d-Direttur għall-Ħarsien ta' l-Ambjent ikun qiegħed japprova l-iżvilupp, jew li jkun ser jirrakomanda li l-Awtorità tapprova l-iżvilupp, jew li jkun ser jitlob studju dwar l-impatt ambjentali jew stqarrija dwar l-ippjanar ambjentali fi stadju ulterjuri.

(6) Meta tiġi ppreżentata l-proposta tal-proġett, id-Direttur għall-Ħarsien ta' l-Ambjent jista' jitlob għall-informazzjoni ulterjuri.

Ivverifikar.

7. (1) Wara li l-applikant jissottometti lill-Awtorità l-istqarrija dwar id-deskrizzjoni tal-proġett, liema stqarrija għandha tkun konformi mar-regolament 5 ta' dawn ir-regolamenti, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jiddeċiedi jekk l-iżvilupp ikunx wieħed skond is-subregolamenti (3) sa (9) tar-regolament 3 jew ir-regolament 4 ta' dawn ir-regolamenti.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jinforma lill-applikant bid-deċiżjoni tiegħu mhux aktar tard minn erba' ġimgħat wara li l-istqarrija dwar id-deskrizzjoni ta' proġett tkun tħejjiet skond ir-regolament 5 ta' dawn ir-regolamenti u tkun waslet għand l-Awtorità u għandu jagħti raġunijiet għad-deċiżjoni tiegħu.

(3) Wara li d-Direttur għall-Ħarsien ta' l-Ambjent jinnotifika lill-applikant illi l-applikazzjoni tiegħu teħtieġ studju dwar l-impatt ambjentali skond l-Iskeda IA li tinsab ma' dawn ir-regolamenti, l-applikant għandu, fi żmien tletin ġurnata min-notifika, jikteb lid-Direttur għall-Ħarsien ta' l-Ambjent biex jinfurmah illi huwa jkun qiegħed jaċċetta l-veduti tiegħu u għandu jippreżenta studju dwar l-impatt ambjentali f'perjodu ta' żmien li jiġi speċifikat mill-applikant.

(4) Sakemm l-applikant jippreżenta studju dwar l-impatt ambjentali li jkun konformi mad-disposizzjonijiet ta' dawn ir-regolamenti, l-applikazzjoni tiegħu m'għandhiex tkompli tiġi proċessata u ż-żmien li jittieħed sakemm jiġi preżentat studju mill-applikant, m'għandux jittieħed in konsiderazzjoni għall-fini tal-perjodi msemmija fis-subartikoli (1) u (2) ta' l-artikolu 36 ta' l-Att. L-imsemmija perjodi għandhom jibdew jgħoddu mid-data li fiha l-Awtorità tkun irċeviet id-

dikjarazzjoni dwar l-impatt ambjentali jew id-dikjarazzjoni dwar l-ippjanar ambjentali, skond kif ikun il-każ, u l-Awtorità tkun aċċettat dik id-dikjarazzjoni bħala sottomissjoni valida skond is-subregolament (4) ta' regolament 25 ta' dawn ir-regolamenti.

(5) Jekk l-applikant ma jiktibx lid-Direttur għall-Ħarsien ta' l-Ambjent skond is-subregolament (3) ta' dan ir-regolament, l-applikazzjoni għandha tiġi proċessata skond id-disposizzjonijiet tas-subregolament (1) ta' regolament 4 ta' dawn ir-regolamenti.

Id-dipartimenti u l-aġenziji tal-Gvern iridu jiġu nfurmati bil-bżonn li jsir studju dwar l-impatt ambjentali.

8. (1) Wara li jiskadi ż-żmien imsemmi fis-subregolament (3) ta' regolament 7 ta' dawn ir-regolamenti, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jinforma lil dawk id-dipartimenti u aġenziji tal-Gvern li huwa jidhirlu xieraq, li jkun irċieva applikazzjoni għall-permess għal żvilupp sew jekk din ikollha magħha, sew jekk ma jkollhiex stqarrija, dwar id-deskrizzjoni ta' proġett u li dwar dak it-tip ta' żvilupp jeħtieġ li titħejja dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali, skond ma jkun il-każ.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jinforma lill-applikant bil-miktub bl-ismijiet u bl-indirizzi tad-dipartimenti u ta' l-aġenziji li jiġu hekk notifikati.

(3) Id-dipartimenti u l-aġenziji hekk notifikati għandhom, jekk jintalbu mill-applikant, jikkonsultaw miegħu sabiex jiġi determinat jekk huma għandhomx fil-pussess tagħhom kull informazzjoni li l-applikant jew huma jikkunsidraw li hija relevanti għat-tħejjija ta' dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali u, jekk għandhom dik l-informazzjoni, dawk id-dipartimenti u aġenziji tal-Gvern għandhom iqegħduha għad-disposizzjoni ta' l-applikant, iżda dawk id-dipartimenti u aġenziji tal-Gvern m'għandhomx jiġu mġiegħla jikxfu xi nformazzjoni li skond xi liġi hija meqjusa kunfidenzjali jew sigrieta.

(4) L-enti li tipprovdi l-informazzjoni mitluba mill-applikant tista' titlob ħlas raġonevoli talli tqiegħed l-informazzjoni għad-disposizzjoni ta' l-applikant skond is-subregolament (3) ta' dan ir-regolament.

(5) Wara li jiskadi ż-żmien imsemmi fis-subregolament (3) tar-regolament 7 ta' dawn ir-regolamenti, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jippubblika fil-Gazzetta u f'gazzetta lokali, lista ta' applikazzjonijiet li jkunu jeħtieġu studju dwar l-impatt ambjentali skond is-sub-regolamenti (4), (5), (6) jew (7) ta' regolament 3 ta' dawn ir-regolamenti.

Ġestjoni tat-tħejjija ta' studju dwar l-impatt ambjentali.

9. (1) L-applikant għandu jkun responsabbli biex jikkumissjona dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali skond id-disposizzjonijiet tar-regolament 11 jew tar-regolament 33 ta' dawn ir-regolamenti, skond ma jkun il-każ.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent u d-Direttur ta' l-Ippjanar għandu jipprovdi lill-applikant b'funzjoni ta' għoti ta' pariri u kontroll tal-kwalità.

(3) Mingħajr preġudizzju għad-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament, f'dawk il-każijiet fejn aktar minn applikazzjoni waħda għal permess għal żvilupp li tkun teħtieġ studju dwar l-impatt ambjentali tkun qegħda tiġi kkunsidrata fl-istess lokalità, id-Direttur għall-Ħarsien ta' l-Ambjent jista' jitlob li ssir dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali wieħed biss, skond ma jkun il-każ, għall-proġetti in kwistjoni u li l-ispejjeż inkorsi fit-tħejjija tal-istudju dwar l-impatt ambjentali għandhom jinqasmu proporzjonalment bejn id-diversi applikanti skond il-kobor ta' l-area tas-sit ta' l-iżvilupp relattiv tagħhom.

IT-TIELET TAQSIMA

STUDJU DWAR L-IMPATT AMBJENTALI SĦIĦ

(li jeħtieġ Dikjarazzjoni dwar l-Impatt Ambjentali)

Tħejjija tat-termini ta' referenza ta' dikjarazzjoni dwar l-impatt ambjentali.

10. (1) Qabel ma jitħejjew it-termini ta' referenza ta' dikjarazzjoni dwar l-impatt ambjentali d-Direttur għall-Ħarsien ta' l-Ambjent fuq il-bazi ta', iżda mhux limitat għal, informazzjoni li tkun speċifikata fl-istqarrija dwar id-deskrizzjoni ta' proġett, għandu jagħmel stima ta' l-impatti ambjentali kollha li wieħed jista' jbassar (jew li wieħed jistenna) fl-iżvilupp li għandu jsir.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jistieden lid-dipartimenti tal-Gvern relevanti u lill-kunsilli lokali relevanti fejn l-iżvilupp ikun ippjanat, sabiex jipprovdu informazzjoni, fi żmien wieħed u għoxrin ġurnata min-notifika, ta' dak li huma jixtiequ li jiġi nkluż fit-termini ta' referenza, u jagħtu il-ġustifikazzjoni għat-talba tagħhom.

(3) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jippubblika avviż f'gazzetta lokali, għas-spejjeż ta' l-applikant, fejn jistieden lill-pubbliku in ġenerali biex jinfurmah, fi żmien wieħed u għoxrin ġurnata mid-data li fiha jkun ippubblikat l-avviż, b'dawk il-materji li huma jkunu jridu li jiġu nklużi fit-termini ta' referenza. Id-Direttur għall-Ħarsien ta' l-Ambjent, jista' wkoll ilaqqa' seduta pubblika,

qabel ma jħejji t-termini ta' referenza f'dawk il-każijiet, fejn huwa kkunsidrat illi l-proġett propost huwa ta' sinifikat maġġuri minħabba l-iskala tiegħu, il-post fejn se jsir, il-fatturi ta' perikolu tiegħu jew raġunijiet oħra. L-ispejjeż ta' din is-seduta għandu jħallashom l-applikant.

(4) Wara li jkunu saru dawn il-konsultazzjonijiet, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jħejji t-termini ta' referenza finali. **Fit-tħejjija tat-termini ta' riferenza, id-Direttur għall-Ħarsien għall-Ambjent għandu jitlob informazzjoni mill-applikant fil-forma addatta li tkun rilevanti għall-evalwazzjoni ta' l-applikazzjoni sottomessa u għaċ-ċirkostanzi speċifiċi tal-proġett partikolari jew tip ta' proġett u għall-aspetti ambjentali li jistgħu jiġu affetwati.**

(5) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jikkomunika kopja tat-termini ta' referenza approvati lill-applikant, lill-perit tiegħu u lil dawk il-persuni l-oħra li huwa jidhirlu xierqa.

(6) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu wkoll jagħti aċċess lill-pubbliku għat-termini ta' referenza finali ta' dikjarazzjoni dwar l-impatt ambjentali.

Ikkummissjonar ta' dikjarazzjoni dwar l-impatt ambjentali.

11. (1) Dikjarazzjoni dwar l-impatt ambjentali għandha titħejja minn dawk il-konsulenti li jkunu reġistrati skond Taqsima VI ta' dawn ir-regolamenti.

(2) L-applikant għandu jagħżel il-konsulenti biex jippreparaw dikjarazzjoni dwar l-impatt ambjentali mir-Reġistru u għandu wkoll jikkomunika l-ismijiet tal-konsulenti hekk magħżula lid-Direttur ta' l-Ippjanar.

Funzjonijiet tal-ko-ordinatur tal-istudju dwar l-impatt ambjentali.

12. (1) Il-ko-ordinatur tal-istudju dwar l-impatt ambjentali maħtur mill-applikant għandu jiġi magħżul minn fost il-ko-ordinaturi ta' l-istudju dwar l-impatt ambjentali li huma msemmija fir-Reġistru ta' Konsulenti skond Taqsima VI ta' dawn ir-regolamenti.

(2) Il-ko-ordinatur għandu jkun responsabbli biex jgħarraf lill-konsulenti l-oħra, jikkoordina ma' l-applikant u mat-tim ta' l-applikant li jkun qed jieħu ħsieb id-disinn tal-proġett, mad-Direttur ta' l-Ippjanar, id-Direttur għall-Ħarsien ta' l-Ambjent dipartimenti oħra u aġenziji tal-Gvern, u mal-kunsill lokali li jkollu responsabbiltà għal-lokalità fejn jkun qed jiġi propost li jsir l-iżvilupp, u kunsilli lokali tal-madwar jekk in-natura jew l-impatti tal-proġett huma tali li jistgħu jolqtuhom.

(3) Il-ko-ordinatur għandu jipprepara dikjarazzjoni dwar l-impatt ambjentali ko-ordinata li tkun ibbażata fuq dak li jkunu sabu u l-interpretazzjonijiet b'riżultat ta' analiżi speċjalizzati li jkunu saru mill-konsulenti l-oħra, studji oħra u dokumenti miġbura mill-konsulenti u l-kummenti magħmula mill-persuni msemmija fis-subregolament (3) ta' regolament 21 ta' dawn ir-regolamenti.

Proċeduri li għandhom isiru fit-tħejjija ta' studju dwar l-impatt ambjentali shih.

13. Studju dwar l-impatt ambjentali shih għal żvilupp għandu jinvolvi dawn il-proċeduri:

(a) li jiddeskrivi l-iżvilupp inkluż il-faċilitajiet anċillari kollha;

(b) li jiddeskrivi l-kobor ta' l-ambjent eżistenti li x'aktarx ikun se jintlaqat mill-iżvilupp propost;

(ċ) li jidentifika u jistma l-effetti tal-iżvilupp propost fuq l-ambjent eżistenti;

(d) li jħejji miżuri mitigatorji;

(e) li jifformula ħtiġijiet ta' sorveljanza u ta' awditjar; u

(f) li jitħejja sunt li ma jkunx tekniku tad-dikjarazzjoni dwar l-impatt ambjentali.

Deskrizzjoni tal-Proġett ta' Żvilupp Propost.

14. (1) Il-konsulenti għandhom jiddiskrivu l-iżvilupp propost, u għandhom jagħtu wkoll:

(a) ġustifikazzjoni dwar il-proposta;

(b) deskrizzjoni tal-karatteristiċi fiżiċi tal-proġett u tal-karatteristiċi tal-proġett inkluż il-proċessi ta' produzzjoni (jekk relevanti) u l-ammonti ta' emissjonijiet, skart u residwi li huma mistennija li jiġu ġenerati kemm waqt il-fażi ta' kostruzzjoni u kemm waqt il-fażi operattiva;

(ċ) deskrizzjoni tal-possibilitajiet finanzjarji li jitwettaq il-proġett. Għandha wkoll tiġi kkunsidrata deskrizzjoni ta' siti alternattivi, u teknoloġiji alternattivi li jkunu jistgħu jintużaw waqt il-fażi ta' kostruzzjoni u waqt il-fażi operattiva. Meta dan kollu jkun qed isir, huma jistgħu jirriferu għall-istqarrija dwar id-deskrizzjoni ta' proġett imsemmija fir-regolament 5 ta' dawn ir-regolamenti.

(2) Mingħajr ħsara għall-artikolu 39 ta' l-Att, meta l-iżvilupp propost għandu ħajja limitata, l-użu li jkun se jsir mill-iżvilupp wara li dan il-perijodu jkun għadda għandu wkoll jiġi deskritt.

Deskrizzjoni tal-ambjent eżistenti.

15. Il-konsulenti għandhom jiddiskrivu l-kundizzjonijiet ta' l-ambjent eżistenti fi u madwar is-sit fit-termini li ġejjin:

(a) karatteristiċi fiżiċi:-

(i) popolazzjoni;

(ii) flora, fawna u ekosistemi (terrestri u tal-bahar), inklużi kemm il-ħabitat u l-ispeċi u, b'mod partikolari, speċi li huma protetti jew fil-perikolu u l-ħabitat tagħhom;

(iii) ħamrija, kwalità u prodott agrikolu;

(iv) ġeoloġija u ġeomorfoloġija, inkluża l-palaeontoloġija u għandu jsir notament ta' siti ġeoloġiċi;

(v) karatteristiċi ta' ilma u dawk idroloġiċi;

(vi) l-arja, inkluż karatteristiċi meteoroloġiċi prevalenti u l-kwalità tal-arja;

(vii) il-wirt kulturali u siti u arei desinjati;

(viii) il-*landscape* u t-topografija, inkluż il-kosta u karatteristiċi ta' taħt il-baħar;

(ix) użu ta' l-art, inkluż użi rikreattivi; u

(x) kull karatteristika oħra relevanti ta' natura ambjentali.

(b) il-qafas tal-politika:-

(i) il-qafas tal-politika ta' l-ippjanar li tolqot l-iżvilupp għandu wkoll jiġi analizzat. Din l-analizi għandha wkoll tinkludi l-politika ta' l-ippjanar relevanti li tinsab fl-Att, fi pjani ta' żvilupp u f' *policies* oħra ta' ppjanar approvati skond id-dispożizzjonijiet ta' l-Att, l-Att dwar il-Ħarsien ta' l-Ambjent, u skond kull liġi oħra;

(ii) b'mod partikolari, imma mingħajr ħsara għall-ġeneralità tas-subregolament (1) ta' dan ir-regolament, l-istudju dwar il-politika għandu jitratta dwar:

(1) is-sit ta' l-iżvilupp propost;

(2) l-arei ta' madwar l-iżvilupp li jistgħu jintlaqtu bl-impatti ta' l-iżvilupp propost;

(3) kull trattat li Malta aderiet għalih;

(4) il-politika adottata minn xi dipartiment u aġenzija tal-Gvern li jista' jkollha relevanza għall-iżvilupp;

(5) skedar protettiv jew desinjazzjonijiet oħra li għandhom x'jaqsmu mas-sit u mal-madwar tiegħu;

(6) kull liġi oħra relevanti għall-iżvilupp.

Stima ta' l-effetti fuq l-iżvilupp.

16. (1) L-effetti probabbli, kemm meta l-iżvilupp ikun komplut kemm waqt il-fażi ta' kostruzzjoni, għandhom jiġu mbassra.

(2) Kull impatt sinifikattiv ta' l-iżvilupp propost għandu jiġi ikkunsidrat u stmat inkluż l-effetti prinċipali fuq:

(a) bini u karatteristiċi oħra magħmulin mill-bniedem (inkluż dawk infrastrutturali);

(b) il-flora, il-fawna, l-ekoloġija u l-ġeoloġija inkluża l-ġeomorfoloġija u l-palaeontoloġija;

(ċ) l-art;

(d) l-ilma;

(e) l-arja u l-klima;

(f) effetti oħra indiretti u sekondarji assoċjati ma' l-iżvilupp;

(ġ) il-bnedmin (inklużi miżuri ta' saħħa u sigurtà).

(3) Għandha ssir ukoll stima tal-perikolu u tar-riskju ta' l-iżvilupp.

(4) Jekk xi wieħed mill-effetti stmati skond ir-regolamenti (1) u (3) ta' dan ir-regolament huma maħsuba li jkollhom impatt li jmur lil hinn mit-territorju ta' Malta, dawn għandhom jiġu stmati u għandhom jiġu mistqarra b'mod ċar fid-dikjarazzjoni dwar l-impatt ambjentali. Provvedimenti li għandhom x'jaqsmu ma' dawn l-impatti għandhom isegwu l-proċedura msemmija f'Taqsima V ta' dawn ir-regolamenti.

Miżuri mitigatorji.

17. Meta jiġu identifikati effetti negattivi, il-konsulenti għandhom jistqarru b'mod ċar is-sinifikat illi huma jattribwixxu għal dawn l-effetti u l-miżuri mitigatorji li huma jkunu qegħdin jipproponu li jiġu inkorporati fl-iżvilupp u għandhom jistmaw l-effikaċja tagħhom.

Rekwiżiti ta' superviżjoni.

18. (1) Il-konsulenti għandhom iħejju skema biex jissorveljaw l-impatti ta' l-iżvilupp li jistgħu jinqalgħu waqt il-fażijiet ta' kostruzzjoni u ta' operazzjoni.

(2) Il-konsulenti għandhom ukoll jidentifikaw liema *records* ta' l-applikant għandhom jinżammu għall-fini ta' sorveljanza ta' l-impatt ambjentali ta' l-iżvilupp.

(3) L-Awtorità għandha tingħata aċċess għal dawn ir-*records* kollha kemm waqt il-fażi ta' kostruzzjoni u kemm waqt il-fażi operattiva ta' l-iżvilupp.

Tibdil fit-termini ta' referenzi speċifiċi mhejjija mill-Awtorità għal kull studju dwar l-impatt ambjentali.

19. (1) Minkejja d-disposizzjonijiet tar-regolamenti 13 sa 18 ta' dawn ir-regolamenti, id-Direttur għall-Ħarsien ta' l-Ambjent jista' jibdel it-termini ta' referenzi speċifiċi mogħtija għal studju dwar l-impatt ambjentali f'dawn ir-regolamenti skond il-kunsiderazzjonijiet ta' ppjanar u ta' l-ambjent ta' kull żvilupp.

(2) Kull tibdil fit-termini ta' referenza għandu jiġi komunikat lid-dipartimenti kollha tal-Gvern u lill-kunsilli lokali kollha li jkunu ġew ikkonsultati skond id-disposizzjonijiet tas-subregolament (2) tar-regolament 10 ta' dawn ir-regolamenti.

(3) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jagħti aċċess lill-pubbliku għal kull termini ta' referenza hekk mibdula skond id-disposizzjonijiet tas-subregolament (6) ta' regolament 10 ta' dawn ir-regolamenti.

Kontenut ta' abbozz ta' dikjarazzjoni dwar l-impatt ambjentali.

20. (1) Il-konsulenti għandhom fl-ewwel lok jippreparaw:

(a) abbozz ta' dikjarazzjoni dwar l-impatt ambjentali li għandha:

(i) tkopri l-ħwejjeġ kollha msemmija fit-termini ta' referenza maħruġa mid-Direttur ta' l-Ippjanar u mid-Direttur tad-Dipartiment;

(ii) tkun ippreżentata f'forma li tinftiehem;

(iii) tkun miktuba bl-ilsien Ingliż; u

(b) sunt li ma jkunx tekniku li għandu jkun ippreżentat bħala dokument separat kemm bl-ilsien Malti u bl-ilsien Ingliż.

(2) L-analizi ta' l-impatti fuq l-ambjent għandha tiġi ppreżentata b'mod sommarju, bl-użu ta' *charts*, tabelli kif ukoll stampi u f'manjiera deskrittiva.

(3) It-tekniċi u metodi varji wżati fl-analiżi u fit-tbassir għandhom jiġu inklużi fid-dikjarazzjoni dwar l-impatt ambjentali. L-assunzjonijiet kollha u r-raġunar wara dawk l-assunzjonijiet għandhom jiġu nklużi wkoll.

(4) Ir-rapport oriġinali dwar s-*surveys* ambjentali għandhom ukoll jiġu mehmuza mad-dikjarazzjoni dwar l-impatt ambjentali.

(5) Indikazzjoni ta' xi diffikultajiet, inklużi diffikultajiet tekniċi u oħrajn li l-konsulenti jkunu ltaqgħu magħhom fil-ġbir tal-informazzjoni meħtieġa, għandha wkoll tiġi nkluża.

(6) Kull referenza għal xogħolijiet ippubblikati u għal sorsi ta' informazzjoni, għandha tiġi debitament ċitata.

(7) Ir-rapporti varji li jikkostitwixxu d-dikjarazzjoni dwar l-impatt ambjentali għandhom jinkitbu f'ko-ordinazzjoni waħdanija u għandhom jiġu ppreżentati b'mod koerenti.

(8) Il-konsulenti għandhom jiżguraw l-integrità professjonali, inkluża l-integrità xjentifika, tad-diskussjonijiet u ta' l-analiżi fid-dikjarazzjoni dwar l-impatt ambjentali.

(9) Meta l-konsulenti jkunu qegħdin jistmaw it-tbassir raġonevoli ta' l-effetti negattivi fuq l-ambjent u ma jkunx hemm informazzjoni kompluta jew l-informazzjoni ma tkunx disponibbli, il-konsulenti għandhom dejjem jagħmluha ċara li dik l-informazzjoni hija nieqsa jew mhux kompluta.

(10) Jekk l-informazzjoni mhux kompluta msemmija fis-subregolament (9) ta' dan ir-regolament hija essenzjali għal għażla

raġunata bejn l-alternattivi u l-ispejjeż totali biex din tinġabar m'hijiex eċċessiva, il-konsulenti għandhom jinkludu l-informazzjoni fid-dikjarazzjoni dwar l-impatt ambjentali.

(11) Jekk l-informazzjoni relevanti biex jiġu raġonevolment imbassra l-impatti sinifikattivi negattivi ma tkunx tista' tinkiseb minħabba li l-ispejjeż totali biex tinġabar ikunu eċċessivi jew għax il-mezzi biex tinġabar mhumiex magħrufa, il-konsulenti għandhom jinkludu fid-dikjarazzjoni dwar l-impatt ambjentali:

(a) stqarrija li dik l-informazzjoni mhix kompluta jew li mhix disponibbli;

(b) stqarrija tar-relevanza ta' l-informazzjoni mhux kompluta jew li mhix disponibbli biex jiġu stmati u raġonevolment imbassra l-impatti sinifikattivi negattivi fuq l-ambjent;

(ċ) sunt tal-provi xjentifiċi kredibbli eżistenti li huma relevanti biex jiġu stmati u raġonevolment imbassra l-impatti sinifikattivi negattivi fuq l-ambjent; u

(d) l-istima tal-konsulenti ta' dawk l-impatti bbażata fuq kunsiderazzjonijiet teoretiċi jew metodi ta' riċerka li huma ġeneralment aċċettati mill-komunità xjentifika.

(12) Għall-fini ta' dan ir-regolament, "raġonevolment imbassar" tinkludi impatti li għandhom konsegwenzi kbar jew katastrofiċi, anke' jekk il-probabilità li dan jiġri tkun baxxa, sakemm:

(a) l-analiżi ta' l-impatti tkun imsejsa fuq provi xjentifiċi kredibbli;

(b) ma tkunx imsejsa fuq konġettura pura; u

(ċ) tkun fil-limiti tar-raġuni.

(13) Kull meta d-Direttur ta' l-Ippjanar u d-Direttur għall-Ħarsien ta' l-Ambjent iqisu l-informazzjoni li jkun hemm bħala mhux biżżejjed sabiex l-applikazzjoni tkun tista' tiġi deċiża b'mod aċċettabbli u kull meta l-fattur tar-riskju jew tal-periklu jew it-tnejn flimkien ikunu meqjusa li huma għoljin ħafna, huma għandhom, minkejja s-subregolamenti (1) sa (4) ta' dan ir-regolament, jadottaw il-prinċipju tal-prekawzjoni.

Stadju tal-konsultazzjoni.

21. (1) Wara li jkun tħejja abbozz ta' dikjarazzjoni dwar l-impatt ambjentali u qabel ma titlesta d-dikjarazzjoni dwar l-impatt ambjentali finali, għandu jkun hemm stadju ta' konsultazzjoni.

(2) Il-konsulenti għandhom jippreżentaw kopji ta' l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali lid-Direttur tad-Dipartiment u kopja jew parti minnha lil dak id-dipartiment l-ieħor jew aġenzija l-oħra tal-Gvern skond ma d-Direttur għall-Ħarsien ta' l-Ambjent jista' jitlob. Il-konsulenti għandhom jinfurmaw lid-Direttur għall-Ħarsien ta' l-Ambjent bl-isem ta' kull enti li huma jkunu ħekk innotifikaw, bid-data tan-notifika u, fejn huma ma jkunux innotifikaw kopja sħiħa ta' l-abbozz tad-dikjarazzjoni dwar l-impatt ambjentali, liema parti minnu huma jkunu nnotifikaw.

(3) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu wkoll jitlob il-kummenti tad-Direttur tal-Ippjanar u ta' kull dipartiment ieħor u ta' kull aġenzija oħra tal-Gvern li huwa jidhirlu opportun għal dan il-għan fuq id-dokument sħiħ tad-dikjarazzjoni dwar l-impatt ambjentali, jew fuq parti minnu.

(4) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jistabilixxi perijodu ta' żmien li fih il-kummenti msemmija fis-sub-regolament (3) ta' dan ir-regolament għandhom jaslu għandu. Dan il-perijodu ta' żmien m'għandux ikun anqas minn tletin jum mid-data ta' meta id-dipartiment rispettiv tal-Gvern, jew l-aġenzija rispettiva tal-Gvern, ikunu rċevew l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali. Jekk id-Direttur għall-Ħarsien ta' l-Ambjent ma jirċievi l-ebda kummenti fil-perijodu ta' żmien imsemmi, huwa għandu jassumi li l-persuni li ġew ikkonsultati m'għandhomx kummenti x'jagħmlu.

(5) Il-kummenti dwar l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali għandhom ikunu kemm jista' jkun speċifiċi u jistgħu jindirizzaw l-adegwatezza ta' l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali, il-merti ta' l-alternattivi diskussi, jew xi kombinazzjoni ta' dawn.

Eżami ta' l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali.

22. (1) L-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali għandu jiġi eżaminat mid-Direttur għall-Ħarsien ta' l-Ambjent u għandu jiġi stmat fil-kuntest tat-termini ta' referenza, il-kwalità tal-informazzjoni wżata u l-oġġettività ta' analiżi għat-tbassir ta' l-impatti. Kummenti jistgħu jsiru wkoll dwar l-adegwatezza tal-miżuri mitigatorji li jkunu ġew proposti u dwar kull ħaġa oħra li d-Direttur għall-Ħarsien ta' l-Ambjent jidhirlu li tkun relevanti.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jispeċifika fil-kummenti tiegħu jekk għandux bżonn informazzjoni

ulterjuri, x'informazzjoni huwa jkun jeħtieġ u, fejn ikun relevanti, il-livell ta' dettal rikjest. Id-Direttur għall-Ħarsien ta' l-Ambjent jista' jitlob lill-applikant li jipproduċi dik il-prova li huwa jista' raġonevolment jitlob biex jivverifika kull informazzjoni li tissemma fid-dikjarazzjoni dwar l-impatt ambjentali.

(3) Wara li l-istadju ta' konsultazzjoni u ta' eżami jintemmu, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jibgħat lill-konsulenti rapport li jkun jinkorpora fih dawk il-kummenti flimkien ma' kummenti oħra għall-kunsiderazzjoni tagħhom sabiex issir reviżjoni ta' l-abbozz tad-dikjarazzjoni dwar l-impatt ambjentali.

Reviżjoni tal-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali.

23. (1) Il-konsulenti għandhom jirrispondu għall-kummenti magħmula waqt l-istadju tal-konsultazzjoni permezz ta'xi wieħed jew uħud minn dawn il-mezzi li ġejjin billi:-

(a) jiżviluppaw u jistmaw alternattivi li ma jkunux ġew qabel ikkunsidrati b'mod serju minnhom;

(b) iżidu, itejbu jew jirrevedu l-istima tagħhom;

(ċ) jibdlu l-alternattivi, inkluża l-azzjoni proposta;

(d) jagħmlu korrezzjonijiet fattwali; jew

(e) jispjegaw għalfejn il-kummenti ma jkunux jeħtieġu risposta ulterjuri minn għandhom billi jiċċitaw is-sorsi, l-awtoritajiet, jew ir-raġunijiet li jkunu jsostnu l-pożizzjoni li jkunu ħadu l-konsulenti.

(2) Kull kumment ta' sustanza li jkunu rċevew dwar l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali (jew sunti tagħhom fejn ir-rispons ikun eċċezzjonalment wieħed voluminuż) għandhom jiġu magħquda ma' l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali sew jekk il-kumment ikun wieħed li jkun jidhrilhom li jixraqlu diskussjoni individwali fit-test tad-dikjarazzjoni ta' l-impatt ambjentali sew jekk le.

Ċertifikar tad-dikjarazzjoni dwar l-impatt ambjentali.

24. (1) Meta d-Direttur għall-Ħarsien ta' l-Ambjent jirċievi l-kummenti jew ir-reviżjonijiet tal-konsulenti skond ir-regolament 23 ta' dawn ir-regolamenti, huwa għandu jeżamina l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali kif emendat.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jikkonsidra jekk id-dikjarazzjoni tkunx ġiet miġbura sodisfaċentement, ippreparata b'mod professjonali, tkunx bla ebda preġudizzju u tkunx

tikkonforma b'mod xieraq mat-termini ta' referenza. Jekk huwa jkun sodisfatt bid-dikjarazzjoni huwa għandu jiċċertifikaha b'mod xieraq skond il-każ u għandu jinforma lill-konsulenti u lill-persuni kollha li jkunu ġew konsultati.

(3) Jekk id-Direttur għall-Ħarsien ta' l-Ambjent ma joħroġx ċertifikat kif jingħad fis-subregolament (2) ta' dan ir-regolament, id-dikjarazzjoni ma tkunx ċertifikata sakemm il-konsulenti ma jkunux ikkonformaw mad-direttivi mogħtija lilhom mid-Direttur għall-Ħarsien ta' l-Ambjent.

(4) Wara li d-dikjarazzjoni dwar l-impatt ambjentali tiġi ċertifikata mid-Direttur għall-Ħarsien ta' l-Ambjent skond is-subregolament (2) ta' dan ir-regolament, l-applikant għandu jikkonforma ruħu mas-sub-regolamenti (5), (6), (7) u (8) ta' dan ir-regolament.

(5) L-Awtorità għandha tippubblika, għas-spejjeż ta' l-applikant f'gazzetta lokali ta' kuljum bil-lingwa Ingliża u f'gazzetta lokali ta' kuljum bil-lingwa Maltija avviż (kif speċifikat fit-Tieni Skeda) li jkun fih:

(a) isem l-applikant għal permess għal żvilupp;

(b) id-data li fiha tkun ġiet validata l-applikazzjoni;

(ċ) l-indirizz jew il-post u n-natura ta' l-iżvilupp propost;

(d) li l-membri tal-pubbliku jkunu jistgħu jaraw waqt ħinijiet raġonevoli kopja ta' l-applikazzjoni u tal-pjanti u dokumenti oħra ippreżentati magħha flimkien ma' kopja ta' l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali;

(e) l-indirizz fejn wieħed ikun jista' jara dawn id-dokumenti u l-aħħar ġurnata li jkunu disponibbli għal spezzjoni mill-pubbliku (liema data m'għandhiex tkun anqas minn erbatax-il ġurnata mid-data li fiha l-avviż ikun ġie pubblikat);

(f) indirizz (sew jekk ikun l-istess bħal dak mogħti fis-sub paragrafu (e) sew jekk ma jkunx) minn fejn wieħed jkun jista' jikseb kopji tad-dikjarazzjoni ambjentali;

(ġ) jekk ikun se jitħallas prezz għal dik il-kopja, kemm ikun dak il-prezz; u

(ħ) illi jekk persuna tkun trid tressaq sottomissjonijiet dwar l-applikazzjoni, hija għandha tagħmilhom bil-miktub qabel id-data

imsemmija skond is-sub-paragrafu (e) lill-Awtorità ta' Malta dwar l-Ambjent u l-Ippjanar.

(6) L-applikant għandu jwaħħal fuq l-art avviż (kif speċifikat fit-Tieni Skeda li tinsab ma' dawn ir-regolamenti) li jkun fih l-informazzjoni msemmija fis-subregolament (5) ta' dan ir-regolament, ħlief li d-data msemmija bħala l-aħħar data li fiha d-dokumenti għandhom ikunu disponibbli għal spezzjoni m'għandhiex tkun anqas minn wieħed u għoxrin-il ġurnata aktar tard mid-data li fih l-avviż ikun twaħħal l-ewwel darba.

(7) L-avviż imsemmi fis-sub-regolament (6) ta' dan ir-regolament għandu:

(a) jitħalla mwaħħal fil-post għat-tul kollu tal-perjodu ta' konsultazzjoni msemmi fis-subregolament (6) ta' dan ir-regolament u f'kull każ, għal mhux anqas minn sebat ijiem konsekuttivi; u

(b) jitwaħħal b'mod sod ma' xi oġġett fuq l-art u jitpoġġa w jintwera b'tali mod li jkun faċli biex jarawh u biex jinqara mill-membri tal-pubbliku mingħajr il-bżonn li jidħlu fuq dik l-art.

(8) Wara li jiskadi l-perjodu speċifikat fis-subregolament (7) ta' dan ir-regolament, l-applikant għandu jissottometti lill-Awtorità ċertifikat minn jew f'isem l-applikant li jkun jgħid li huwa waħħal l-avviż fuq l-art skond dan ir-regolament u d-data meta jkun għamel dan, u li l-avviż tħalla f'dik il-pożizzjoni għal mhux anqas minn sebat ijiem, jew li, mingħajr tort tiegħu, tneħħa, ġie mgħotti jew tħassar b'mod li ma jinqarax qabel ma jkunu għaddew is-sebat ijiem u illi huwa ħa passi raġonevoli għall-protezzjoni tiegħu jew għas-sostituzzjoni tiegħu u għandu wkoll jispeċifika dawk il-passi li jkun ħa.

(9) Jekk persuna toħroġ ċertifikat li jagħti x'jifhem li jkun jikkonforma mar-rekwiżiti tal-paragrafu (b) tas-subregolament (8) ta' dan ir-regolament u li jkollu fih stqarrija li huwa jkun jaf li tkun falza jew li tqarraq f'xi aspett importanti, jew li bi traskuraġni joħroġ ċertifikat li jagħti x'jifhem li jkun jikkonforma ma' dawk il-ħtiġijiet u li jkollu fih stqarrija li tkun falza jew li tqarraq f'xi aspett partikolari, hija tkun ħatja ta' reat u għandhom japplikaw għaliha d-disposizzjonijiet tas-subartikolu (1) ta' l-artikolu 56 ta' l-Att.

(10) Għandha tiġi ffissata data għas-seduta pubblika msemmija f'regolament 25 biss wara li l-applikant ikun ippreżenta d-dokumentazzjoni meħtieġa skond is-subregolament (8) ta' dan ir-regolament.

Seduta pubblika.

25. (1) Wara li jkun ġie ċertifikat l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jirranġa li ssir seduta pubblika fejn il-membri tal-pubbliku jistgħu jikkumentaw dwar id-dikjarazzjoni dwar l-impatt ambjentali u jesprimu l-veduti tagħhom dwar l-impatt ta' l-iżvilupp propost.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jinforma lill-pubbliku kif ingħad hawn aktar qabel u għandu jinforma wkoll lill-pubbliku bil-ġurnata, il-ħin u l-post fejn tkun se ssir is-seduta pubblika billi jippubblika avviż fil-Gazzetta u fil-gazzetti ta' kuljum. L-ispejjeż kollha raġonevoli li d-Direttur għall-Ħarsien ta' l-Ambjent jagħmel biex jorganizza s-seduta pubblika u biex jippubblika l-imsemmija avviżi għandhom jitħallsu mill-applikant.

(3) Mill-anqas avviż ta' ħmistax-il ġurnata iżda mhux aktar minn tletin ġurnata għandhom jingħataw mid-Direttur għall-Ħarsien ta' l-Ambjent dwar is-seduta pubblika.

(4) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jinforma lid-Direttur tal-Ippjanar, lill-konsulenti u lill-persuni msemmija fis-sub regolamenti (2) u (3) tar-regolament 21 ta' dawn ir-regolamenti bid-data, ħin u post tas-seduta pubblika u għandu jagħtihom mill-inqas avviż ta' mhux anqas minn ħmistax-il ġurnata qabel dik is-seduta.

(5) Kopja ta' l-abbozz ta' dikjarazzjoni dwar l-impatt ambjentali għandha tkun disponibbli għal spezzjoni mill-pubbliku fl-Awtorità u dawn jkunu jistgħu jiġi spezzjonati tul il-perijodu stipulat fis-sub-regolament (3) ta' dan ir-regolament f'dawk il-ġranet u f'dawk il-ħinijiet kif id-Direttur għall-Ħarsien ta' l-Ambjent jidhirlu xieraq. Kopja sommarja u mhux teknika għandha wkoll titpoġġa fuq il-*web site* uffiċjali ta' l-Awtorità.

(6) Kopja ta' l-abbozz tad-dikjarazzjoni dwar l-impatt ambjentali għandha tiġi ppreżentata lill-kunsill lokali li jkun responsabbli mill-lokalità fejn l-iżvilupp ikun se jsir u lill-kunsilli lokali tal-madwar, jekk ikunu se jiġu milquta, biex ikunu jistgħu jagħmluha disponibbli għal spezzjoni mill-pubbliku matul il-perijodu msemmi fis-subregolament (3) ta' dan ir-regolament.

(7) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jmexxi u jirregola l-proċeduri tas-seduta pubblika skond dik il-proċedura li jidhirlu adatta. Huwa għandu, fil-limiti tar-raġonevolezza, jagħti lil kull persuna preżenti fis-seduta, li tkun tixtieq li tippreżenta s-sottomissjonijiet tagħha, l-opportunità li tagħti l-fehma tagħha dwar l-implikazzjonijiet ambjentali ta' l-iżvilupp propost.

(8) Il-ħsieb tal-pubbliku kif espress waqt is-seduta pubblika u f'xi kummenti bil-miktub magħmula mill-pubbliku qabel, waqt u sa sebat ijiem wara s-seduta pubblika għandhom jiġu reġistrati mid-Direttur għall-Ħarsien ta' l-Ambjent. Il-kummenti kollha li jkun irċieva jew irreġistra għandhom jinġabru f'rapport mid-Direttur għall-Ħarsien ta' l-Ambjent. Dan ir-rapport għandu jintbagħat lid-Direttur ta' l-Ippjanar, lill-applikant u lill-konsulenti tiegħu mhux aktar tard minn ġimgħatejn wara d-data tas-seduta pubblika. Sunt tal-kummenti kollha għandu jiġi ippreżentat f'appendiċi fid-dikjarazzjoni dwar l-impatt ambjentali finali.

Sottomissjoni tad-dikjarazzjoni dwar l-impatt ambjentali finali lill-Awtorità.

26. (1) Qabel ma tiġi ppreżentata d-dikjarazzjoni dwar l-impatt ambjentali finali lill-Awtorità, il-konsulenti għandhom jirrevedu ulterjorment id-dikjarazzjoni dwar l-impatt ambjentali u l-iżvilupp propost fil-kuntest tal-kummenti bil-miktub li jkunu saru mill-pubbliku u tal-kummenti li jkunu saru fis-seduta pubblika.

(2) Id-dikjarazzjoni dwar l-impatt ambjentali finali, inkluż kull rapporti ta' *surveys* ambjentali, kif riveduti jekk ikun meħtieġ, għandha tingħata mill-ko-ordinatur lill-Awtorità flimkien maċ-ċertifikat imsemmi fis-subregolament (2) ta' r-regolament 24 ta' dawn ir-regolamenti.

(3) Il-konsultenti jistgħu jqegħdu f'appendiċi d-diskussjoni dwar il-metodoloġija.

(4) L-applikant għandu jiżgura illi l-applikazzjoni tiegħu tikkonforma mar-rakkomandazzjonijiet magħmula fid-dikjarazzjoni dwar l-impatt ambjentali. L-applikazzjoni ma għandhiex tiġi proċessata qabel ma d-Direttur ta' l-Ippjanar ikun sodisfatt illi l-applikazzjoni dwar żvilupp tkun tikkonforma ma' dawn ir-rakkomandazzjonijiet u għandhom japplikaw id-disposizzjonijiet tas-subartikolu (2) ta' l-artikolu 36 ta' l-Att. Jekk ma jsirx dan, id-Direttur ta' l-Ippjanar għandu jitlob lill-applikant biex jikkonforma ma' l-imsemmija rakkomandazzjonijiet.

(5) Il-ko-ordinatur għandu jippreżenta dak l-għadd ta' kopji tad-dikjarazzjoni dwar l-impatt ambjentali lid-Direttur għall-Ħarsien ta' l-Ambjent skond ma dan ta' l-aħħar jista' raġonevolment jistabbilixxi.

(6) L-Awtorità għandu jkollha s-setgħa li tagħmel kopji tal-kontenut tad-dikjarazzjoni dwar l-impatt ambjentali ladarba din tiġi ippreżentata.

Bejgħ tad-dikjarazzjoni dwar l-impatt ambjentali finali.

27. (1) Applikant għal permess għal żvilupp li jippreżenta dikjarazzjonijiet ambjentali in konnessjoni ma' l-applikazzjoni tiegħu għandu jiżgura li jkun disponibbli għadd raġonevoli ta' kopji tad-dikjarazzjoni fl-indirizz imsemmi fl-avviżi pubblikati jew imwaħħla

skond il-paragrafu (f) tas-sub-regolament (5) ta' regolament 24 ta' dawn ir-regolamenti, bħala l-indirizz minn fejn dawn il-kopji jkunu jistgħu jinkisbu.

(2) Kopji tad-dikjarazzjoni dwar l-impatt ambjentali finali għandhom ikunu disponibbli għall-bejgħ mingħand id-Direttur għall-Ħarsien ta' l-Ambjent lil dawk il-persuni li jkunu nteressati jixtruhom. Kopja sommarja u mhux teknika għandha wkoll titqieghed fuq il-*web site* uffiċjali ta' l-Awtorità.

(3) Il-prezz tad- dikjarazzjoni msemmija m'għandux jeċċedi l-prezz tal-pubblikazzjoni u tad-distribuzzjoni tagħhom. Dawn id-drittijiet għandhom jingħabru mingħand kull membru tal-pubbliku għal kull kopja ta' dikjarazzjoni dwar l-impatt ambjentali magħmula disponibbli skond is-subregolament (1) ta' dan ir-regolament.

Lista ta' konsulenti.

28. (1) Id-dikjarazzjoni dwar l-impatt ambjentali għandha tagħti lista tan-numru ta' reġistrazzjoni u ta' l-ismijiet tal-konsulenti u kontributuri responsabbli għat-tħejjija tad-dikjarazzjoni dwar l-impatt ambjentali, rapport dwar *surveys* ambjentali, appendiċijiet, sunt mhux tekniku u kull dokumentazzjoni oħra tad-dikjarazzjoni.

(2) Il-konsulenti li jkunu responsabbli għal analiżi partikolari, inkluż analiżi f'rapporti ta' *surveys* ambjentali, għandhom jiġu identifikati.

(3) Il-konsulenti u l-kontributuri mpjegati biex iħejju l-istudju dwar l-impatt ambjentali għandhom jiffirmaw dikjarazzjoni li tkun tipprovdi illi l-istudju partikolari (jew parti minnu) tkun saret biss minnhom u li huma jassumu r-responsabiltà ta' kull dikjarazzjoni li tkun jew konklużjoni li tkun tinsab fih. Din id-dikjarazzjoni ffirmata għandha tiġi nkluża f'kull rapport ta' *survey* ambjentali li jiġi nkluż mad-dikjarazzjoni dwar l-impatt ambjentali.

Konflitt ta' interess.

29. (1) Fl-interess li kollox isir b'mod xieraq, b'mod oġġettiv u sabiex jiġi evitat kull preġudizzju, il-konsulenti kollha għandhom jintalbu li jiffirmaw, u josservaw, dikjarazzjoni illi huma m'għandhom l-ebda interess finanzjarju jew personali fl-iżvilupp propost.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent m'għandhux japprova konsulenti, gruppi ta' konsulenti jew kumpanniji ta' konsulenti li b'xi mod ikunu assoċjati ma' xi kumpannija, assoċjazzjoni jew grupp li jkollu interess dirett jew indirett ta' natura personali, professjonali jew finanzjarja fl-iżvilupp propost.

(3) Id-Direttur għall-Ħarsien ta' l-Ambjent m'għandhux japprova xi dikjarazzjoni dwar l-impatt ambjentali jew xi dikjarazzjoni dwar l-ippjanar ambjentali li tkun magħmula minn konsulent jew grupp ta' konsulenti, fejn wieħed jew aktar minnhom ma jkunx jikkonforma mad-disposizzjonijiet tas-subregolamenti (1) jew (2) ta' dan ir-regolament.

Inkorporazzjoni permezz ta' referenza.

30. (1) Il-konsulenti għandhom jinkorporaw materjal f' dikjarazzjoni dwar l-impatt ambjentali billi ssir riferenza għalih meta l-effett ikun dak biex jitnaqqas l-ammont ta' karti mingħajr ma jimpedixxi l-eżami mill-pubbliku waqt il-proċess ta' parteċipazzjoni pubblika jew, mill-Awtorità, minn kull dipartiment jew aġenzija tal-Gvern, mill-kunsill li jkun responsabbli għal-lokalità li fih l-iżvilupp ikun se jsir, jew minn kunsilli tal-madwar.

(2) Il-materjal li jiġi nkorporat għandu jiġi kkwotat fid-dikjarazzjoni u l-kontenut tiegħu għandu jiġi deskritt fil-qosor.

(3) L-ebda materjal m'għandu jiġi inkorporat b'riferenza sakemm ma jkunx raġonevolment miftuħ għal spezzjoni minn persuni li jkunu potenzjalment interessati f'dak iż-żmien li jkun permess għall-kummenti kif preskritt fis-subregolament (4) ta' regolament 21 ta' dawn ir-regolamenti.

(4) Materjal li jkun ibbażat fuq informazzjoni li tkun tappartjeni lil xi ħadd u li ma tkunx miftuħa għal eżami u kumment, m'għandux jiġi nkorporat b'referenza.

Identifikazzjoni ta' permessi oħra li l-applikant jista' jkollu bżonn jekk jingħata l-permess ta' żvilupp.

31. (1) Id-dikjarazzjoni dwar l-impatt ambjentali għandha ssemmi l-permessi, liċenzi u forom oħra ta' awtorizzazzjoni li l-applikant ikollu jġib skond xi liġi oħra minn xi dipartiment jew aġenzija tal-Gvern sabiex ikun jista' jwettaq l-iżvilupp jekk jinħareġ permess għal żvilupp.

(2) Jekk il-konsulenti ma jkunux ċerti dwar jekk awtorizzazzjoni kif imsemmija fis-subregolament (1) ta' dan ir-regolament tkunx neċessarja, huma għandhom jindikaw dan fid-dikjarazzjoni dwar l-impatt ambjentali.

Kamra ta' referenza għall-pubbliku.

32. (1) L-Awtorità għandha żżomm kopja ta' kull abbozz ta' dikjarazzjoni dwar l-impatt ambjentali, id-dikjarazzjoni dwar l-impatt ambjentali finali u kull dokument konness magħha f'kamra ta' referenza għall-pubbliku.

(2) Kopja ta' kull dikjarazzjoni dwar l-ippjanar ambjentali mogħtija lill-Awtorità skond id-disposizzjonijiet ta' Taqsima VI ta' dawn

ir-regolamenti għandha wkoll tinżamm fil-kamra ta' referenza għall-pubbliku.

(3) Aċċess għad-dokumenti msemmija fis-subregolamenti (1) u (2) ta' dan ir-regolament għandu jingħata lil kull persuna waqt dawk il-ħinijiet raġonevoli skond ma l-Awtorità tista' tiddeċiedi.

TAQSIMA IV

STUDJU DWAR L-IMPATT AMBJENTALI LIMITAT

(li jeħtieġ dikjarazzjoni dwar l-ippjanar ambjentali)

Thejjija tat-termini ta' referenza ta' dikjarazzjoni dwar l-ippjanar ambjentali.

33. (1) Qabel ma jitħejjew it-termini ta' referenza għal dikjarazzjoni dwar l-ippjanar ambjentali, għandu jsir stima tal-impatti ambjentali kollha li jistgħu jiġu mbassra (jew li mistennija jkun hemm) minħabba l-iżvilupp. Din għandha ssir mid-Direttur għall-Ħarsien ta' l-Ambjent fuq il-bazi ta', imma mhux limitata għal, informazzjoni li jkun fiha l-istqarrija dwar id-deskrizzjoni ta' proġett.

(2) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jistieden lid-dipartimenti tal-Gvern relevanti u lill-kunsilli lokali fejn ikun se jsir l-iżvilupp, biex jipprovdu informazzjoni, fi żmien wieħed u għoxrin-il ġurnata minn notifika, dwar dak li huma jkunu jixtiequ li jifforma parti mit-termini ta' referenza, u r-raġunijiet għal din it-talba.

(3) Wara li jsiru dawn il-konsultazzjonijiet, id-Direttur għall-Ħarsien ta' l-Ambjent għandu jħejji abbozz finali tat-termini ta' referenza.

(4) Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jibgħat kopja tat-termini ta' referenza approvati lill-applikant, lill-perit tiegħu u lil kull persuna oħra li jidhirlu xieraq.

(5) Id-disposizzjonijiet tar-regolamenti 11 sa 32 għajr għas-subregolament (3) ta' regolament 19, is-subregolament (10) tar-regolament 24 u tar-regolament 25 ta' dawn ir-regolamenti għandhom *mutatis mutandis* japplikaw għal dikjarazzjoni dwar l-ippjanar ambjentali, iżda dikjarazzjoni dwar l-ippjanar ambjentali għandha tkun aktar limitata fin-natura tagħha minn dikjarazzjoni dwar l-impatti ambjentali.

TAQSIMA V

EFFETTI LI JMORRU LIL HINN MIT-TERRITORJU TA' MALTA

Proċedura li għandha tintuża meta proġett x'aktarx li jkollu impatti li jmorru lil hinn mit-territorju ta' Malta.

34. (1) Meta l-Ministru jkun konxju illi proġett jista' jkollu effetti sinifikattivi fuq l-ambjent fi Stat ieħor, jew fejn l-Istat li x'aktarx ikun se jiġi milqut b'mod sinifikattiv hekk jitlob, il-Ministru għandu jibgħat kemm jista' jkun malajr lill-Istat li jkun se jintlaqat u mhux aktar tard minn meta jiġi nfurmat il-pubbliku skond is-subregolament (5) ta' regolament 7 ta' dawn ir-regolamenti, dan li ġej:

(a) deskrizzjoni tal-proġett, flimkien ma' informazzjoni li jkollu dwar l-impatti possibli li jmorru lil hinn mit-territorju ta' Malta;

(b) informazzjoni relevanti dwar il-proċedura tal-istudju dwar l-impatt ambjentali;

(ċ) informazzjoni dwar in-natura tad-deċiżjonijiet li jistgħu jittieħdu;

u għandu jagħti lill-Istat milqut żmien raġonevoli biex fih jindika jekk ikunx irid jipparteċipa fil-proċedura dwar l-istudju dwar l-impatt ambjentali.

(2) Jekk l-Istat milqut li jirċievi dik l-informazzjoni juri lill-Ministru li huwa jixtieq jipparteċipa fil-proċedura dwar l-istudju dwar l-impatt ambjentali, il-Ministru għandu, jekk ma jkunx diġà għamel dan, jibgħat lill-Istat milqut l-informazzjoni miġbura fir-rigward ta' l-iżvilupp propost.

(3) L-Istat milqut għandu jidħol f'konsultazzjonijiet mal-Ministru, fost affarijiet oħra, dwar l-effetti potenzjali tal-proġett lil hinn mit-territorju ta' Malta u l-miżuri maħsuba biex jirriduċu jew jeliminaw dawk l-effetti u għandhom jiftiehmu dwar perjodu ta' żmien raġonevoli li fih għandu jtul il-perijodu ta' konsultazzjoni.

(4) L-Istat milqut, kull wieħed sal-limitu li jkun konċernat, jista' jirranġa li l-informazzjoni tkun għad-disposizzjoni, fi żmien raġonevoli, għall-awtoritajiet relevanti u għall-pubbliku fit-territorju ta' l-Istat milqut li x'aktarx jkun milqut b'mod sinifikattiv; u, l-Istat milqut għandu jibgħat fiz-żmien il-perijodu stabbilit skond id-disposizzjonijiet tas-subregolament (3) ta' dan ir-regolament l-opinjoni tiegħu lill-Ministru, li sussegwentement jgħaddiha lill-Awtorità.

(5) Meta tintbagħat informazzjoni lill-Istat milqut li jkollha x'taqsam ma' impatti li jmorru lil hinn mit-territorju ta' Malta, u l-għoti ta' dik l-informazzjoni mill-Istat milqut, għandha tkun soġġetta għal-limitazzjonijiet li jeżistu f'xi liġi fis-seħħ f'Malta.

(6) Il-Ministru għandu jipprovdi lill-Istat milqut bid-deċiżjoni finali dwar il-proġett propost flimkien mar-raġunijiet u l-konsiderazzjonijiet li fuqhom tkun ġiet ibbażata dik id-deċiżjoni, inkluża informazzjoni dwar il-proċess ta' parteċipazzjoni pubblika li fuqha tkun ġiet ibbażata id-deċiżjoni kif ukoll kundizzjonijiet ta' l-istess deċiżjoni. Għandu jkun hemm ukoll deskrizzjoni, fejn meħtieġ, tal-miżuri prinċipali sabiex l-aktar effetti ħżiena jkunu evitati, mnaqqsa u jekk possibli mneħħija.

(7) Meta, wara li jsir sorveljar ta' żvilupp li jkollu impatti lil hinn mit-territorju ta' Malta, jinstabu impatti sinifikattivi negattivi jew jinstabu fatturi li jistgħu jirrizultaw f'dawk l-impatti, il-Ministru għandu jinforma lill-Istat milqut u għandu jidħol f'konsultazzjonijiet dwar il-miżuri neċessarji li jistgħu jittieħdu biex jirriduċu jew jeliminaw dak l-impatt.

(8) Fl-eżerċizzju tad-dmirijiet tagħha skond dan ir-regolament, l-Awtorità, għandha tagħti lill-Ministru dik id-dokumentazzjoni u dik l-informazzjoni kollha li huwa jista' jitlob.

(9) Meta il-Ministru jiġi mgħarraf illi proġett propost fi Stat ieħor jista' jkollu effett sinifikanti fuq l-ambjent tal-Gżejjer Maltin, huwa għandu jinforma lill-Istat li fih ser ikun isir il-proġett, bit-talba ta' Malta biex tipparteċipa fil-proċedura ta' l-istudju dwar l-impatt ambjentali f'dak l-Istat, u jitlob ukoll:

a) deskrizzjoni tal-proġett, inkluża kull informazzjoni dwar l-impatti possibbli lil hinn mit-territorju ta' dak l-Istat;

b) informazzjoni relevanti rigward il-proċedura ta' l-istudju dwar l-impatt ambjentali;

ċ) informazzjoni dwar in-natura tad-deċiżjoni.

(10) Il-Ministru għandu jagħti lill-Awtorità l-informazzjoni msemmija fis-subregolament (9) ta' dan ir-regolament. L-Awtorità għandha tagħmel din l-informazzjoni għad-disposizzjoni ta' dawk il-persuni li għandhom jiġu konsultati u għall-pubbliku skond il-provvedimenti tar-regolamenti 21 sa 25 ta' dawn ir-regolamenti. Il-Ministru għandu wkoll jidħol f'diskussjonijiet ma' l-Istat li fih ikun isir il-proġett biex jiġi maqbul perjodu li fih isiru il-konsultazzjonijiet.

(11) Il-Ministru, fuq il-parir ta' l-Awtorità, kif ukoll tenut kont tal-kummenti tal-pubbliku, għandu jikkonsulta ma' l-Istat li fih ikun ser isir il-proġett dwar, fost l-oħrajn, l-effetti potenzjali tal-proġett lil hinn mit-territorju ta' dak l-Istat kif ukoll il-miżuri maħsuba sabiex dawk l-effetti jiġu mnaqqsa jew eleminati.

(12) Meta l-Ministru jirċievi dettalji mingħand l-Istat li fih ikun ser isir il-proġett rigward id-deċiżjoni finali fuq dak il-proġett, flimkien mar-raġunijiet u l-konsiderazzjonijiet li fuqhom tkun ibbażata tali deċiżjoni, huwa għandu jipprovdi din l-informazzjoni lill-Awtorità. L-Awtorità għandha tipppublika din l-informazzjoni fil-Gazzetta, f'gazzetta lokali kif ukoll fuq il-*web site* uffiċċjali tagħha.

TAQSIMA VI

REĠISTRU TA' KONSULENTI

Reġistru ta' Konsulenti dwar l-Istudju dwar l-Impatt Ambjentali.

35. (1) L-Awtorità għandha żżomm u tagħmel disponibbli għal spezzjoni tal-pubbliku f'dawk il-ħinijiet raġonevoli li hija tista' tiddeċiedi, Reġistru ta' Konsulenti dwar l-Istudju dwar l-Impatt Ambjentali.

(2) Ir-Reġistru għandu jkun maqsum f'taqsimiet. Kull Taqsima għandu jkollha fiha lista ta' dawk il-konsulenti li jkunu kompetenti f'dixxiplina partikolari, iżda meta persuna tkun kompetenti f'aktar minn dixxiplina waħda partikolari, dik il-persuna għandha tiġi reġistrata taħt żewġ dixxiplini jew aktar.

(3) Ir-Reġistru għandu wkoll ikun maqsum f'kategoriji ta' konsulenti dwar l-istudju dwar l-impatt ambjentali, jiġifieri Assessur *Junior* ta' l-Impatt, Assessur Anzjan ta' l-Impatt u Ko-ordinatur ta' l-Istudju dwar l-Impatt Ambjentali.

(4) L-Awtorità għandha tirreġistra l-ħruġ ta' ċertifikat ta' reġistrazzjoni fir-Reġistru flimkien mad-dixxiplina jew mad-dixxiplini relevanti li fiha jkun kompetenti, u għandha wkoll tirreġistra fih kull sospensjoni, kanċellazzjoni jew għoti mill-ġdid ta' dawk iċ-ċertifikati.

(5) L-ebda persuna ma tkun tista' taħdem bħala assessur tal-impatt jew ko-ordinatur ta' studju dwar l-impatt ambjentali sakemm ma tkunx ġiet reġistrata fir-Reġistru tal-Konsulenti dwar l-Istudju dwar l-Impatt Ambjentali.

(6) L-Awtorità għandha tirrifjuta li taċċetta dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali

li fih persuna li ma tkunx reġistrata fir-Reġistru tkun ipparteċipat fit-tħejjija ta' l-istudju dwar l-impatt ambjentali rilevanti.

(7) Minkejja d-disposizzjonijiet tas-subregolament (6) ta' dan ir-regolament, id-Direttur għall-Ħarsien ta' l-Ambjent jista', fejn huwa jidhirlu neċessarju jaċċetta l-kontribut ta' persuna li ma tkunx reġistrata:

(a) fil-każ ta' dixxiplina speċifika li ma tkunx imsemmija fir-Reġistru, sakemm li dik il-persuna tkun, fil-fehma tad-Direttur għall-Ħarsien ta' l-Ambjent, kwalifikata b'mod xieraq biex tagħti dak il-kontribut u li l-parteċipazzjoni tagħha tkun ġiet miftiehma minn qabel bil-miktub qabel ma jkun ġie kkummissjonat l-istudju dwar l-impatt ambjentali;

(b) fejn dik il-persuna tkun responsabbli biex tagħmel xogħol ta' riċerka nkluż il-ġbir u li tgħaqqad l-informazzjoni, taħt is-superviżjoni ta' konsulent reġistrat li jkun qiegħed jipparteċipa fl-istudju dwar l-impatt ambjentali, imma li ma jkunx involut fl-istima ta' l-impatti.

Bord ta' Reġistrazzjoni.

36. (1) Il-Ministru għandu jaħtar Bord ta' Reġistrazzjoni li għandu jkun responsabbli għall-valutazzjoni ta' applikazzjoni għal reġistrazzjoni fir-Reġistru.

(2) Deċiżjonijiet dwar applikazzjoni għal reġistrazzjoni għandhom jittieħdu minn Bord ta' Reġistrazzjoni li jkun magħmul minn mhux anqas minn tlett persuni u mhux aktar minn ħames persuni nkluż rappreżentant ta' l-Awtorità. Il-membri l-oħra kollha tal-Bord ta' Reġistrazzjoni għandhom ikunu membri independenti li ma jkunu bl-ebda mod involuti fit-tħejjija ta' studji dwar l-impatt ambjentali, u wieħed minnhom għandu jkun iċ-*chairperson* tal-Bord ta' Reġistrazzjoni.

(3) Il-Bord ta' Reġistrazzjoni għandu jivvaluta l-applikazzjonijiet għal reġistrazzjoni u għandu jipprepara lista ta' persuni li, fl-opinjoni tal-Bord ta' Reġistrazzjoni, jissodisfaw ir-rekwiżiti għal reġistrazzjoni u li għalhekk għandu jinħarġilhom ċertifikat ta' reġistrazzjoni. Il-Bord ta' Reġistrazzjoni għandu jagħti raġunijiet għad-deċiżjonijiet tiegħu.

(4) Id-deċiżjonijiet tal-Bord ta' Reġistrazzjoni fejn jagħti jew jiċħad applikazzjoni għal reġistrazzjoni fir-Reġistru għandhom jiġu mingħajr dewmien notifikati bil-miktub lill-applikant.

(5) Il-Bord ta' Reġistrazzjoni jista' jordna lill-Awtorità li taġġorna r-Reġistru f'dawk l-intervalli regolari li huwa jista'

jiddetermina billi jiġu nklużi dixxiplini oħra fir-Reġistru, liema dixxiplini jkunu fil-frattemp ġew ikkrejati.

Reġistrazzjoni.

37. (1) Kull persuna tista' tapplika bil-miktub fuq il-formola xierqa lill-Bord ta' Reġistrazzjoni biex hija tiġi registrata fir-Reġistru.

(2) L-applikazzjoni għal reġistrazzjoni għandha tinkludi din l-informazzjoni li ġejja:

(a) l-isem, il-kunjom, l-edukazzjoni, il-kwalifiċi u l-indirizz ta' l-uffiċju ta' l-applikant għal reġistrazzjoni;

(b) lista tax-xogħolijiet rilevanti ta' l-applikant;

(ċ) *curriculum vitae* dettaljat (li għandu jinkludi d-dettalji tat-taħriġ, tal-esperjenza u tal-għarfien fit-tekniċi u l-metodi ta' stima ambjentali ta' dik il-persuna);

(d) il-kategorija skond Skeda III li tinsab ma' dawn ir-regolamenti;

(e) indikazzjoni tad-dixxiplina partikolari ambjentali li għaliha l-persuna tkun qegħda titlob li tiġi reġistrata fiha.

(3) L-applikazzjoni għal reġistrazzjoni għandha jkollha magħha d-dritt xieraq kif stabbilit fit-Tielet Skeda li tinsab ma' dawn ir-regolamenti.

Ċertifikat ta' reġistrazzjoni.

38. (1) Il-Bord ta' Reġistrazzjoni għandu jirreġistra persuna fir-Reġistru jekk ikun sodisfatt illi dik il-persuna:

(a) għandha kwalifiċi xierqa f'dixxiplina ambjentali jew fl-istudju dwar l-impatt ambjentali ;

(b) għandha esperjenza u tagħrif fit-tekniċi u l-metodi ta' studju ambjentali; u

(ċ) għandha esperjenza f'xi waħda jew aktar mid-dixxiplini rilevanti.

(2) Iċ-ċertifikati li jinħarġu lil persuni eleġibbli għandhom ikunu validi għal sena imma jistgħu jiġu mġedda mill-Bord ta' Reġistrazzjoni meta jithallas id-dritt relattiv ta' tiġdid skond it-Tielet Skeda, ħlief fejn, fl-opinjoni tal-Bord ta' Reġistrazzjoni, id-disposizzjonijiet tar-regolament 40 ikunu ġew miksura.

(3) Minkejja d-disposizzjonijiet tas-subregolament (1) ta' dawn ir-regolamenti, il-Bord ta' Reġistrazzjoni jista' jirrakkomanda li jingħata ċertifikat temporanju validu għal sena lil kull persuna li, fl-opinjoni tal-Bord ta' Reġistrazzjoni, ikollha l-kwalifiċi xierqa imma ma jkollhiex biżżejjed esperjenza fid-dixxiplina rilevanti jew fit-tekniċi u fil-metodi ta' studju ta' l-impatt ambjentali. Ċertifikati temporanji għandhom jinħarġu għal massimu ta' sentejn.

(4) L-Awtorità għandha tagħmel ħilitha biex torganizza korsijiet ta' taħriġ fit-tekniċi u fil-metodi ta' studju ambjentali. L-Assessuri *Junior* tal-Impatt u persuni li jinħarġilhom ċertifikat temporanju għandhom ikunu obbligati li jattendu għal kors ta' taħriġ qabel ma jingħataw jew jiġu konfermati fir-reġistrazzjoni tagħhom.

Kontenut taċ-ċertifikat.

39. Iċ-ċertifikat ta' reġistrazzjoni għandu jkollu fih din l-informazzjoni li ġejja:

(a) l-isem, il-kunjom u n-numru tal-karta ta' l-identità jew mezz ieħor ta' identifikazzjoni tal-konsulent;

(b) id-data ta' meta jkun inħareġ iċ-ċertifikat;

(ċ) id-dixxiplina li fiha l-Bord ta' Reġistrazzjoni jikkonsidra li l-konsulent ikollu livell aċċettabli bħala espert fis-suġġett.

Kanċellazzjoni ta' ċertifikat.

40. (1) Il-Bord ta' Reġistrazzjoni jista' jikkanċella ċertifikat mogħti skond id-disposizzjonijiet ta' din it-Taqsima ta' dawn ir-regolamenti meta d-detentur ta' dak iċ-ċertifikat:

(a) ikun instab ħati minn qorti ta' ġurisdizzjoni kriminali ta' reat liema reat ikun magħmul minħabba nuqqas ta' ħsieb jew bi traskuraġni, jew b'nuqqas ta' ħila f'sengħa jew professjoni, jew minħabba nuqqas ta' ħarsien ta' regolamenti; jew

(b) ikun instab ħati minn qorti ta' ġurisdizzjoni kriminali ta' xi reat kontra d-disposizzjonijiet ta' l-Att jew skond xi regolament magħmul taħtu; jew

(ċ) ikun, fl-opinjoni ta' l-Awtorità, tad-Direttur tal-Ippjanar, tad-Direttur tad-Dipartiment jew tal-Bord ta' Reġistrazzjoni, ippreżenta xogħol li huwa ta' kwalità inferjuri jew li volontarjament qarraq fi studju dwar l-impatt ambjentali; jew

(d) ikun ipparteċipa fit-tħejjija ta' studju dwar l-impatt ambjentali meta ma kienx reġistrat fir-Reġistru; jew

(e) kien irċieva ċertifikat maħruġ skond id-disposizzjonijiet ta' din it-Taqsima ta' dawn ir-regolamenti li kien ibbażat fuq informazzjoni mogħtija mill-applikant li kienet falza jew qarrieqa; jew

(f) jonqos milli jħallas id-dritt ta' kull sena għat-tiġdid taċ-ċertifikat.

(2) Minkejja d-disposizzjonijiet tas-subregolament (1) ta' dan ir-regolament, il-Bord ta' Reġistrazzjoni jista' jagħżel li jissospendi, minflok li jikkanċella, iċ-ċertifikat, fil-każijiet imsemmija fil-paragrafi (d) u (f) tas-subregolament (1) ta' dan ir-regolament.

(3) Jekk persuna tipparteċipa fit-tħejjija ta' studju dwar l-impatt ambjentali mingħajr ma tkun reġistrata fir-Reġistru, hija għandha sussegwentement tiġi miżmuma milli tirreġistra jew tipparteċipa fi studju dwar l-impatt ambjentali f'Malta għal perijodu ta' żmien ħekk kif jiddeċiedi l-Bord ta' Reġistrazzjoni iżda li fl-ebda każ m'għandu jkun anqas minn tlett snin.

Reati.

41. (1) Kull persuna li bl-għan li tikseb ċertifikat ta' reġistrazzjoni fir-Reġistru tagħti informazzjoni ħazina jew xort'oħra taġixxi b'mod li jqarraq jew b'manjiera frawdolenti tkun ħatja ta' reat u għandha, meta tinstab ħatja, teħel multa li ma tkunx ta' aktar minn elf lira.

(2) Kull persuna li ma tkunx detentur ta' ċertifikat tassumi jew tuża l-isem "Konsulent dwar l-Istudju dwar l-Impatt Ambjentali", "Ko-ordinatur tal-Istudju dwar l-Impatt Ambjentali'', "Assessur Anzjan ta' l-Impatt" jew "Assessur *Junior* tal-Impatt" jew b'xi mod ieħor tindika li hija ntitolata li tħejji studju dwar l-impatt ambjentali tkun ħatja ta' reat u għandha, meta tinstab ħatja, teħel multa li ma tkunx ta' aktar minn ħames mitt lira u fil-każ tat-tieni reat jew reat ieħor sussegwenti teħel multa li ma tkunx ta' aktar minn elf lira.

(3) Għall-fini tas-subregolament (2) ta' dawn ir-regolamenti, l-użu ta' xi biljett, karta ta' l-ittri, tabella, kartellun, pjanċa, reklam jew mezz, strument jew dokument ieħor miktub, stampat jew imnaqqax, tal-kelma "Konsulent dwar l-Istudju dwar l-Impatt Ambjentali", "Ko-ordinatur tal-Istudju dwar l-Impatt Ambjentali", "Assessur Anzjan ta' l-Impatt" jew "Assessur *Junior* tal-Impatt", użati flimkien ma' isem, ikun prova biżżejjed ta' l-għarfien ta' dak l-użu mill-persuna li dwar isimha l-imsemmija kelma tkun użata, kemm-il darba dik il-persuna ma tippruvax li l-użu ta' dik il-kelma sar mingħajr l-għarfien tagħha u li meta saret taf bih ħadet il-passi xierqa biex twaqqfu.

(4) Ir-reati u l-pieni msemmija f'dan ir-regolament huma mingħajr ħsara għal kull reat iehor u piena oħra skond l-Att jew xi liġi oħra.

Tifsir ta' Taqsima VI ta' dawn ir-regolamenti.

42. Għall-fini ta' din it-Taqsima tar-regolamenti "persuna" tinkludi persuna li mhix ċittadin ta' Malta iżda ma tinkludix korp ta' persuni.

TAQSIMA VII

INFURZAR

Twettieq ta' deċiżjoni li tagħti permess għal żvilupp.

43. (1) Meta l-Awtorità tagħti permess għal żvilupp li jkun soġġett ta' studju dwar l-impatt ambjentali taħt dawn ir-regolamenti, l-Awtorità għandha tissorvelja t-twettiq ta' l-imsemmi żvilupp kemm waqt il-fażi tal-kostruzzjoni u kemm waqt il-fażi operattiva.

(2) L-Awtorità tista':

(a) tinkludi kondizzjonijiet xierqa u li jkunu speċifikati b'mod ċar fil-permess għal żvilupp;

(b) tistabilixxi l-perijodu li fih il-fażi ta' kostruzzjoni ta' l-iżvilupp għandha titlesta flimkien ma' kull obbligazzjoni dwar l-ippjanar, kundizzjoni jew penali li hija jidhrilha xieraq li timponi għan-nuqqas ta' tlestija ta' l-iżvilupp jew għat-tlestija mhux sodisfaċenti ta' l-istess żvilupp u faċilitajiet oħra assoċjati fl-imsemmi perjodu;

(ċ) titlob lill-applikant li jipprovdi garanzija mingħand bank jew istituzzjoni li tipprovdi kreditu f'Malta skond id-disposizzjonijiet tal-Att dwar il-Banek jew kull liġi oħra li minn żmien għal żmien tista' tibdilha li permezz tagħha l-imsemmi bank jew instituzzjoni tintrabat f'isem l-applikant, mingħajr ħsara għal kull azzjoni jew rimedju illi dak il-bank jew dik l-istituzzjoni tista' tezerċita kontrih, li tħallas lill-Awtorità kull somma li tiġi stabbilita bħala penali fil-permess għal żvilupp jekk l-iżvilupp ma jkunx tlesta skond il-kundizzjonijiet speċifikati fl-imsemmi perjodu fil-permess għal żvilupp u għal kull ksur ta' kull kundizzjoni mposta fil-permess għal żvilupp jew f'obbligazzjoni dwar l-ippjanar li jkun daħal għaliha l-applikant. Dik il-garanzija m'għandhiex tkun anqas mill-prezz sabiex l-area tiġi mregga' lura b'mod aċċettabbli għall-istat oriġinali, jew il-prezz tat-treġġigħ lura għall-istat oriġinali u t-

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tiswija tal-ħsara kawżata minn nuqqas ta' konformità mal-kundizzjonijiet imposti f'permess għal żvilupp;

(d) f'każ illi wara li permess għal żvilupp ikun ħareġ l-iżvilupp ma jkunx qed isir skond il-permess, jew xort'oħra jkun qed jikkawża ħsara lill-ambjent jew lill-infrastruttura, titlob, bħala kundizzjoni għat-tkomplija tal-permess illi l-persuna li favur tagħha jkun inħareġ il-permess għandha tipprovdi garanzija favur l-Awtorità sabiex tiggarantixxi ħlas fil-każ ta' ħsara li tista' tiġi kawżata lill-ambjent jew lill-infrastruttura, skond is-subartikolu (5) ta' l-artikolu 34 ta' l-Att;

(e) titlob lill-persuna jew lill-kumpanija responsabbli għall-iżvilupp li tkun koperta b' polza ta' assigurazzjoni kontra ħsara lir-riżorsi ambjentali; u

(f) tipprovdi lill-pubbliku f'dawk l-intervalli skond ma l-Awtorità jidhrilha xieraq ir-riżultati tas-sorveljar li jkunu saru waqt il-fażi ta' kostruzzjoni u waqt il-fażi operattiva, kemm jekk dak is-sorveljar ikun sar mill-Awtorità nnifisha sew mill-iżviluppatur bħala riżultat dirett ta' kondizzjoni imposta fil-permess għal żvilupp.

TAQSIMA VIII

DISPOSIZZJONIJIET MIXXELANEJI

Disposizzjonijiet mixxelaneji.

44. (1) Sabiex jiġi evitat kull dubbju, qed jiġi dikjarat dan li ġej:

(a) meta d-Direttur ta' l-Ippjanar jew id-Direttur għall-Ħarsien ta' l-Ambjent jitlob lill-applikant, lill-perit tiegħu, lill-aġent tiegħu jew lill-konsulenti biex jagħmlu tibdil fid-disinn tal-proġett; jew

(b) meta d-Direttur ta' l-Ippjanar jew id-Direttur għall-Ħarsien tal-Ambjent jagħti xi gwida li huwa jidhirlu opportun fiċ-ċirkostanzi;

dan l-aġir bl-ebda mod ma jkun jimplika li d-Direttur ta' l-Ippjanar jew id-Direttur għall-Ħarsien ta'l-Ambjent ikun qiegħed japprova l-iżvilupp jew li jkun ser jirrakkomanda lill-Awtorità illi dak l-iżvilupp għandu jiġi approvat.

(2) Qbil dwar it-termini ta' referenza għall-preparazzjoni ta' *baseline studies*, il-formulazzjoni ta' dikjarazzjoni dwar l-impatt ambjentali, studju dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali m'għandux jiġi miftiehem b'xi mod bħala prova favur l-iżvilupp propost.

(3) Meta l-Awtorità tasal għal xi deċiżjoni, hija m'għandhiex tkun marbuta bil-konklużjonijiet li jkun hemm fid-dikjarazzjoni dwar l-impatt ambjentali jew fid-dikjarazzjoni dwar l-ippjanar ambjentali, skond ma jkun il-każ. Madankollu, l-Awtorità għandha tagħti l-piż mistħoqq lill-konklużjonijiet li jkunu waslu għalihom fid-dikjarazzjoni dwar l-impatt ambjentali jew fid-dikjarazzjoni dwar l-ippjanar ambjentali, skond ma jkun il-każ, meta tasal għal deċiżjoni. Sew jekk taċċetta sew jekk le l-konklużjonijiet ta' l-imsemmija dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali, skond ma jkun il-każ, l-Awtorità għandha tagħti raġunijiet dettaljati dwar dan.

(4) Fejn, wara li l-informazzjoni ambjentali tkun ittieħdet in konsiderazzjoni, applikazzjoni għal żvilupp li tkun soġġetta ta' studju dwar l-impatt ambjentali taħt dawn ir-regolamenti tiġi deċiza mill-Awtorità, l-Awtorità għandha:

(a) tinforma lill-pubbliku dwar id-deċiżjoni billi tippubblika avviż f'gazzetta, jew b'mezzi oħra li huma raġonevoli fiċ-ċirkustanzi; u

(b) tipprovdi għal spezzjoni mill-pubbliku, f'kull ħin raġonevoli u mingħajr ħlas, għal stqarrija li tkun tikkonsisti:

(i) fil-kontenut tad-deċiżjoni u ta' kull kundizzjoni imposta f'dik id-deċiżjoni;

(ii) ir-raġunijiet prinċipali u l-kunsiderazzjonijiet li fuqhom dik id-deċiżjoni tkun ibbażata, inkluż il-proċess ta' parteċipazzjoni pubblika; u

(iii) deskrizzjoni, fejn ikun neċessarju, tal-miżuri prinċipali ntiżi biex jevitaw, inaqqsu u, jekk ikun possibbli, ineħħu l-effetti prinċipali negattivi ta' l-iżvilupp.

(5) Id-disposizzjonijiet ta' dawn ir-regolamenti m'għandhomx jaffettwaw l-obbligi tal-Gvern ta' Malta li jirrispetta l-limitazzjonijiet imposti f'xi liġi fis-seħħ f'Malta fejn jidħlu kunfidenzjalità kummerċjali w industrijali, inkluża l-proprjetà intelletwali, u l-ħarsien ta' l-interess pubbliku.

Reviżjoni.

45. (1) Jekk applikant iħoss illi t-termini ta' referenza jew xi deċiżjoni oħra meħuda, approvati jew aċċetta li mid-Direttur għall-Ħarsien ta' l-Ambjent taħt il-provvedimenti tar-regolamenti 3, 5, 6, 7, 10, 19, 22, 24 u 33, tkun waħda mhux raġonevoli, huwa jista' jitlob lid-Direttur għall-Ħarsien ta' l-Ambjent biex jikkonsidra mill-ġdid it-termini ta' referenza jew id-deċiżjoni. Talba għal rikonsiderazzjoni għandha ssir bil-miktub fi żmien ħmistax-il ġurnata (15) mid-data meta t-termini ta' referenza jew id-deċiżjoni jkunu ġew komunikati lill-applikant.

(2) Id-Direttur għall-Ħarsein ta' l-Ambjent għandu, mingħajr dewmien, jikkonsidra t-talba ta' l-applikant, u jikkomunika t-termini ta' referenza finali jew id-deċiżjoni skond il-każ, fi żmien tletin (30) ġurnata minn meta jkun irċieva t-talba għar-rikonsiderazzjoni. Id-Direttur għall-Ħarsien ta' l-Ambjent għandu jagħti ġustifikazzjoni meqjusa għad-deċiżjoni tiegħu għat-talba ta' rikonsiderazzjoni.

(3) Jekk applikant iħoss illi t-termini ta' referenza jew deċiżjoni finali, skond il-każ, mibgħuta lilu skond il-provvedimenti ta' dan ir-regolament, ma jkunux raġonevoli, huwa għandu jitlob lid-*Director Environment Policy and Initiatives* biex jirrevedi dawn it-termini ta' referenza jew deċiżjoni, skond il-każ. Talba għal reviżjoni għandha ssir bil-miktub fi żmien ħmistax (15) -il ġurnata mid-data li t-termini ta' referenza jew id-deċiżjoni jkunu ġew ikkomunikati lill-applikant.

(4) Id-*Director Environment Policy and Initiatives* għandu, mingħajr dewmien, jikkonsidra t-talba ta' l-applikant, u għandu jitlob lid-Direttur għall-Ħarsien ta' l-Ambjent għas-sottomissjonijiet tiegħu. Id-deċiżjoni tad-*Director Environment Policy and Initiatives* hija waħda finali, u għandha tiġi komunikata lill-applikant fi żmien tletin (30) ġurnata minn meta jkun irċieva t-talba għar-reviżjoni.

(5) Kull perjodu stabbilit taħt dawn ir-regolamenti jew l-Att ikun sospiż sakemm deċiżjoni meħuda taħt dan ir-regolament tiġi ikkomunikata lill-applikant.

(6) Il-provvedimenti relatati mal-pubblikazzjoni u l-kommunikazzjoni ta' termini ta' referenza jew deċiżjoni taħt ir-regolamenti 3, 5, 6, 7, 10, 19, 22, 24 u 33, għandom japplikaw *mutatis mutandis* għad-deċiżjoni tad-Direttur għall-Ħarsien ta' l-Ambjent jew tad-*Director Environment Policy and Initiatives* meħuda skond il-provvedimenti tas-subregolamenti (2) u (4).

TAQSIMA IX

DISPOSIZZJONI TRANSITORJA

Disposizzjoni transitorja.

46. Kull applikazzjoni għal permess għal żvilupp li jkollha x'taqsam ma' xi żvilupp imsemmi fl-Iskeda IA li tinsab ma' dawn ir-regolamenti li tkun pendenti fid-data ta' dħul fis-seħħ ta' dawn ir-regolamenti għandha tiġi regolata skond id-disposizzjonijiet ta' dawn ir-regolamenti b'dan illi:

(a) kull studju dwar l-impatt ambjentali li jkun sar jew li jkun fil-proċess li jsir mill-konsulenti li ma jkunux reġistrati fir-Reġistru għandu jitqies li jkun sar skond id-disposizzjonijiet ta' dawn ir-regolamenti li jirregolaw ir-reġistrazzjoni tal-konsulenti fir-Reġistru;

(b) il-parteċipazzjoni minn xi persuna fi studju dwar l-impatt ambjentali qabel d-dħul fis-seħħ ta' dawn ir-regolamenti m'għandhiex titqies li tikkostitwixxi aċċettazzjoni awtomatika ta' l-applikazzjoni għal reġistrazzjoni fir-Reġistru magħmula minn dik il-persuna; u

(ċ) dikjarazzjoni dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali li t-termini ta' referenza tagħhom ikunu diġa ġew komunikati lill-applikant qabel id-dħul fis-seħħ ta' dawn ir-regolamenti għandhom kemm jista' jkun jimxu mad-disposizzjonijiet ta' dawn ir-regolamenti sakemm id-Direttur għall-Ħarsien ta' l-Ambjent ma jkunx speċifikatament eżenta bil-miktub lill-applikant mill-applikazzjoni ta' xi disposizzjoni ta' dawn ir-regolamenti għal dak l-iżvilupp partikolari u dan wara li l-istess Direttur għall-Ħarsien ta' l-Ambjent ikun ħa in konsiderazzjoni l-istat avvanzat li tkun waslet fih id-dikjarazzjoni ta' l-impatt jew id-dikjarazzjoni ta' l-ippjanar, skond ma jkun il-każ.

Tħassir u Riżerva.

47. (1) Ir-Regolamenti ta' l-2001 dwar l-Istima ta' l-Impatt fuq l-Ambjent huma b' dan imħassra.

A.L. 204 ta' l-2001.

(2) It-tħassir tar-Regolamenti ta' l-2001 dwar l-Istima ta' l-Impatt fuq l-Ambjent għandu jkun mingħajr preġudizzju għal kull ħaġa li saret jew li naqset li saret taħt dawk ir-regolamenti, u b'mod partikolari ma għandhomx jaffettwaw il-validità ta'xi studju dwar l-impatt ambjentali jew dikjarazzjoni dwar l-ippjanar ambjentali li saru taħt dawk ir-regolamenti.

SKEDA IA

Projects which require an Environmental Impact Statement or an Environmental Planning Statement

1	**GENERAL CATEGORY OF PROJECT**		
1.1	**Category I Projects**		
1.1.1	The carrying out of development on land or on sites not designated for such purposes in an approved development plan or development brief, and not within the perimeter of an established airport where the proposed development involves: (i) the use of 5 ha of land or more; or (ii) the construction of a building or installation with ground cover of more than 10,000m^2.		

2	**INFRASTRUCTURE PROJECT**		
2.1	**Highway and Road Construction**		
2.1.1	**Category I Projects**	**2.1.2**	**Category II Projects**
2.1.1.1	Construction of a four-lane highway.	2.1.2.1	Other roads with a carriageway width of more than 3.5m and not being a road for which the design is approved in a development plan if the road is : (i) more than 1 km in length; or (ii) within 100m of a protected site.
2.1.1.2	Construction of a road with a carriageway width of 7.5m or more and not being a road for which the design is approved in a development plan, if the road is : (i) 2 km or more in length; or (ii) more than 300 dwellings or an area designated for more than 300 dwellings are within 100m of the centre line of the proposed road; or (iii) where the road passes through or within 100m of a protected site.	2.1.2.2	Construction of bridges outside development zones.
2.1.1.3	Realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes where such new road, or realigned and/or widened section of road would be: (i) 2 km or more in length; or (ii) more than 300 dwellings or an area designated for more than 300 dwellings are within 100m of the centre line of the proposed road; or (iii) where the road passes through or within 100m of a protected site		

2.1.1.4	Construction of a tunnel over 1m in diameter, if the tunnel is: over 1 km in length; or (i) passing beneath or within 100m of a protected area, or (ii) passing through or within 100m of an aquifer protection zone.		
2.2	**Airports**		
2.2.1	**Category I Projects**	**2.2.2**	**Category II Projects**
2.2.1.1	Construction of a new airport/airstrip, or heliport.	2.2.2.1	Expansion of an airport/airstrip or heliport which includes an extension to a run-way or taxi way by 250m or more not being a development falling within 2.2.1.1 and 2.2.1.2
2.2.1.2	Significant expansion or development of an existing airport which includes an extension to a runway or taxi-way by 500m or more, new terminal buildings, or other major developments with a building footprint exceeding 35,000 sq.m.		
2.3	**Ports**		
2.3.1	**Category I Projects**	**2.3.2**	**Category II Projects**
2.3.1.1	Construction of a trading port, piers for loading and unloading connected to land and outside ports (excluding ferry piers) f for handling vessels over 1000 tonnes.	2.3.2.1	Construction or extension of a port installation, dry dock, bilge water recycling station (ship tank cleaning), permanent moorings for ships over 25,000 tons, harbours including fishing harbours or yacht marina (with a capacity of less than 200 boats) not being development falling within 2.3.1.1 and 2.3.1.2
2.3.1.2	Construction of a yacht marina where the number of berths exceeds 200.		
2.3.1.3	Construction of a breakwater, wave-breaker or coastal defences.		
2.3.1.4	Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1350 tonnes.	2.3.2.2	Inland – waterway construction not included in 2.3.1.4, canalization and flood – relief works
2.4	**Other Transport**		
2.4.1	**Category I Projects**	**2.4.2**	**Category II Projects**
2.4.1.1	Construction of a tramway, elevated or underground railway, suspended line or similar line being either: (i) within 100m of a protected site; or (ii) having a length of more than 1km.	2.4.2.1	Other tramways, elevated or under-ground railways, suspended line or similar structures not covered by 2.4.1.1.
2.4.1.2	Construction of railways and intermodal transshipment facilities, and of intermodal terminals		

		2.4.2.2	Other major transport facilities e.g. a bus terminal or container depots.
2.5.1	**Category I Projects**	**2.5.2**	**Category II Projects**
2.5.1.1	Construction of a dam which is either: (i) more than 100m long; or (ii) more than 15m high.	2.5.2.1	Construction of a dam or reservoir, not being a development within 2.5.1.1 and 2.5.1.2 and being: (i) a dam of between 25–100m long; or having (ii) a water storage capacity of between 20,000m^3 and 50,000m^3.
2.5.1.2	Construction of a reservoir or other installation for holding or storing water on a long term basis with a capacity of more than 50,000m^3.		
2.6	**Pipelines and Underground Electricity Transmission**		
2.6.1	**Category I Projects**	**2.6.2**	**Category II Projects**
2.6.1.1	Construction of a main transmission pipeline for the transport of gas, oil or chemicals (other than water); (i) over a distance of 5 km; or (ii) where more than 300 dwellings or a site designated for more than 300 dwellings are within 100m of the route; or (iii) the route passes through the aquifer protection zone or is within 500m of a bore hole; or (iv) the route passes through a protected site.	2.6.2.1	Construction of an oil or gas pipeline not being a development falling within 2.6.1.1.
2.6.1.2	Construction of an aqueduct or a main sewer with a diameter exceeding 600mm and not utilising an existing right of way: (i) over a distance of 5 km or more; or where (ii) the route passes through a protected site.	2.6.2.2	Construction of an aqueduct or a main sewer not being a development falling within 2.6.1.2 and not utilising an existing right of way: (i) over a distance of 5 km or more; or where (ii) the route passes through a protected site.
		2.6.2.3	Laying an underground route for electricity cable/s of 100KV or more not utilizing an existing right of way: (i) over a distance of 5km or more; or where (ii) the route passes through a protected site.
2.7	**Management and Disposal of Wastes**		
2.7.1	**Category I Projects**	**2.7.2**	**Category II Projects**
2.7.1.1	Erection of an installation for incinerating, treating (including chemical treatment), processing, recycling and destruction of hazardous waste and spent oil.	2.7.2.1	Installation for incinerating, treating (including chemical treatment), processing, recycling and destruction of wastes not being a development falling within 2.7.1.2

2.7.1.2	Erection of an installation for incinerating, treating (inc. chemical treatment), processing, recycling and destruction of non hazardous wastes with a capacity of 25,000m^3 per year or more.	2.7.2.2	Installation for the disposal of household and other industrial and commercial wastes with a capacity of over 15,000m^3 and not being a development falling within 2.7.1.5 or 2.7.1.6.
2.7.1.3	Site for depositing or recycling sludge.		
2.7.1.4	Installation for the disposal of chemical or hazardous wastes on or in the ground.		
2.7.1.5	The development of new landfill sites (not for inert waste).		
2.7.1.6	Installation for the disposal of household and other industrial and commercial wastes with a capacity of 100,000m^3 or more.		
2.7.1.7	Installation for the disposal of household and other industrial and commercial wastes with a capacity of over 25,000m^3 and where: (i) more than 300 dwellings or an area designated for more than 300 dwellings are within 200m of the boundaries of the site; or (ii) a protected site is within 200m of the boundaries of the site; or (iii) in the aquifer protection zone or within 500m of a bore hole or any other water abstraction point.		

NOTE: As a rule of thumb, 15,000 cubic metres equate approximately to 15,000 tonnes, or to 1000, 20-ton lorry movements (assuming 15 tonnes per 20-ton lorry)

2.8	**Sewage Treatment Plants**		
2.8.1	**Category I Projects**	**2.8.2**	**Category II Projects**
2.8.1.1	A waste water treatment plant with a capacity 150,000 population equivalent or more	2.8.2.1	A waste water treatment plant with a capacity of less than 150,000 population equivalent.

2.9	**Reverse Osmosis Plants**		
2.9.1	**Category I Projects**	**2.9.2**	**Category II Projects**
2.9.1.1	A Reverse Osmosis or desalination plant with a capacity exceeding 50,000m^3 per day.	2.9.2.1	A Reverse Osmosis or desalination plant with a capacity of between 10,000m^3 and 50,000m^3 per day.

NOTE: A Reverse Osmosis or Desalination Plant on the coast is also covered by criterion 4.2 Development on the Coast whichever is the more demanding.

3	**LAND USE AND BUILT DEVELOPMENT PROJECTS**		
3.1	**Urban Development Projects including Tourist and Recreation Developments[1] but excluding developments on operational land within the perimeter of an established airport**		
3.1.1	**Category I Projects**	**3.1.2**	**Category II Projects**
3.1.1.1	Developments with an area of 10 ha or more.	3.1.2.1	Developments with a site area of more than 3 ha.
3.1.1.2	Developments with a site area of 5 ha or more not being a project defined in an approved development plan or development brief.	3.1.2.2	Developments where more than 300 dwellings, or a site designated for more than 300 dwellings, are within 200m of the site boundary and: (i) the site area is more than 2 ha; or (ii) has a gross floor area of more than 30,000m^2.
3.1.1.3	Developments to provide 10,000m^2 gross floor space or more of shops, including shopping centres, offices or other commercial uses, and not being a project defined in an approved plan or development brief.		
3.2	**Business Parks where floorspace is predominantly devoted to office uses which may cater for research and development, and may include ancillary/supporting uses which complement the main use)**		
3.2.1	**Category I Projects**	**3.2.2**	**Category II Projects**
3.2.1.1	Development of Business Parks where the site is 5 ha or more.	3.2.2.1	Development of a Business Park with a site area of more than 1 ha.
3.3	**Other Tourism Development ¥**		
3.3.1	**Category I Projects**	**3.3.2**	**Category II Projects**
3.3.1.1	Construction of and extension to hotel, holiday Village, hostel or tourist facility being outside development zone and not being in a tourism development area in an approved development plan with: (i) a capacity of more than 500 beds; or (ii) to provide gross floor area of more than 20,000m^2; or (iii) a total site area of 5 ha or more.	3.3.2.1	Construction of and extension to hotel, holiday Village, hostel or tourist facility being outside development zone and not being in a tourism development area in an approved development plan with: (i) a capacity of 100- 500 beds; or (ii) a gross floor area of more than 3000m^2.
3.4	**Theme Parks**		
3.4.1	**Category I Projects**	**3.4.2**	**Category II Projects**
3.4.1.1	Theme Parks with a site area of 5ha or more.	3.4.2.1	Theme Parks with a site area of more than 5,000m^2.

[1] The most stringent criteria will apply

3.5	**Other Recreation and Sporting Facilities and Activities[2]**		
3.5.1	**Category I Projects**	**3.5.2**	**Category II Projects**
3.5.1.1	Developments which cover a site area of over 10ha.	3.5.2.1	Developments which : (i) have a site area of between 2 – 10 ha; or (ii) have a site area of more than 5,000m^2 and is within 200m of a protected site.
3.5.1.2	Permanent racing and test tracks for motorised vehicles where the length of the track exceeds 5km.	3.5.2.2	Permanent racing and test tracks for motorised vehicles not being a development falling in 3.5.1.2.
3.5.1.3	Cable cars, ski-lifts and associated developments	3.5.2.3	Permanent camp sites and caravan sites with a capacity for over 100 tents or 50 caravans
3.6	**Golf Courses**		
3.6.1	**Category I Projects**	**3.6.2**	**Category II Projects**
3.6.1.1	Development of a golf course.		
3.7 A	**Industrial Estates**		
3.7.A.1	**Category I Projects**	**3.7.A.2**	**Category II Projects**
3.7.A.1.1	Development of a speculative industrial development (i.e. where no specific end user is identified), where the site is more than 10 ha.	3.7.A.2.1	Development of an industrial estate, on a site not specifically designated for such purpose in an approved plan or development brief, with a site area between 3 ha – 10 ha where: (i) more than 300 dwellings, or an area designated for more than 300 dwellings, are within 200m of the site boundaries; or (ii) the site boundary is within 200m of a designated site; or (i) the development is within the aquifer protection zone or within 500m of a bore hole of water abstraction point.
3.7B	**Industrial Development**		
3.7.B.1	**Category I Projects**	**3.7.B.2**	**Category II Projects**
		3.7.B.2.1	Industrial development not within an industrial estate with a gross floor area more than 3,000m^2.
		3.7.B.2.2	Industrial development not within an industrial estate with a gross floor area more than 1000m^2, and: (i) within 100m of a protected site; or (ii) within the aquifer protection zone or within 500m of a bore hole or water abstraction point.
3.8	**Defence**		
3.8.1	**Category I Projects**	**3.8.2**	**Category II Projects**
3.8.1.1	Development for the purpose of defence may require an Environmental Impact Statement depending on the type of the development proposed, site area and location.		

[2] The most stringent criteria will apply

3.9	**Homes for the Elderly**		
3.9.1	**Category I Projects**	**3.9.2**	**Category II Projects**
3.9.1.1	Development of or an extension to a home for the elderly being outside development zone and not being in an approved development plan and with: (i) a capacity of 500 beds or more; or (ii) a gross floor area of 20,000m^2 or More; or (iii) a total site area of 5ha or more.	3.9.2.1	Development of or an extension to a home for the elderly being outside development zone and not being in an approved development plan and with: (i) a capacity of 200 beds or more; or (ii) a gross floor area of 5000m^2 or more.
3.10	**Car-Parks**		
3.10.1	**Category I Projects**	**3.10.2**	**Category II Projects**
		3.10.2.1	Construction of car-parks providing more than 800 spaces

4 DEVELOPMENT ON THE COAST AND OFFSHORE

This section refers to developments that are located within the coastal zone. The area of land and sea within the coastal zone will incorporate all coastal natural processes as well as those activities which rely on the land-sea interactions and as may be defined by any development plan.

4.1	**Reclamation**		
4.1.1	**Category I Projects**	**4.1.2**	**Category II Projects**
4.1.1.1	Reclamation of land from the sea and fastening installations to the bed of the sea or raising the level of the bed of the sea and having an area of 1 ha or more.	4.1.2.1	Reclamation of land from the sea or other development in the sea having an area of 1000m^2 and more.
4.2	**Development on the coast (not being covered by other classes of project)**		
4.2.1	**Category I Projects**	**4.2.2**	**Category II Projects**
		4.2.2.1	The change of use of land of 1 ha or more.
		4.2.2.2	Any engineering works (including coastal defences) with site area of more than 500m^2.
		4.2.2.3	Construction of a building with a footprint of more than 500m^2.
		4.2.2.4	Sinking of vessels or structures on the sea bed to form artificial reefs or similar structures or uses
4.3	**New Beach or Beach Enhancement**		
4.3.1	**Category I Projects**	**4.3.2**	**Category II Projects**
		4.3.2.1	Creation of a new beach or enlargement of existing beaches, involving the replenishment of an existing sandy beach or interventions which will result in a change in the profile of the land/water interface.

4.4	**Dredging**		
4.4.1	**Category I Projects**	**4.4.2**	**Category II Projects**
4.4.1.1	Dredging within a Marine Conservation Area (including candidate Marine Conservation Areas) or in an area of seabed scheduled or in any way protected under the Development Planning Act or the Environment Protection Act.	4.4.2.1	Dredging over an area of 25 ha or more, in any dredging cycle or within 5 years.

4.5	**Dumping at Sea**		
4.5.1	**Category I Projects**	**4.5.2**	**Category II Projects**
4.5.1.1	Site for the deposition of waste at sea.		

5	**EXTRACTIVE INDUSTRY**		
5.1	**Hard Rock Quarries**		
5.1.1	**Category I Projects**	**5.1.2**	**Category II Projects**
5.1.1.1	Any quarry or open-cast mining not in an area of potential mineral working in an approved plan. (Transitional arrangements will apply until appropriate subject or local plans have been approved).	5.1.2.1	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is up to 3 ha.
5.1.1.2	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is more than 3 ha.	5.1.2.2	Any quarry or open-cast mining where the boundary of the site is within 300m of a protected site.
5.1.1.3	Any quarry or open-cast mining where more than 300 dwellings or a site designated for more than 300 dwellings are within 500m of the boundaries of the proposed site.	5.1.2.3	Any quarry or open-cast mining where the site is within the aquifer protection zone or 500m of a borehole.

NOTE: A quarry on the coast is also covered by criterion 4.2 Development on the Coast whichever is the more demanding.

5.2	**Soft Rock Quarries**		
5.2.1	**Category I Projects**	**5.2.2**	**Category II Projects**
5.2.1.1	Any quarry or open-cast mining not in an area of potential mineral working in an approved plan. (Transitional arrangements will apply until appropriate subject or local plans have been prepared).	5.2.2.1	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is 1 – 4 ha.
5.2.1.2	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is more than 4 ha.	5.2.2.2	A quarry or open-cast mining where more than 300 dwellings or a site designated for more than 300 dwellings is within 200m of the boundaries of the proposed site.
		5.2.2.3	Any quarry or open-cast mining where the boundary of the site is within 200m of a protected site.

		5.2.2.4	Any quarry or open-cast mining where the site is within the aquifer protection zone or within 500m of a bore hole.

5.3	**Restoration and after use**		
5.3.1	**Category I Projects**	**5.3.2**	**Category II Projects**
		5.3.2.1	Restoration and after use of existing and disused quarries not already covered by an approved landscaping / restoration scheme, where the boundary of the site is within 200m of a protected site or a site of known environmental importance.

5.4	**Other Extraction Operations**		
5.4.1	**Category I Projects**	**5.4.2**	**Category II Projects**
5.4.1.1	Deep drilling on land (in excess of 1 km), including geothermal drilling and deep drilling for the storage of nuclear waste material, but excluding drillings for investigating the stability of soils.	5.4.2.1	Drilling for water supplies where the expected supply would exceed 2 million cubic metres per annum.
5.4.1.2	Extracting coal, petroleum, natural gas, ores or bituminous shale on land.	5.4.2.2	Extraction of minerals by marine or fluvial (including valleys) dredging.
5.4.1.3	Extracting petroleum or natural gas offshore (an EIS is required for each production contract area).	5.4.2.3	Artificial groundwater recharge schemes not being a development within 5.4.1.6.
5.4.1.4	Surface industrial installation for extraction of petroleum or natural gas.		
5.4.1.5	Underground mining or peat extraction		
5.4.1.6	Groundwater extraction or artificial recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.		

NOTE:	**Extraction of minerals by marine dredging is also covered by criterion 4.4 whichever is the more demanding.**

5.5	**Mineral Processing Industries**		
5.5.1	**Category I Projects**	**5.5.2**	**Category II Projects**
5.5.1.1	Erection of a cement manufacturing plant.	5.5.2.1	Erection of a rock processing plant not within the operational site of a quarry.
		5.5.2.2	Erection of a plant for concrete block (brick) production or tarmac production.
		5.5.2.3	Erection of other mineral processing plants e.g. lime kilns, ready-mix.
		5.5.2.4	Construction of salt pans over 1000m^2.

6	**AGRICULTURE**		
6.1	**Land Reclamation and Water Management**		
6.1.1	**Category I Projects**	**6.1.2**	**Category II Projects**
6.1.1.1	Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortage of water and where the amount of water transferred exceeds 10 million cubic metres/year. Transfers of piped drinking water area excluded.	6.1.2.1	Land reclamation for agriculture where the area to be modified is more than 5ha.
		6.1.2.2	Construction of irrigation works for the use of treated water where: (i) the area to be irrigated is more than 10 ha; or (ii) the amount of water intended to be supplied is more than 1,000m^3 in any day; or (iii) the site is located within the aquifer protection zone.
6.2	**Livestock**		
6.2.1	**Category I Projects**	**6.2.2**	**Category II Projects**
		6.2.2.1	Developments with a site area of more than 7500m^2.
6.2.1.1	A new establishment or extension for poultry production with more than 50,000 broilers or 25,000 layers at any one time.	6.2.2.2	A new establishment or extension for poultry production for more than 30,000 broilers or 7,000 layers.
6.2.1.2	A new establishment or extension for turkey production with more than 6,250 head at any one time.	6.2.2.3	A new establishment or extension for turkey production for mote than 1,750 heads at any one time.
6.2.1.3	A new establishment or extension for rabbit production with more than 12,500 heads at any one time.	6.2.2.4	A new establishment or extension for rabbit production for more than 5,000 heads at any one time.
6.2.1.4	A new pig rearing establishment or extension for more than 500 sows or 3,000 fattening pigs (over 30kgs) at any one time.	6.2.2.5	A new pig rearing establishment or extension with: (i) more than 250 sows or 1,500 fattening pigs (over 30 kgs); or (ii) more than 125 sows or 750 fattening pigs (over 30 kgs) and within 400m of a residential area..
6.2.1.5	A new cow rearing establishment or extension with more than 200 milk cows[3] or 300 beef cows at any one time.	6.2.2.6	A new cow rearing establishment or extension with more than 150 milk cows or 200 beef cows at any one time.
6.2.1.6	A new goats rearing establishing with more than 900 heads at any one time.	6.2.2.7	A new goats rearing establishing with more than 600 heads at any one time.
6.2.1.7	A new sheep rearing establishing with more than 1,200 heads at any one time.	6.2.2.8	A new sheep rearing establishing with more than 800 heads at any one time.

[3] Milk cows refers to milking cows (excluding replacements, calves, etc.)

		6.2.2.9	Any livestock unit rearing animals such as emus, ostriches, kangaroos, wallabies or crocodiles, whether these are for consumption or otherwise and other animals, such as snails and frogs, that can create an ecological imbalance if they escape into the wild.
6.3	**Aquaculture**		
6.3.1	**Category I Projects**	**6.3.2**	**Category II Projects**
6.3.1.1	Any aquaculture hatchery or unit and extension to existing one rearing any form of marine organism (animal or plant), and including penning, and having: (i) facilities covering an area of 2 ha or more at sea (be it at the surface or on the sea-bed); or (ii) intended for the production of more than 100 tons of fish per year and within 2km of the coast.	6.3.2.1	All aquaculture hatcheries or units and extensions to existing one rearing any form of marine organism (animal or plant), and including penning having facilities at sea (whether on the surface or on the sea-bed) within 2 km of the shoreline.
		6.3.2.2	Aquaculture hatcheries or units and extension to existing ones rearing any form of marine organism (animal or plant), and including penning, having facilities at sea (whether on the surface or on the sea bottom), more than 2km from the coast and covering an area of more than 2 ha.
		6.3.2.3	All aquaculture hatcheries and rearing farms and extension to existing ones with all facilities on land covering an area of land of 1 ha or more, or intended for the production of more than 50 tons of fish or equivalent other produce per year not being a development on the coast within 4.2.
6.4	**Afforestation and Deforestation**		
6.4.1	**Category I Projects**	**6.4.2**	**Category II Projects**
6.4.1.1	An afforestation scheme of more than 25 ha.	6.4.2.1	An afforestation scheme of 5 ha or more.
6.4.1.2	Deforestation (including felling and uprooting of trees) in an area of more than 10ha for the purposes of conversion to another type of land use	6.4.2.2	Deforestation (including felling and uprooting of trees) in an area of more than 3ha for the purposes of conversion to another type of land use

NOTE:	**Afforestation/deforestation projects affecting protected trees, copses and woodlands are also covered by criterion 9 – Development affecting natural and cultural heritage - whichever is the more demanding.**

6.5	**Greenhouses and Protected Crops**		
6.5.1	**Category I Projects**	**6.5.2**	**Category II Projects**
		6.5.2.1	Greenhouses or structures to protect crops with an area of more than 1 ha.
		6.5.2.2	Greenhouses or structures to protect crops with an area of more than 5,000m^2 and where the total area of greenhouses within 500m of the site is more than 5 ha.
6.6	**Rural Land Holdings**		
		6.6.2	Category II Projects
		6.6.2.1	Projects for the restructuring for rural land holdings where the restructuring will involve the change of of use of 1 ha or more of land
6.7	**Horse Stables**		
6.7.1	Category I Projects	6.7.2	Category II Projects
	Any horse stables with more than 150 horses;		Any horse stable unit with more than 50 horses
7	**ENERGY INDUSTRY**		
7.1	**Refineries**		
7.1.1	**Category I Projects**	**7.1.2**	**Category II Projects**
7.1.1.1	Construction of a gas or crude-oil refinery.		
7.2	**Coal and Allied Works**		
7.2.1	**Category I Projects**	**7.2.2**	**Category II Projects**
7.2.1.1	Installation for the gasification and liquefaction of coal or bituminous shale.	7.2.2.1	Coke Ovens (dry coal distillation)
7.2.1.2	Industrial briquetting of coal and lignite.		
7.3	**Electric Power Station**		
7.3.1	**Category I Projects**	**7.3.2**	**Category II Projects**
7.3.1.1	Construction of thermal power station and other combustion installation with an output of more than 50 megawatts.	7.3.2.1	Construction or extension of a thermal power station and other combustion installation for the generation of power for sale to consumers and not being development falling within 7.3.1.1.
7.4	**Nuclear Energy**		
7.4.1	**Category I Projects**	**7.4.2**	**Category II Projects**
7.4.1.1	Construction and/or dismantling and decommissioning of nuclear power stations or other nuclear reactors[4].		

[4] Nuclear power stations and other nuclear reactors cease to be such an installation where all nuclear fuel and other

7.4.1.2	Installation for the processing or reprocessing of irradiated nuclear fuel.		
7.4.1.3	Installation for the accumulation and/or processing of radioactive wastes, including fission waste and irradiated fissile materials.		
7.4.1.4	Installation for the permanent storage or final disposal of radioactive wastes or irradiated nuclear fuel.		
7.4.1.5	Installation designed for the production or enrichment of nuclear fuel		

7.5	**Renewable Energy Production**		
7.5.1	Category I Projects	**7.5.2**	**Category II Projects**
7.5.1.1	Installations for the harnessing of wind power for energy production (wind farms) in excess of 5 turbines or in excess of a total output of 5MW or the use of wave and solar energy with an output of more than 2 MW.	7.5.1.2	Installations for the harnessing of wind power for energy production (wind farms) or the use of wave and solar energy designed to sell electricity to consumers, i.e. not for personal use, and not falling within 7.5.1.1.
7.5.1.2	Installations for hydroelectric energy production.		

7.6	**Storage of Gases, Fossil Fuels and Petroleum**		
7.6.1	**Category I Projects**	**7.6.2**	**Category II Projects**
7.6.1.1	Surface and underground storage of combustible gases including natural gas with a capacity of more than 100,000m^2.	7.6.2.1	Surface and underground storage of combustible gases including natural gas with a capacity of more than 50,000m^3.
7.6.1.2	Surface storage of fossil fuels on a site of 2ha or more.	7.6.2.2	Surface storage of fossil fuels on a site of more than 5,000m^2.
7.6.1.3	Storage of petroleum products with a capacity of more than 100,000m^3.	7.6.2.3	Storage of petroleum products where the storage capacity is between 50,000m^3 and 100,000m^3 and where: (i) the site area is over 20,000m^3; or (ii) where more than 300 dwellings or a site designated for more than 300 dwellings are within 300m of the proposed site; or (iii) within the aquifer protection zone; or (iv) within 500m of a borehole.
		7.6.2.4	Installation for storage and transport of gas, steam or hot water over a network having more than 1km of pipe work.
		7.6.2.5	Industrial installations for the production of steam and hot water.

radioactively contaminated elements have been removed permanently from the installation site.

		7.6.2.6	Construction of a new fuel servicing station.
7.7	**Electric Transmission**		
7.7.1	**Category I Projects**	**7.7.2**	**Category II Projects**
7.7.1.1	The transmission of electrical energy by overhead cables at high voltage over 220KV and over more than 1km.	7.7.2.1	The transmission of electrical energy by overhead cables with a voltage of over 100KV and over more than 1km.
8	**INDUSTRIAL DEVELOPMENTS AND OPERATIONS**		
8.1	**Industrial Smelting of cast-iron and steel**		
8.1.1	**Category I Projects**	**8.1.2**	**Category II Projects**
8.1.1.1	Construction of an installation for the initial smelting of cast-iron, steel or other metals.		
8.2	**Asbestos**		
8.2.1	**Category I Projects**	**8.2.2**	**Category II Projects**
8.2.1.1	Construction of an installation for the extraction, treatment and processing of asbestos and products containing asbestos.	8.2.2.1	The use of asbestos in manufacture or production of products not being a development within 8.2.1.1 to 8.2.1.4.
8.2.1.2	Construction of an installation for the manufacture of asbestos cement.		
8.2.1.3	Construction of an installation for the manufacture of brake linings with a capacity of 50 tonnes or more per year.		
8.2.1.4	Construction of an installation for the manufacture or production of other products containing asbestos with a consumption of over 200 tonnes or more of asbestos per year.		
8.3	**Chemical Installations**		
8.3.1	**Category I Projects**	**8.3.2**	**Category II Projects**
8.3.1.1	Construction of an integrated chemical installation, i.e. an installation for the manufacture on an industrial scale of substances using chemical conversion or physical processes, in which several units are juxtaposed and are functionally linked to one another and which are: (i) for the production of basic organic chemicals; (ii) for the production of basic inorganic chemicals; (iii) for the production of phosphorous-, nitrogen-, or potassium-based fertilisers (simple compound fertilisers); (iv) for the production of basic plant health products or biocides; (v) for the production of basic pharmaceutical products using a chemical or biological process;		

(vi) for the production of explosives.
(vii) for the production of any other product not listed above but which requires similar treatment.

8.3.1.2	Installations for the storage of chemical products with a capacity of 100,000m^3	8.2.2.1	Installations for the storage of chemical products with a capacity of over 20,000m^3

8.4 - 8.10 OTHER INDUSTRIES

General Criteria

The industrial developments listed below are in Category I where the following circumstances apply:

(b) the industrial operations will require the disposal of significant[5] quantities of liquid, gaseous or solid wastes; or

(c) significant[8] quantities of chemical or combustible material are to be stored on site; or

(d) development covering a site of 2ha or more is:

(i) to be located in an area not designated for the type of industry in an approved development plan; or

(ii) more than 300 dwellings or a site for more than 300 dwellings are within 200m of the site boundaries; or

(iii) the boundary of the site is within 200m of a protected site; or

(iv) within the aquifer protection zone or within 500m of a bore hole.

All industrial developments listed below not covered by the above conditions and with a site area o more than 2,000m^2 are in Category II.

8.4	**Processing of metals**		
8.4.1	**Category I Projects**	**8.4.2**	**Category II Projects**
8.4.1.1	Roasting, pelletizing or sintering of ores.		
8.4.1.2	Installations for the production or processing of ironworks or steel works (primary or secondary fusion) including continuous casting, a foundry, forge, smitheries with hammers, application of protective fused metal coats, drawing plant or hot rolling mills not being works falling within 8.4.1.1.		
8.4.1.3	The pressing, drawing, or stamping of large castings.		

[5] "Significant" means the quantities to be disposed of or stored may have significant environmental impacts on the locality.

8.4.1.4	Installations for the production or processing (including smelting, refining, drawing and rolling) of non-ferrous metals, other than precious metals.		
8.4.1.5	Installations for the surface treatment and coating of metals and plastic materials using an electrolytic or chemical process.		
8.4.1.6	Boiler-making or manufacturing of reservoirs, tanks and other sheet-metal containers.		
8.4.1.7	Shipyards.		
8.4.1.8	Manufacture or assembly of motor vehicles or manufacturing motor-vehicle engines.		
8.4.1.9	Installations for the construction or repair of aircraft.		
8.4.1.10	Swaging by explosives.		
8.4.1.11	Installations for the application of protective fused metal coats.		
8.4.1.12	Manufacture of railway equipment		
8.5	**Glass and Ceramics**		
8.5.1	**Category I Projects**	**8.5.2**	**Category II Projects**
8.5.1.1	Installations for the manufacture of glass including glass fibre.		
8.5.1.2	Installations for the manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.		
8.6	**Chemical Industry**		
8.6.1	**Category I Projects**	**8.6.2**	**Category II Projects**
8.6.1.1	Treatment of intermediate products and production of chemicals not being a development within 8.6.		
8.6.1.2	Production of pesticides or pharmaceutical products, paints, varnishes, elastomers or peroxides.		
8.6.1.3	Storage of chemical or petrochemical products.		
8.7	**Food Industry**		
8.7.1	**Category I Projects**	**8.7.2**	**Category II Projects**
8.7.1.1	Manufacturing of vegetable or animal oils and fats.		

8.7.1.2	Packing or canning of animal or vegetable products.		
8.7.1.3	Manufacture of dairy products.		
8.7.1.4	Brewing or malting.		
8.7.1.5	Confectionery or syrup manufacture.		
8.7.1.6	Installations for the slaughter of animals.		
8.7.1.7	Installations for the manufacture of industrial starch.		
8.7.1.8	Fish meal or fish-oil industry.		
8.7.1.9	Sugar factory.		
8.8	**Textile, Leather, Wood and Paper Industries**		
8.8.1	**Category I Projects**	**8.8.2**	**Category II Projects**
8.8.1.1	Wool scouring, degreasing and bleaching factory.		
8.8.1.2	Manufacture of fibre board, particle board or plywood.		
8.8.1.3	The manufacture of pulp, paper or board.		
8.8.1.4	Fibre dyeing factory.		
8.8.1.5	Cellulose-processing and production installation.		
8.8.1.6	Tannery or leather dressing industry.		
8.9	**Rubber Industry**		
8.9.1	**Category I Projects**	**8.9.2**	**Category II Projects**
8.9.1.1	Manufacture and treatment of elastomer-based products.		
8.10	**Other Projects**		
8.10.1	**Category I Projects**	**8.10.2**	**Category II Projects**
8.10.1.1	Manufacture, packing, loading or placing in cartridges of gunpowder or other explosives other than for local use i.e. the making of fireworks for local festas.		
8.10.1.2	The storage of scrap iron including scrap vehicles.		
8.10.1.3	A car breakers yard, a test bench for engines, turbines or reactors.		
8.10.1.4	A knackers yard.		
8.10.1.5	Installations for smelting mineral substances including the production of mineral fibres.		

8.10.1.6 Installations for the manufacture of artificial mineral fibres.

8.10.1.7 Installations for the recovery or destruction of explosive substances

9. DEVELOPMENTS AFFECTING NATURAL AND CULTURAL HERITAGE

Any development or activity on behalf of which a scheduled property, conservation area, or other property having heritage value, whether natural or cultural, could be destroyed or its protected status rescinded, may require an environmental impact assessment, the scale of which shall be determined by the Director of Environment Protection.

10. CHANGES OR EXTENSIONS TO APPROVED PROJECTS

Any change or extension of development which would result in the development listed in Category I or II, already authorised, executed or in the process of being executed which may have significant adverse effects on the environment including:
(a) an increase in size greater than 25%; or
(b) an amount equivalent to 50% of the appropriate threshold
shall be required to undertake an environmental impact assessment, the scale of which shall be determined by the Director of Environment Protection.

11. RE-ACTIVATION OF CATEGORY I PROJECTS

Projects in Category I, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years, shall be subject to an environmental planning statement prior to re-use.

12. CUMULATIVE EFFECTS OF PROJECTS

Projects not included in Category I and II and which normally do not require an assessment of environmental impacts but, due to cumulation with other projects can produce significant environmental or social effects, may be required to undertake an environmental impact statement or an environmental planning statement if the Director of Environment Protection is of the opinion that significant impacts are likely to occur and a normal development permission application would not provide an adequate basis for evaluating such developments.

SKEDA IB

Criteria for determining whether a development would or would not be likely to have significant effects on the environment

1. Characteristics of the proposed development

The characteristics of proposed development, in particular, to:

- the size of the proposed development;
- the cumulation with other developments;
- the use of natural resources;
- the production of waste;
- pollution and nuisances;
- the risk of accidents, having regard to substances or technologies used.

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard, in particular, to:

- the existing land use;
- the relative abundance, quality and regenerative capacity of natural resources in the area;
- the absorption capacity of the natural environment, paying particular attention to the following areas:

(a) wetlands;
(b) coastal zones;
(c) mountain and forest areas;
(d) nature reserves and parks;
(e) areas classified or protected under other legislation, designated special protected pursuant to LN 79/2006 and LN 257/2003;
(f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded;
(g) densely populated areas;
(h) landscapes of historical, cultural or archaeological significance.

3. Characteristics of potential impacts

The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population);
- the transfrontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impacts;
- the duration, frequency and reversibility of the impact.

DEVELOPMENT PLANNING ACT
(CAP. 356)

ENVIRONMENTAL IMPACT ASSESSMENT REGULATIONS, 2007

IN virtue of the powers conferred by article 60 of the Development Planning Act and articles 9 and 10 of the Environment Protection Act the Minister for Rural Affairs and the Environment, on the recommendation of the Malta Environment and Planning Authority, has made the following regulations:

PART I

GENERAL PROVISIONS

Citation and entry into force.

1. (1) The title of these regulations is the Environmental Impact Assessment Regulations, 2007.

(2) These regulations shall come into force on the date of publication of these regulations, other than Part VI, which shall come into force on such date as the Minister responsible for the environment may by notice in the Gazette appoint, and different dates may be so appointed for different provisions and different purposes of these regulations.

Interpretation.

2. (1) In these regulations, unless the context otherwise requires:-

"agency of Government" means a body corporate established by law and a company in which the Government or such body corporate, or a combination thereof, has a controlling interest or which is a subsidiary of such a company; but it does not include the Authority;

"aquifer" means all underground freshwater-bearing strata capable of yielding water, and includes groundwater reservoirs, groundwater catchment areas, the waters in geological rock formations, including fissures and fractures, and the structures containing deep fossil waters;

Cap. 356.

"the Act" means the Development Planning Act;

"affecting" means will or may have an effect on;

"applicant" means any applicant seeking development permission and includes a department and an agency of Government;

"archaeology" means the study of ancient cultures by the excavation and analysis of physical remains;

"the Authority" means the Malta Environment and Planning Authority established under article 3 of the Act and includes any body or other person acting on its behalf under powers delegated by the Authority under the Act;

"baseline studies" means technical studies, prepared by consultants, that describe in detail the existing environmental, social and economic characteristics of the area being assessed, and how these might develop without intervention;

"certificate" means a certificate of registration issued according to the provisions of sub-regulation (4) of regulation 35 of these regulations;

"Committee" means the Inter-departmental Planning Committee established under subarticle (1) of article 17D of the Act;

"consultant" has the same meaning as is assigned to an environmental impact assessment consultant in sub-regulation (3) of regulation 35 of these regulations;

"consultees" means departments and agencies of Government, local councils or any other body which the Director of Environment Protection might request the consultants to consult;

"contributors" means technical experts that give minimal input to the environmental impact assessment process but do not in any way assess the impacts of the project;

"co-ordinator" means an environmental impact assessment consultant who possesses the appropriate qualifications and has knowledge and training in environmental impact assessment techniques and methods and who is co-ordinating the preparation of an environmental impact assessment, preparing the coordinated

assessment and writing the relative environmental impact statement or environmental planning statement, as the case may be;

"conservation" means the management or control of human use of a natural resource or the environment in such a manner that it may yield the greatest sustainable benefit to present generations whilst maintaining its potential to meet the needs and aspirations of future generations; and includes preservation, maintenance, sustainable utilisation, restoration, rehabilitation, reinstatement and enhancement of a natural resource or the environment;

"council" has the same meaning as is assigned to it by article 2 of the Local Councils Act; Cap. 363.

"cultural heritage" means:

(a) monuments - being architectural works, works of monumental sculpture and painting, elements or structures of an archaeological nature, inscriptions, cave dwellings and combinations of features;

(b) groups of buildings - being groups of separate or connected buildings or the spaces between them, singular buildings or their immediate surroundings which are to be conserved because of their architectural character, their homogeneity or their place in the landscape;

(c) sites - being works of man or the combined works of nature and of man, and areas including archaeological sites which are of value from the point of view of history, art, science, culture, aesthetics, ethnography, anthropology and includes also their surroundings;

"cumulative impact" means the combined effect on the environment of two or more projects, or parts of projects, including synergistic effects;

"department of Government" means any department or other authority of the Government, any Minister or Parliamentary Secretary, any public officer and any member of, employee or agent of, an authority as aforesaid; but does not include an agency of Government;

"developer" means that person who applies for development permission for a public or private project;

"development" has the same meaning assigned to it by subarticle (2) of article 30 of the Act;

"development permission" means a permission to carry out development granted by the Authority either on an application in that behalf or in a development order;

"development order" means an order made under and for the purpose of article 31 of the Act;

"Director of Planning" means the Director of Planning appointed under article 6 of the Act and includes any person acting on his behalf or under his authority;

"Director of Environment Protection" means the Director of the Environment Protection Directorate of the Malta Environment and Planning Authority and includes any person or body of persons acting on his behalf or under his authority;

"Director Environment Policy and Initiatives" means the Director responsible for Environment Policy and Initiatives appointed by the Minister and includes any person or body of persons acting on his behalf or under his authority;

"ecology" means the study of the interactions of living organisms with other individuals of their own or of different species, and with their environment;

"ecosystem" means a dynamic complex of plant, animal and micro-organism communities and their non-living environment interacting as a functional unit;

"effects" include:

(a) direct effects, which are caused by an action;

(b) indirect effects, which are caused by an action or actions and are later in time or further removed in distance, but are still reasonably foreseeable; and includes growth-regulating effects and other effects related to induced changes in the pattern of land use, population density or growth rate, and related effects on air and water and other natural systems including ecosystems;

(c) ecological effects (including the effects on natural resources and on the components, structures, and functioning of affected ecosystems);

(d) aesthetic, historic and cultural effects, whether direct, indirect, or cumulative;

(e) socio-economic effects (including impacts on incomes, employment, foreign exchange, recreational and educational opportunities, social structure, culture, health, safety, transport and general amenity), whether positive or negative, direct or indirect through the generation of environmental impacts;

(f) those effects resulting from actions which may have both beneficial and detrimental effects, even if on balance the consultants believe that the effect will be beneficial;

(g) secondary, cumulative, short, medium and long term, permanent, temporary, positive and negative effects;

"environment" includes any one of, more of, or a combination of the following:

(a) air, land and water;

(b) plant and animal life;

(c) social, economic and cultural conditions;

(d) any man-made development;

(e) any solid, liquid, gases, odour, heat, light, sound, vibration and radiation;

(f) any natural resource; and

(g) any part or combination of the foregoing and the interrelationship between any two or more of them;

"environmental impact assessment" means 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;

"environmental impact statement" means the result of a full environmental impact assessment study presented as a report which describes a development listed in Category I of Schedule IA to these regulations and its effects on the environment indicating how these effects have been taken into account;

"environmental interference" means any impairment of living resources, ecosystems, human well-being (including health, safety, cultural, commercial, transportation, recreational and educational activity), material property, amenities or other legitimate uses of a natural resource or the environment, caused, directly or indirectly, by man through polluting substances, ionising radiation, noise, explosions, vibration or other forms of energy, or movement of matter, flora, fauna, diseases, flooding, smothering or other similar means and includes the suppression of all those factors sustaining the environment;

"environmental planning statement" means the result of a limited environmental impact assessment study presented as a report which describes a development listed in Category II of Schedule IA to these regulations and its effects on the environment indicating how these effects have been taken into account;

"environmental survey reports" means the original technical studies prepared by the consultants for particular aspects of the environmental impact assessment (for example, ecology, emissions to air, archaeology, etc.);

"extension" means any addition to a development and may include increase in area, height, volume or capacity;

"fauna" means all types of animals;

"flora" means all types of vegetation;

"geology" means the science of the earth's crust, strata and origin of its rocks;

"habitat" means that set of locations that satisfy the resource requirements of a species and where it can fulfil its ecological role;

"hazardous waste" has the same meaning as is assigned to it in the Environment Protection Act or under regulations made under the said Act or under any other law or regulations which may from time to time replace the said Act;

Cap. 348.

"human environment" includes the natural and physical environment and the relationship of people (including employees, neighbours, consumers, and tourists) with that environment;

"impacts" has the same meaning as is assigned to the word "effects" in these regulations;

"Junior Impact Assessor" means an environmental impact assessment consultant who possesses the required qualifications and experience in a particular environmental discipline but lacks experience and knowledge in environmental impact assessment techniques and methods;

"landscape" means the characteristics, patterns, forms and structures of the environment, including the traits, patterns, forms and structures of a specific geographic area, its biological composition, its physical environment, its geology, its geomorphology, its palaeontology, its lithostratigraphy and its anthropogenic and social patterns;

"locality" has the same meaning as is assigned to it by article 2 of the Local Councils Act; Cap. 363.

"the Minister" refers to the Minister responsible for the environment;

"mitigation" includes:

(a) avoiding the impact altogether by not taking a certain action or part of an action;

(b) minimizing negative impacts by limiting the degree or magnitude of the action and its implementation;

(c) maximizing the positive impacts of developments;

(d) rectifying the impact by repairing, rehabilitating, or restoring the affected environment;

(e) reducing or eliminating the impact over time by conservation operations during the life of the action;

(f) compensating for the impact by replacing or providing substitute resources or environments;

"natural environment" means:

(a) natural features consisting of physical and biological formations or groups of such formations;

(b) geological and physiographical, geomorphological, lithostratigraphical, palaeontological and hydrological formations and precisely delineated areas which constitute the habitat of threatened species of flora and fauna;

(c) natural sites or precisely delineated areas of value from the point of view of science, scenic value, conservation or natural beauty;

"pollution" means the introduction by man, directly or indirectly, of any substance or energy into the environment resulting in deleterious effects of such a nature as to endanger human health, harm living resources, ecosystems and material property, and impair amenities or interfere with other legitimate uses of the environment;

"precautionary principle" means the adoption of, or taking of preventative measures when there are reasonable grounds for concern that threats of serious or irreversible damage to the environment might occur even if there is a lack of scientific certainty; provided that such uncertainty shall not be used as a reason for postponing measures to avoid, reduce, prevent, anticipate or control such threats or damage to the environment;

"project" means the proposed development for which a development permission is being sought;

"project description statement" means a description of the site and the proposed development in sufficient detail to identify the likely effects on the environment and their acceptability under specific policies contained in the Structure Plan and other development plans and in planning policies;

"protected sites and areas" means:

(a) any property scheduled under the provisions of article 46 of the Act;

(b) any property which, though not being scheduled property under the provisions of articles 46 and 48 of the Act, is protected under the provisions of article 47 of the Act by an emergency conservation order;

(c) any tree scheduled under the provisions of article 48 of the Act;

(d) any area, building, site or archaeological remains protected under the provisions of the Environment Protection Act, or any other law which may from time to time replace it; Cap. 348.

(e) cultural heritage as defined by article 2 of the Cultural Heritage Act, which is protected according to the provisions of that Act or of any other law which may from time to time replace it; Act VI of 2002.

(f) any urban conservation area designated under the Structure Plan and any other development plan;

(g) any rural conservation area designated under the Structure Plan and any other development plan;

(h) any village core area designated under the Temporary Provisions Schemes; and

(i) any other objects, areas or sites which are protected under the provisions of any other law;

"public" means one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups;

"the public concerned" means the public affected or likely to be affected by, or having an interest in, the environmental decision-making procedures referred to in these Regulations; for the purposes of this definition, non-governmental organisations promoting environmental protection and meeting any requirements under national law shall be deemed to have an interest:

Provided that where the term "public" appears in these regulations it shall include "the public concerned";

"Register" means the Register of Environmental Impact Assessment Consultants established under sub-regulation (1) of regulation 34 of these regulations;

"Registration Board" means the Registration Board established under sub-regulation (1) of regulation 35 of these regulations;

"scoping" means the process of identifying key issues, significant actions, alternatives and impacts to be considered in an environmental impact assessment;

"Senior Impact Assessor" means an environmental impact assessment consultant who possesses the required qualifications in a particular environmental discipline and knowledge of and experience in environmental impact assessment techniques and methods;

"significantly" requires considerations of both context and intensity:

(a) context - this means that the significance of an action shall be analysed in several contexts such as society as a whole, the surroundings of the project, the affected interests, the site of the project and the distribution of relevant features of archaeological, ecological, scientific, hydrological, geological and scenic value;

(b) intensity - this means the severity of impact and the following elements shall be considered in evaluating intensity:

(i) impacts that may be beneficial, adverse or neutral;

(ii) the degree to which the project affects public health or safety;

(iii) unique or otherwise rare or valuable characteristics of the geographic area which affect its relationship with the natural environment and the cultural heritage;

(iv) the degree to which the project affects the quality of the human environment;

(v) the degree to which the possible effects on the human environment are uncertain or involve unique or unknown risks;

(vi) the degree to which the action may establish a precedent for future actions with potentially significant effects or represents a decision in principle about a future consideration;

(vii) whether the action is related to other actions with individually insignificant but cumulatively significant impacts;

(viii) whether the action threatens a violation of any law or policy-making provision for the protection of the environment;

(ix) whether the action is permanent or reversible;

"treaty" has the same meaning as is assigned to it in article 2 of the Ratification of Treaties Act; Cap. 304.

"use of a natural resource" means any human conduct which, directly or indirectly, takes advantage of the benefits of a natural resource in the form of preservation, exploitation and possible depletion, consumption or otherwise.

(2) The definition of any word or expression in sub-regulation (1) of this regulation shall extend to all grammatical variations and related expressions of the word or expression so defined.

(3) Any word or expression used in these regulations which is defined by article 2 of the Act shall have the same meaning as is assigned to such word or expression by that article of the Act.

PART II

TYPES OF ENVIRONMENTAL IMPACT ASSESSMENT

Environmental Impact Assessment.

3. (1) The Malta Environment and Planning Authority shall be the responsible competent authority for performing the duties as set out in these regulations.

(2) An environmental impact assessment is intended to identify, describe and assess in an appropriate manner, in the light of each individual proposal for development and in accordance with the provisions of these regulations, the direct and indirect effects of that development on the following factors:

(a) fauna and flora, and the living components of the environment;

(b) soil, water, air, climate, the landscape, and the non-living components of the environment;

(c) the interaction between the factors mentioned in paragraphs (a) and (b) of this sub-regulation;

(d) material assets and the cultural heritage; and

(e) human beings and their interactions with the factors mentioned in paragraphs (a) to (d) of this sub-regulation.

(3) An environmental impact assessment, depending on the type of the development, shall take one of the following forms:

(a) either a full environmental impact assessment; or

(b) a limited environmental impact assessment.

(4) Any development listed under Category I of Schedule IA to these regulations shall require a full environmental impact assessment by the preparation of an environmental impact statement, unless the Authority refuses permission as stated in sub-regulation (2) of regulation 4 of these regulations.

(5) Subject to sub-regulation (6) of this regulation any development proposal which is submitted and falling within the scope of the threshold indicated in the schedule listed under Category II of Schedule IA to these regulations, shall require a limited environmental impact assessment by the preparation of an environmental planning statement, unless the Authority refuses permission as stated in sub-regulation (2) of regulation 4 of these regulations;

Provided that where a planning application for a development listed under Category II of Schedule IA of these regulations is submitted for which no threshold is indicated in this schedule, the Director of Environment Protection shall decide whether the development would or would not be likely to have significant effects on the environment having regard to the criteria set out in Schedule IB, on the basis of which an environmental planning statement may be required.

(6) The Director of Environment Protection, acting of his own accord or on the advice of the Director of Planning, may require the applicant, in the case of any application for development permission concerning a development which is not included in Category I of Schedule IA to these regulations (even though such development may be included under Category II of Schedule IB to these regulations) to prepare a full environmental impact statement if he is of the opinion that significant impacts are likely to occur having regard to the criteria set out in Schedule IB and a normal planning application or an

environmental planning statement do not provide an adequate basis for evaluating such development.

(7) Notwithstanding the provisions of sub-regulations (4), (5) and (6) of this regulation and subject to sub-regulation (8) of this regulation, the Director of Environment Protection acting on his own accord or on the advice of the Director of Planning, may require the applicant, in the case of any application for a development permission concerning a development which is not included in Categories I or II of Schedule IA to these regulations, to prepare an environmental impact statement or an environmental planning statement if the Director of Environment Protection is of the opinion that significant impacts are likely to occur due to the characteristics and location of the proposal having regard to the criteria set out in Schedule IB and a normal development permission application would not provide an adequate basis for evaluating such development.

(8) Notwithstanding the provisions of sub-regulation (5) of this regulation, the Director of Environment Protection may exempt an applicant from preparing a limited environmental impact assessment notwithstanding that the development is one which is listed in Category II of Schedule IA to these regulations if he is of the opinion that the project description statement presented with the application under the provisions of sub-regulation (1) of regulation 5 of these regulations, has considered environmental issues in a sufficient manner such that the preparation of a limited environmental impact assessment would not add any new information and the Authority has all the necessary information to determine the application. In such a case, a detailed justification as to why a limited environmental impact assessment was not requested shall be provided and shall be made public. The Director of Environment Protection shall also make public the information contained in the project description statement.

(9) Notwithstanding the provisions of sub-regulations (6), (7) and (8) of this regulation, the Environmental Impact Assessment procedure may also be undertaken for proposed development projects even prior to the submission of a formal development permission application, so long as the development proposal is, *prima facie*, acceptable in principle. In this case, all the provisions in these regulations for the preparation of an environmental impact statement or environmental planning statement, shall *mutatis mutandis* apply.

Refusal of development permission where no environmental impact assessment is prepared.

4. (1) Subject to sub-regulation (8) of regulation 3 of these regulations, no development permission shall be granted by the Authority authorising any development listed in Schedule IA to these regulations

if no environmental impact assessment has been submitted to the Authority according to the provisions of these regulations.

(2) Subject to sub-regulation (8) of regulation 3 of these regulations, the Authority shall refuse development permission in the case of a development that would otherwise require an environmental impact assessment, even though no environmental impact assessment has been submitted to the Authority according to the provisions of these regulations:

(a) where the development is clearly against any approved development plan or planning policy; or

(b) where the development is likely to compromise the preparation of a development plan in the foreseeable future; or

(c) where the effects of a development project are clearly unacceptable; or

(d) if the project description statement indicates that the proposed development will have unacceptable environmental impacts.

Project description statement.

L.N. 133 of 1992.

5. (1) Without prejudice to the provisions of regulation 3 of the Development Permission (Method of Application) Regulations, 1992 and in addition to the requirements mentioned in sub-regulation (2) of that regulation, an application for development permission concerning any development that may require to be subjected to an environmental impact assessment under regulation 3 to these regulations shall be accompanied by a project description statement.

(2) If an application for development permission is not accompanied by a project description statement as provided in sub-regulation (1) of this regulation and, in the opinion of the Director of Environment Protection in terms of regulations 3(4), (5), (6) and (7), such application is one which may require an environmental impact assessment, the Director of Environment Protection shall inform the applicant that his application may require an environmental impact assessment and that in terms of subarticle (2) of article 36 of the Act, the period of time mentioned in subarticle (1) of article 36 of the Act for the determination of the application shall be suspended until the applicant furnishes the Authority with a project description statement in terms of sub-regulation (1) of this regulation.

(3) A project description statement shall contain the following information as applicable:

(a) details of the person wishing to carry out the development;

(b) an explanation of the nature of the opportunities and problems being addressed by the development, and of its general economic, social and environmental objectives;

(c) a description of the general strategy employed, and of the production processes and operational methods to be used, and any alternative methods considered, in reaching the social, environmental and economic objectives of the development;

(d) an indication of the proposed timing of the project and why this timing was preferred;

(e) an indication of whether the project is economically viable;

(f) the location of the proposed development with site boundaries clearly shown on a map;

(g) 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;

(h) a description of the physical characteristics including size, scale, design and phasing of the development using models, photographs, diagrams, plans and maps where appropriate;

(i) a description of present land uses and environmental characteristics of the site;

(j) a brief description of surrounding land uses, their nature, their extent and their environmental characteristics;

(k) a description of the services, water, foul water sewers, surface water drainage, including storm water drainage, and energy sources available on site;

(l) estimates of the number of persons to be employed with estimates for each phase of the development;

(m) the nature and quantities of raw materials to be used, and wastes generated during construction and operation; the proposed method of storage or handling of materials and wastes,

and machinery needed during both the construction and the operational phases;

(n) access arrangements, parking requirements and parking arrangements on and off the site, during both construction and operation;

(o) proposals for mitigating the negative effects of the development; and

(p) any other information deemed necessary by the Director of Environment Protection.

(4) Notwithstanding the provisions of sub-regulations (1) and (2) of this regulation, the Authority may request the preparation of a Project Description Statement for proposed developments even prior to the submission of a formal development permission application. In this case, the provisions of sub-regulation (3) of this regulation still apply.

Baseline Studies.

6. (1) Notwithstanding the provisions in these regulations for the preparation of an environmental impact statement and environmental planning statement following the submission of a development permission application, in cases where the Authority deems it necessary in order to assist the planning and design process to adequately consider the constraints and environmental issues affecting the development, it may require the proponent of a development to commission the preparation of baseline studies of the area which may be impacted by the development so proposed, even before the submission of a development permission application, in anticipation of commissioning the full environmental impact statement or environmental planning statement.

(2) The baseline studies mentioned in sub-regulation (1) of this regulation shall be prepared by consultants registered under Part VI of these regulations and in accordance with terms of reference prepared by the Director of Environment Protection. The terms of reference shall take into consideration the provisions of regulation 15 of these regulations.

(3) The Director of Environment Protection shall communicate a copy of the terms of reference to the applicant, to the applicant's architect or consultants and to such other persons he deems proper.

(4) The baseline studies prepared in accordance with the provisions of sub-regulation (1) of this regulation, shall be taken account of in the formulation of the project proposal with a view to mitigate the impacts of the proposed development at the design stage and shall, for the purposes of these regulations be deemed to constitute part of the environmental impact statement or environmental planning statement, as the case may be, once the latter is commissioned.

(5) When the Director of Environment Protection requests the applicant to prepare baseline studies this in no way implies that the Director of Environment Protection is approving the development, or will recommend to the Authority that it should approve the development, or will request an Environmental Impact Statement or Environmental Planning Statement at a later stage.

(6) Once the project proposal is duly submitted the Director of Environment Protection may request further information.

Verification.

7. (1) After the project description statement, which shall be in conformity to regulation 5 of these regulations, is submitted by the applicant to the Authority, the Director of Environment Protection shall decide whether the development is one which is included under sub-regulations (3) to (9) of regulation 3 or regulation 4 of these regulations.

(2) The Director of Environment Protection shall inform the applicant of his decision not later than four weeks after the project description statement prepared in conformity with regulation 5 of these regulations has been received by the Authority and shall give reasons for his decision.

(3) Once the Director of Environment Protection notifies the applicant that his application requires an environmental impact assessment according to Schedule IA of these regulations, the applicant shall, within 30 days of notification, write to the Director of Environment Protection to inform him that he accepts his views and shall provide an environmental impact assessment within a time period to be specified by the applicant.

(4) Until the applicant furnishes an environmental impact assessment which complies with the provisions of these regulations, the period of time mentioned in subarticles (1) and (2) of article 36 of the Act for the determination of the application shall be suspended. The said periods shall again commence to run from the date on which the Authority has received the environmental impact statement or environmental planning statement, as the case may be, and the Authority

has accepted this statement as being a valid submission in accordance with sub-regulation (4) of regulation 25 of these regulations.

(5) If the applicant does not write to the Director of Environment Protection in accordance with sub-regulation (3) of this regulation, the application shall be processed according to the provisions of sub-regulation (1) of regulation 4 of these regulations.

Informing departments and agencies of Government of the need for an environmental impact assessment.

8. (1) After the expiration of the period mentioned in sub-regulation (3) of regulation 7 of these regulations, the Director of Environment Protection shall inform such departments and agencies of Government which he deems proper, of the receipt of an application for development permission whether with or without a project description statement and that such development requires the preparation of an environmental impact statement or an environmental planning statement, as the case may be.

(2) The Director of Environment Protection shall also inform the applicant in writing of the names and addresses of the departments and agencies so notified.

(3) The departments and agencies so notified shall, if requested by the applicant, enter into consultation with him to determine whether they have in their possession any information which the applicant or they consider relevant to the preparation of an environmental impact statement or an environmental planning statement and, if they have such information, such departments and agencies of Government shall make it available to the applicant, provided that such departments and agencies of Government shall not be required to disclose any information which, in terms of any law, is considered to be confidential or secret.

(4) A reasonable charge reflecting the cost of making the relevant information available may be made by a body supplying information sought by the applicant, in accordance with sub-regulation (3) of this regulation.

(5) After the expiration of the period mentioned in sub-regulation (3) of regulation 7 of these regulations, the Director of Environment Protection shall publish, in the Gazette and in a local newspaper, a list of applications that require an environmental impact assessment according to sub-regulations (4), (5), (6) or (7) of regulation 3 of these regulations.

Managing the preparation of an environmental impact assessment.

9. (1) The applicant shall be responsible for commissioning an environmental impact statement or an environmental planning statement in accordance with the provisions of regulation 11 or regulation 33 of these regulations, as the case may be.

(2) The Director of Environment Protection and the Director of Planning shall provide the applicant with an advisory and quality control function.

(3) Without prejudice to the provisions of sub-regulation (1) of this regulation, in cases where more than one development permission application requiring an environmental impact assessment are being considered in the same locality, the Director of Environment Protection may request that one environmental impact statement or environmental planning statement, as the case may be, be carried out for the projects in question and that the expenses involved in carrying out the environmental impact assessment shall be split proportionately among the different applicants in relation to the size of the area of their respective development.

PART III

FULL ENVIRONMENTAL IMPACT ASSESSMENT

(requiring an Environmental Impact Statement)

Setting terms of reference for an environmental impact statement.

10. (1) Prior to formulating the terms of reference for the environmental impact statement, an appraisal of all foreseeable (or expected) environmental impacts of the development shall be carried out by the Director of Environment Protection on the basis of, but not limited to, information contained in the project description statement.

(2) The Director of Environment Protection shall invite relevant government departments and local councils where the development is planned, to provide information, within twenty-one days of notification, on what they wish to see included in the terms of reference giving reasoned justification for doing so.

(3) The Director of Environment Protection shall place an advert in a local newspaper, at the expense of the applicant, inviting the general public to inform him, within twenty-one days of publication of the advert, of issues that they would wish to see included in the terms of reference. The Director of Environment Protection may also convene a public meeting, prior to the setting of the terms of reference, when it is considered that the proposed project is of major significance because

of its scale, location, hazardous properties or other reasons. The cost of such a meeting shall be borne by the applicant.

(4) Following these consultations the Director of Environment Protection shall draw up the final terms of reference. **In drafting the terms of reference, the Director of Environment Protection is to request information from the applicant in the appropriate format that is relevant to the assessment of the application for development submitted by the applicant and to the specific characteristics of a particular project or type or project and of the environmental features likely to be affected.**

(5) The Director of Environment Protection shall communicate a copy of the approved terms of reference to the applicant, to the applicant's architect or consultants and to such other persons he deems proper.

(6) The Director of Environment Protection shall grant access to the public to the final terms of reference of an environmental impact statement.

Commissioning an environmental impact statement.

11. (1) An environmental impact statement shall be prepared by consultants registered under Part VI of these regulations.

(2) The applicant shall select the consultants to prepare an environmental impact statement from the Register and shall communicate the names of the consultants so chosen to the Director of Environment Protection.

Functions of an environmental impact assessment co-ordinator.

12. (1) The environmental impact assessment co-ordinator nominated by the applicant shall be chosen from among the environmental impact assessment co-ordinators listed in the Register of Consultants in terms of Part VI of these regulations.

(2) The co-ordinator shall be responsible for briefing the other consultants, liaising with the applicant and his project design team, the Director of Planning, the Director of Environment Protection, other departments and agencies of Government, and the local council with responsibility for the locality in which the development is being proposed to be executed, and adjacent local councils if the nature or impacts of the project are such that they may affect them.

(3) The co-ordinator shall prepare a co-ordinated 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 consultants and the

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

Procedures to be followed in the preparation of a full environmental impact assessment.

13. A full environmental impact assessment for development 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; and

(f) preparing a non-technical summary of the environmental impact statement.

Description of the Proposed Development Project.

14. (1) The consultants shall describe the proposed development including:

(a) a justification for the proposal;

(b) a description of the physical characteristics and features of the project including production processes (if relevant) and amounts of emissions, wastes and residues expected during both construction and operation;

(c) 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.

(2) Without prejudice to article 39 of the Act, where the proposed development has a limited life, the after use of the development shall also be described.

Description of existing environment.

15. The consultants shall describe the existing environmental conditions in and around the site in terms of:

(a) physical features:-

(i) population;

(ii) flora, fauna and ecosystems (terrestrial and marine), including both habitats and species and, in particular, protected and endangered species and their habitats;

(iii) soil, agricultural quality and produce;

(iv) geology and geomorphology, including palaeontology and noting geological sites;

(v) water and hydrological features;

(vi) air, including prevailing meteorological factors and air quality;

(vii) cultural heritage and protected sites and areas;

(viii) landscape and topography, including the coast and submarine features;

(ix) land use, including recreational uses; and

(x) any other relevant environmental features;

(b) policy framework:-

(i) the planning policy framework which affects the development shall also be analysed. Such analysis shall include the relevant planning policies set out in the Act, in development plans and in other planning policies approved under the provisions of the Act, the Environment Protection Act, or under any other law;

(ii) in particular, but without prejudice to the generality of paragraph (a) of this regulation, the policy review shall relate to:

(1) the site of the proposed development;

(2) the surrounding areas in which impacts may be experienced by the proposed development;

(3) any treaty adhered to by Malta;

(4) policies adopted by any department and agency of the Government which might have a bearing on the development;

(5) protective scheduling or other designations pertaining to the site and its surroundings; and

(6) any other law having a bearing on the development.

Assessment of effects of the development.

16. (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 including the main effects on:

(a) buildings and other man-made features (including infrastructure);

(b) flora, fauna, ecology and geology including geomorphology and palaeontology;

(c) land;

(d) water;

(e) air and climate;

(f) other indirect and secondary effects associated with the development;

(g) human beings (including health and safety measures).

(3) Hazard and risk assessment of the development shall also be undertaken.

(4) If any of the effects assessed in regulations (1) to (3) of this regulation are envisaged to have transboundary impacts, these should be assessed and clearly stated in the environmental impact statement. Provisions dealing with such impacts shall follow the procedures set in Part V of these regulations.

Mitigation measures.

17. Where adverse effects are identified, the consultants shall state clearly what significance they attribute to these effects and the mitigation measures they propose to be incorporated in the development and evaluate their effectiveness.

Monitoring requirements.

18. (1) The consultants shall devise a scheme to monitor the impacts of the development which may arise during the construction and operational phases.

(2) The consultants shall also identify which records the applicant shall keep for the purpose of monitoring the environmental impacts of the development.

(3) The Authority shall have access to any such records both during the construction and operational phases of the development.

Modification of the specific terms of reference set for each environmental impact assessment by the Authority.

19. (1) Notwithstanding the provisions of regulations 13 to 18 of these regulations, the Director of Environment Protection may modify the specific terms of reference set out for an environmental impact assessment in these regulations according to the planning and environmental considerations of each and every development.

(2) Any amendments to the terms of reference shall be communicated to all government departments and local councils consulted in terms of the provisions of sub-regulation (2) of regulation 10 of these regulations.

(3) The Director of Environment Protection shall grant access to the public to any amended terms of reference according to the provisions of sub-regulation (6) of regulation 10 of these regulations.

Draft environmental impact statement - contents.

20. (1) The consultants shall first prepare:

(a) a draft environmental impact statement which shall:

(i) cover all the topics specified in the terms of reference issued by the Director of Environment Protection;

(ii) be presented in an intelligible form;

(iii) be in the English language; and

(b) contain a non-technical summary which shall be a separate document presented in both the Maltese and English languages.

(2) The analysis of the impacts on the environment shall be presented in summary, chart, tabular or pictorial format and in a descriptive manner.

(3) The various techniques and methods used in the analysis and predictions shall be included in the environmental impact statement. All assumptions and the reasoning behind such assumptions shall also be included.

(4) The original environmental survey reports shall be attached to the environmental impact statement.

(5) An indication of any difficulties, including technical and other difficulties, encountered by the consultants in compiling the required information shall also be included.

(6) All references to published works and sources of information shall be duly acknowledged.

(7) The various reports constituting the environmental impact statement shall be written in co-ordination with one another and shall be presented in a coherent manner.

(8) The consultants shall ensure the professional integrity, including scientific integrity, of the discussions and analysis in environmental impact statements.

(9) Where the consultants are evaluating reasonably foreseeable significant adverse effects on the environment and there is incomplete or unavailable information, the consultants shall always make clear that such information is lacking or incomplete.

(10) If the incomplete information referred to in sub-regulation (9) of this regulation is essential to a reasoned choice among alternatives and the overall costs of obtaining it are not exorbitant, the consultants shall include the information in the environmental impact statement.

(11) If the information relevant to reasonably foreseeable significant adverse impacts cannot be obtained because the overall costs of obtaining it are exorbitant or the means to obtain it are not known, the consultants shall include within the environmental impact statement:

(a) a statement that such information is incomplete or unavailable;

(b) a statement of the relevance of the incomplete or unavailable information to evaluating reasonably foreseeable significant adverse impacts on the environment;

(c) a summary of existing credible scientific evidence which is relevant to evaluating the reasonably foreseeable significant adverse impacts on the environment; and

(d) the consultants' evaluation of such impacts based upon theoretical approaches or research methods generally accepted in the scientific community.

(12) For the purposes of this regulation, "reasonably foreseeable" includes impacts which have major or catastrophic consequences, even if their probability of occurrence is low, provided that:

(a) the analysis of the impacts is supported by credible scientific evidence;

(b) it is not based on pure conjecture; and

(c) is within the rule of reason.

(13) Wherever the available information is deemed by the Director of Planning and the Director of Environment Protection to be insufficient for acceptable determination of the application and wherever the risk factor or hazard factor or both are deemed to be too high, they shall, notwithstanding sub-regulations (1) to (4) of this regulation, adopt the precautionary principle.

Consultation stage.

21. (1) After preparing a draft environmental impact statement and before preparing a final environmental impact statement, a consultation stage shall take place.

(2) The consultants shall submit copies of the draft environmental impact statement to the Director of Environment Protection and a copy or part thereof to any other department or agency of Government as the Director of Environment Protection might request. The consultants shall inform the Director of Environment Protection of the name of every body whom they have so served, of the date of service and, where they have not served a copy of the whole of the draft environmental impact statement, of which part of the copy that was served.

(3) The Director of Environment Protection shall also request the comments of the Director of Planning and of any other department and agency of Government which he may deem relevant for the purpose on the whole document forming the environmental impact statement or on part thereof.

(4) The Director of Environment Protection shall establish a time limit within which the comments mentioned in sub-regulation (3) of this regulation shall be received by him. Such time limit shall not be less than thirty days from the date of receipt of the draft environmental impact statement by the respective department or agency of Government. Should no comments be received within the stipulated period the Director of Environment Protection shall assume that the consultees have no comments to submit.

(5) Comments on the draft environmental impact statement shall be as specific as possible and may address the adequacy of the draft environmental impact statement, the merits of the alternatives discussed, or any combination thereof.

Review of the draft environmental impact statement.

22. (1) The draft environmental impact statement shall be reviewed by the Director of Environment Protection and shall be assessed against the terms of reference, the quality of the data used and the objectivity of analysis for the prediction of impacts. Comment may also be made on the suitability of the mitigation measures proposed and on any other matter that is deemed by the Director of Environment Protection to be relevant.

(2) The Director of Environment Protection shall specify in his comments whether he needs additional information, what information he needs and, where relevant, the level of detail required. The Director of Environment Protection may require an applicant to produce such evidence as he may reasonably call for to verify any information in his environmental impact statement.

(3) On completion of the consultation stage and of this review, the Director of Environment Protection shall send a report incorporating these and other comments, including any mitigation measures he may deem fit, to the consultants for their consideration and revision of the draft environmental impact statement.

Revision of the draft environmental impact statement.

23. (1) The consultants shall respond to the comments made during the consultation stage by one or more of the following means:

(a) develop and evaluate alternatives not previously given serious consideration by them;

(b) supplement, improve, or modify their assessment;

(c) modify alternatives, including the proposed action;

(d) make factual corrections; or

(e) explain why the comments do not warrant further response by them citing the sources, authorities, or reasons which support the consultants' position.

(2) All substantive comments received on the draft environmental impact statement (or summaries thereof where the response has been exceptionally voluminous) shall be attached to the draft environmental impact statement whether or not the comment is thought to merit individual discussion by the consultants in the text of the environmental impact statement.

Certification of the Environmental Impact Statement.

24. (1) On receipt of the consultant's comments or revisions, in accordance with regulation 23 of these regulations, the Director of Environment Protection shall review the draft environmental impact statement as amended.

(2) The Director of Environment Protection 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 consultants and all the consultees.

(3) If the Director of Environment Protection does not issue a certificate as mentioned in sub-regulation (2) of this regulation, the statement shall not be certified until the consultants would have abided by the directions given to them by the Director of Environment Protection.

(4) On certification of the environmental impact statement by the Director of Environment Protection according to sub-regulation (2) of this regulation, the applicant shall comply with sub-regulations (5), (6), (7) and (8) of this regulation.

(5) The Authority shall publish, at the applicant's expense, in at least one daily newspaper in the English language and in at least one daily newspaper published in the Maltese language, a notice (as specified in Schedule II) stating:

(a) the applicant's name with respect to the application for development permission;

(b) the date on which the application was validated;

(c) the address or location and the nature of the proposed development;

(d) that a copy of the application and of the plans and other documents submitted with it together with a copy of the draft environmental statement may be inspected by members of the public at reasonable hours;

(e) an address at which those documents may be inspected and the latest date on which they shall be available for inspection (being a date not less than fourteen days later than the date on which the notice is published);

(f) an address (whether or not the same as that given under paragraph (e)) at which copies of the environmental statement may be obtained;

(g) if a charge is to be made for a copy, the amount of the charge; and

(h) that any person wishing to make representations about the application, shall make them in writing, before the date named in accordance with paragraph (e), to the Malta Environment and Planning Authority.

(6) The applicant shall affix on the land a notice (as specified in Schedule II to these regulations) containing the information specified in sub-regulation (5) of this regulation, except that the date named as the latest date on which the documents shall be available for inspection shall not be less than twenty-one days later than the date on which the notice is first affixed.

(7) The notice mentioned in sub-regulation (6) of this regulation shall:

(a) be left in position for the whole duration of the consultation period specified in sub-regulation (6) of this regulation and in any case, for not less than seven consecutive days; and

(b) be affixed firmly to some object on the land and sited and displayed in such a way as to be easily visible to, and readable by, members of the public without going on to the land.

(8) Following the elapse of the period specified in sub-regulation (7) of this regulation, the applicant shall submit to the Authority a certificate by or on behalf of the applicant which states that he has affixed a notice on the land in compliance with this regulation and when he did so, and that the notice was left in position for not less

than seven days, or that, without any fault on his part, it was removed, obscured or defaced before seven days had elapsed and he took reasonable steps for its protection or replacement specifying the steps taken.

(9) If any person issues a certificate which purports to comply with the requirements of paragraph (b) of sub-regulation (8) of this regulation, and which contains a statement which he knows to be false or misleading in a material particular, or recklessly issues a certificate which purports to comply with those requirements and which contains a statement which is false or misleading in a material particular, he shall be guilty of an offence and the provisions of sub-article (1) of article 56 of the Act shall apply.

(10) A date for the public hearing required in terms of regulation 25 shall only be set once the applicant submits the documentation required in sub-regulation (8) of this regulation.

Public hearing.

25. (1) After having certified the draft environmental impact statement the Director of Environment Protection shall arrange for a public hearing to take place, at which the public may comment on the environmental impact statement and express their views on the impact of the proposed development.

(2) The Director of Environment Protection shall inform the public as aforesaid and shall also inform the public of the day, time and place where the public hearing shall take place by publishing a notice in the Gazette and in the local newspapers. All reasonable expenses incurred by the Authority for organising the public hearing and publishing the said notices shall be borne by the applicant.

(3) At least fifteen days' notice but not more than thirty days' notice shall be given by the Director of Environment Protection of the public hearing.

(4) The Director of Environment Protection shall inform the Director of Planning, the consultants and the persons mentioned in sub-regulation (3) of regulation 21 of these regulations of the date, time and place of the public hearing giving at least fifteen days advance notice.

(5) A copy of the draft environmental impact statement shall be made available for public inspection at the Authority, and may be inspected throughout the period stipulated in sub-regulation (3) of this regulation on such days and during such times as the Director of Environment Protection deems proper, whilst at the same time making

the non-technical summary freely accessible on the Authority's official web site.

(6) A copy of the draft environmental impact statement shall be submitted to the local council which is responsible for the locality where the development will be executed and adjacent local councils, if affected, so that it may be made available for public inspection throughout the period stipulated in sub-regulation (3) of this regulation.

(7) The Director of Environment Protection shall chair and regulate the proceedings of the public hearing according to such procedure as he may deem fit. He shall, as much as is reasonable give every person present in the hearing who wishes to make any submissions the opportunity to air his views on the environmental implications of the proposed development.

(8) The views of the public as expressed during the public hearing and in any written comments made by the public before, during or up to seven days after the public hearing, shall be recorded by the Director of Environment Protection. All the comments received or recorded shall be collated into a report by the Director of Environment Protection. This report shall be forwarded to the Director of Planning, to the applicant and to his consultants not later than two weeks after the date of the public hearing. A summary of all the comments shall be presented in an appendix to the final environmental impact statement.

Submission of the final environmental impact statement to the Authority.

26. (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.

(2) The final environmental impact statement, including environmental survey reports, as revised if so required, shall be submitted by the co-ordinator to the Authority.

(3) The consultants may place discussion of methodology in an appendix.

(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 (2) of article 36 of the Act shall apply. If not, the Director of Planning shall request the applicant to comply with the said recommendations.

(5) The co-ordinator shall submit such number of copies of the environmental impact statement to the Authority as the Director of Environment Protection may reasonably establish.

(6) The Authority shall be empowered to reproduce the contents of the environmental impact statement, once this is submitted, at its own discretion.

Sale of final environmental impact statements.

27. (1) An applicant for development permission who submits an environmental statement in connection with his application shall ensure that a reasonable number of copies of the statement are available at the address named in the notices published or affixed pursuant to paragraph (f) of sub-regulation (5) of regulation 24 of these regulations, as the address at which such copies may be obtained.

(2) Copies of the final environmental impact statement shall be made available for sale to interested persons by the Director of Environment Protection, whilst at the same time making the non-technical summary accessible on the Authority's official web site.

(3) The price of the said statement shall not exceed the cost of their printing and distribution. Such charges shall be levied from any member of the public for a copy of an environmental statement made available in accordance with sub-regulation (1) of this regulation.

List of consultants.

28. (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 and that they take responsibility for any statement and conclusion contained therein. This signed declaration shall be included with each environmental survey report included with the environmental impact statement.

Conflict of Interest.

29. (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 Environment Protection 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 Environment Protection 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.

Incorporation by reference.

30. (1) Consultants shall incorporate material into an environmental impact statement by reference when the effect will be to cut down on bulk without impeding the review by the public during the public participation process or by the Authority, any department and agency of Government, by the council which is responsible for the locality where the development is to be executed, or by adjacent councils.

(2) The incorporated material shall be cited in the statement and its content briefly described.

(3) No material may be incorporated by reference unless it is reasonably available for inspection by potentially interested persons within the time allowed for comment prescribed under sub-regulation (4) of regulation 21 of these regulations.

(4) Material which is based on proprietary data which is itself not available for review and comment shall not be incorporated by reference.

Identification of other permits the applicant might need if development permission is granted.

31. (1) The environmental impact statement shall list all permits, licences and other forms of authorisation which must be obtained by the applicant in terms of any other law from any department or agency of Government in implementing the development if development permission is granted.

(2) If the consultants are uncertain whether such authorisation as mentioned in sub-regulation (1) of this regulation is necessary, they shall so indicate in the environmental impact statement.

Public reference room.

32. (1) The Authority shall keep a copy of each draft environmental impact statement, the final environmental impact statement and any documents connected therewith in a public reference room.

(2) A copy of any environmental planning statement submitted to the Authority under the provisions of Part IV of these regulations shall also be kept in the public reference room.

(3) Access to the documents mentioned in sub-regulations (1) and (2) of this regulation shall be given to any person during such reasonable times as the Authority may determine.

PART IV

LIMITED ENVIRONMENTAL IMPACT ASSESSMENT

(requiring an Environmental Planning Statement)

Setting the terms of reference for an environmental planning statement.

33. (1) Prior to formulating the terms of reference for the environmental planning statement, an appraisal of all foreseeable (or expected) environmental impacts of the development shall be carried out by the Director of Environment Protection on the basis of, but not limited to, information contained in the project description statement.

(2) The Director of Environment Protection shall invite relevant government departments and local councils where the development is planned, to provide information, within twenty-one days of notification, on what they wish to see included in the terms of reference and the justification for doing so.

(3) Following these consultations the Director of Environment Protection shall draw up the final draft of the terms of reference.

(4) The Director of Environment Protection shall communicate a copy of the approved terms of reference to the applicant, architect and to such other persons he deems proper.

(5) The provisions of regulations 11 to 32 other than, sub-regulation (3) of regulation 19, sub-regulation (10) of regulation 24, and regulation 25 of these regulations shall *mutatis mutandis* apply to an environmental planning statement, provided that an environmental planning statement shall be more limited in nature than an environmental impact statement.

PART V

Transboundary Effects

Procedures to be followed when a project is likely to have transboundary impacts.

34. (1) Where the Minister is aware that a project is likely to have significant effects on the environment in another State, or where a State likely to be significantly affected so requests, the Minister shall send to the affected State as soon as possible and not later than when the public is informed in terms of sub-regulation (5) of regulation 7 of these regulations, the following:

(a) a description of the project, together with any available information on its possible transboundary impacts;

(b) relevant information regarding the environmental impact assessment procedure;

(c) information on the nature of the decisions which may be taken;

and shall give the affected State a reasonable time in which to indicate whether it wishes to participate in the environmental impact assessment procedure.

(2) If the affected State which receives information indicates to the Minister that it intends to participate in the environmental impact assessment procedure, the Minister shall, if he has not already done so, send to the affected State the information gathered regarding the proposed development.

(3) The affected State shall enter into consultations with the Minister concerning, *inter alia*, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects and shall agree on a reasonable timeframe for the duration of the consultation period.

(4) The affected State may arrange for the information to be made available, within a reasonable time, to the relevant authorities and the public in the territory of such affected State which is likely to be significantly affected; and, within the timeframe established through the provisions of sub-regulation (3) of this regulation, the affected State, shall forward its opinion to the Minister who shall in turn forward such opinion to the Authority.

(5) The transmission of information to the affected State, concerning potential transboundary impacts, and the receipt of

information by such affected State, shall be subject to the limitations contained in any law in force in Malta.

(6) The Minister shall provide to the affected State the final decision on the proposed project along with the reasons and considerations including information about the public participation process on which it was based and any conditions attached thereto. There shall also be a description, where necessary, of the main measures to avoid, reduce and, if possible, offset the major adverse effects.

(7) When, following monitoring of a development with potential transboundary impacts, significant adverse transboundary impacts or factors that may result in such an impact are discovered, the Minister shall immediately inform the affected State and enter into consultations on the necessary measures that may be undertaken to reduce or eliminate such impact.

(8) In the exercise of his duties under this regulation, the Authority shall furnish the Minister with all such documentation and information as he may request.

(9) Where the Minister is informed that a project proposed in another State is likely to have a significant effect on the environment of the Maltese Islands, he shall inform the State, in which the project is to be undertaken, of Malta's request to participate in the environmental impact assessment procedure in that State and request the following:

a) a description of the project, together with any available information on its possible transboundary impacts;

b) relevant information regarding the environmental impact assessment procedure; and

c) information on the nature of the decisions.

(10) The Minister shall forward to the Authority the information listed in sub-regulation (9) of this regulation. The Authority shall make this information available to the consultees and the public in Malta in accordance with the provisions of regulations 21 and 25 of these regulations. The Minister shall also enter into discussion with the State in which the project is to be undertaken to agree on a reasonable timeframe for the duration of the consultation period.

(11) The Minister, acting on the advice of the Authority and taking into consideration the comments of the public, shall enter into consultations with the State in which the project is to be undertaken

concerning, *inter alia*, the potential transboundary effects of the project and the measures envisaged to reduce or eliminate such effects.

(12) When the Minister receives details from the State in which the project is to be undertaken regarding the final decision on the proposed project, together with the reasons and considerations on which it was based, he shall provide a copy of this information to the Authority who shall publish the information in the Gazette, in a local newspaper and on the Authority's official web site.

PART VI

REGISTER OF CONSULTANTS

Register of Environmental Impact Assessment Consultants.

35. (1) The Authority shall keep and make available for public inspection at such reasonable times as it may determine, a Register of Environmental Impact Assessment Consultants.

(2) The Register shall be divided into Parts. Each Part shall list those consultants who are competent in a particular discipline, provided that where a person is competent in more than one particular discipline he shall be registered under both or more such disciplines.

(3) The Register shall also be divided into categories of environmental impact assessment consultants, namely a Junior Impact Assessor, a Senior Impact Assessor and an Environmental Impact Assessment Co-ordinator.

(4) The Authority shall note the issue of a certificate of registration in the Register together with the relevant discipline or disciplines in which he is competent and shall also note therein all suspensions, cancellations and reinstatements of those certificates.

(5) No person may act as an impact assessor or environmental impact assessment co-ordinator unless he is registered in the Register of Environmental Impact Assessment Consultants.

(6) The Authority shall refuse to accept an environmental impact statement or an environmental planning statement where a person who is not registered in the Register has participated in the preparation of the relevant environmental impact assessment.

(7) Notwithstanding the provisions of sub-regulation (6) of this regulation, the Director of Environment Protection may, where he deems it necessary, accept the contribution by a non-registered person:

(a) in relation to a specific discipline not covered in the Register, provided that that person is, in the view of the Director of Environment Protection, suitably qualified to make such a contribution and his participation has been agreed in writing prior to the commissioning of the environmental impact assessment;

(b) where that person has been responsible for undertaking research including the gathering and collation of data, under the supervision of a registered consultant participating in the relevant environmental impact assessment, but has not been involved in the assessment of impacts.

Registration Board.

36. (1) The Minister shall appoint a Registration Board that shall be responsible for evaluating applications for registration in the Register.

(2) Decisions on applications for registration shall be taken by a Registration Board composed of a minimum of three persons and a maximum of five persons, including a representative from the Authority. All other members of the Registration Board shall be independent members who are not involved in any way in the preparation of environmental impact assessments, one of whom shall act as the chairperson of the Registration Board.

(3) The Registration Board shall assess applications for registration and shall prepare a list of persons who, in the opinion of the Registration Board, meet the requirements for registration and are therefore to be issued with a certificate of registration. The Registration Board shall give reasons for their decisions.

(4) The decision of the Registration Board to grant or to refuse an application for registration in the Register shall be notified in writing to the applicant without delay.

(5) The Registration Board may direct the Authority to update the Register at such regular intervals as it may deem fit by the inclusion of other disciplines in the Register, which disciplines might have in the meantime evolved.

Registration.

37. (1) Any person may apply in writing on the appropriate form to the Registration Board to be registered in the Register.

(2) The application for registration shall include the following information:

(a) personal details including name, surname, date of birth, private and office addresses and qualifications of the applicant for registration;

(b) a list of any relevant work by the applicant;

(c) a detailed *curriculum vitae* (which is to include details of the person's training, experience and knowledge in environmental assessment techniques and methods);

(d) category applying set out in Schedule III of these regulations;

(e) an indication of the particular environmental discipline or disciplines for which the person is applying for registration in.

(3) The application for registration shall be accompanied by the appropriate fee as set out in Schedule III of these regulations.

Certificate of registration.

38. (1) The Registration Board shall register a person in the Register if it is satisfied that the said person:

(a) has appropriate qualifications in an environmental discipline or in environmental impact assessment;

(b) has experience and knowledge of environmental assessment techniques and methods; and

(c) has experience in one or more relevant disciplines.

(2) Certificates issued to eligible persons shall be valid for one year but may be renewed by the Registration Board upon payment of the relevant renewal fee according to Schedule III to these regulations, except where, in the opinion of the Registration Board, the provisions of regulation 40 have been contravened.

(3) Notwithstanding the provisions of sub-regulation (1) of this regulation, the Registration Board may grant a temporary certificate valid for one year to any person who, in the opinion of the Registration Board, has the appropriate qualifications but does not have sufficient experience in the relevant discipline or in environmental impact assessment techniques and methods. Temporary certificates shall only be issued for a maximum of two years.

(4) The Authority shall endeavour to organise training courses in environmental impact assessment techniques and methods.

All junior impact assessors and persons issued with a temporary certificate shall be obliged to undertake this training course as a pre-requisite to obtaining or confirming their registration.

Contents of certificate.

39. The certificate of registration shall contain the following information:

(a) the name, surname and identity document number or other means of identification of the consultant;

(b) the date when the certificate is issued;

(c) the discipline or disciplines in which the consultant is considered by the Registration Board as having an acceptable level of expertise.

Cancellation of certificate.

40. (1) The Registration Board may cancel any certificate granted under the provisions of this Part of these regulations when the holder of that certificate:

(a) is found guilty by a court of criminal jurisdiction of a crime being a crime committed through imprudence, carelessness, unskillfulness in an art or profession, or non-observance of regulations; or

(b) is found guilty by a court of criminal jurisdiction of any offence under the provisions of the Act or of any regulations made thereunder; or

(c) has, in the opinion of the Authority and the Registration Board, submitted substandard or deliberately misleading work in an environmental impact assessment; or

(d) has participated in the preparation of an environmental impact assessment when he was not registered in the Register; or

(e) was the recipient of a certificate issued under the provisions of this Part of these Regulations based on information given by the applicant which is false or misleading; or

(f) fails to pay the yearly renewal fee.

(2) Notwithstanding the provisions of sub-regulation (1) of this regulation, the Registration Board may opt for suspension, rather than cancellation of the certificate, in the circumstances specified in paragraphs (d) and (f) of sub-regulation (1) of this regulation.

(3) If a person participates in the preparation of an environmental impact assessment without being registered in the Register, he shall subsequently be barred from registering or participating in any environmental impact assessments in Malta for a period to be decided by the Registration Board which period shall in no case be less than three years.

Offences.

41. (1) Any person who for the purposes of obtaining the certificate for registration in the Register gives any wrong information or otherwise acts in a deceitful or fraudulent manner shall be guilty of an offence and shall, on conviction, be liable to a fine *multa* not exceeding one thousand liri.

(2) Any person who, not being the holder of a certificate, assumes or uses the designation "Environmental Impact Assessment Consultant", "Environmental Impact Assessment Co-ordinator", "Senior Impact Assessor" or "Junior Impact Assessor" or in any manner indicates that he is entitled to prepare an environmental impact assessment shall be guilty of an offence and shall, on conviction, be liable to a fine *multa* not exceeding five hundred liri and in respect of a second or subsequent offence to a fine *multa* not exceeding one thousand liri.

(3) For the purposes of sub-regulation (2) of these regulations, the use on any card, letterhead, sign, board, plate, advertisement or other written, printed or engraved device, instrument or document, of the words "Environmental Impact Assessment Consultant", "Environmental Impact Assessment Co-ordinator", "Senior Impact Assessor" or "Junior Impact Assessor", in relation to a name, shall be sufficient evidence of the knowledge of such use by the person in relation to whose name the said words are used, unless such person proves that the use of such words was made without his knowledge and that upon becoming aware of the use he took adequate steps to stop it.

(4) The offences and penalties mentioned in this regulation shall be without prejudice to any other offences and penalties in terms of the Act or any other law.

Interpretation of Part VI of these regulations.

42. For the purposes of this Part of these regulations "person" includes a person who is not a citizen of Malta but does not include a body of persons.

PART VII

ENFORCEMENT

Implementing the decision to grant development permission.

43. (1) When development permission has been granted by the Authority for a development which had been subjected to an environmental impact assessment under these regulations, the Authority shall monitor the implementation of the said development both during the construction and the operational phases.

(2) The Authority may:

(a) include appropriate, and clearly specified conditions in the development permission;

(b) establish the period within which the construction phase of the development shall be completed together with any planning obligations, conditions or penalties which it may deem fit to impose for non-completion or unsatisfactory completion of the development and associated facilities within the established period;

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(c) request the applicant to provide a guarantee by a bank or credit institution licensed in Malta according to the provisions of the Banking Act, or any other law which may from time to time replace it, by which the said bank or institution shall bind itself on behalf of the applicant, without prejudice to any future action or remedy which such bank or institution may exercise against him, to effect payment to the Authority of any sum to be established by way of penalty in the development permission if the development is not completed in accordance with the specified conditions within the period established in the development permission and for any breach of any condition imposed in the development permission or of any planning obligation entered into by the applicant. The said guarantee shall not be less than the greater of the cost of reinstating the area to an acceptable condition, or the cost of re-instatement and repair of damages arising from non-compliance with conditions imposed in the development permission;

(d) in the event that after a development permission is issued the development is not carried out in accordance with the permission, or is otherwise causing damage to the environment or to the infrastructure, demand, as a condition of the continuance of the permission, that the person in whose favour the permission is issued should provide a bond in favour of the Authority in order to guarantee payment in respect of damages which may be caused to

the environment or to the infrastructure, in terms of subarticle (5) of article 34 of the Act;

(e) request that the person or company responsible for the development is covered with an insurance policy against damage to environmental resources; and

(f) make available to the public at such intervals as the Authority deems proper the results of monitoring carried out throughout the construction or operation phase of the project, whether such monitoring has been carried out by the Authority itself or by the developer as a direct result of a condition in the development permission.

PART VIII

MISCELLANEOUS PROVISIONS

Miscellaneous provisions.

44. (1) For the avoidance of doubt, it is hereby declared that:

(a) when the Director of Planning or the Director of Environment Protection requests the applicant, his architect, agent or the consultants to make certain changes in the project design,

(b) when the Director of Planning or the Director of Environment Protection gives any guidance which he may deem fit in the circumstances,

this does not imply in any way that the Director of Planning or the Director of Environment Protection is approving the development or will recommend to the Authority that it should approve the development.

(2) Agreement on the terms of reference for the preparation of: baseline studies, the formulation of a project description statement, an environmental impact statement or an environmental planning statement is not to be construed in any way as evidence in favour of the proposed development.

(3) In arriving at a decision, the Authority shall not be bound by the conclusions reached in an environmental impact statement or an environmental planning statement, as the case may be. However, the Authority shall give due regard to the conclusions reached in the environmental impact statement or in the environmental planning statement, as the case may be, when arriving at a decision. Whether it

accepts or does not accept the conclusions reached by the said impact statement or planning statement, as the case may be, the Authority shall give detailed reasons thereof.

(4) Where, after environmental information has been taken into consideration, an application for development which has been subjected to an environmental impact assessment under these regulations is determined by the Authority, the Authority shall:

(a) inform the public of the decision, by publishing a notice in a newspaper, or by such other means as are reasonable in the circumstances; and

(b) make available for public inspection, at all reasonable hours and free of charge, a statement containing:

(i) the content of the decision and any conditions attached thereto;

(ii) a statement containing the main reasons and considerations on which the decision is based, including information about the public participation process; and

(iii) a description, where necessary, of the main measures to avoid, reduce, and if possible, offset the major adverse effects of the development.

(5) The provisions of these regulations shall not affect the obligation of the Government of Malta to respect the limitations imposed by any law in force in Malta with regard to commercial and industrial confidentiality, including intellectual property, and the safeguarding of the public interest.

Review.

45. (1) If an applicant considers that the terms of reference or any other decision taken, approved or endorsed by the Director of Environment Protection under the provisions of regulations 3, 5, 6, 7, 10, 19, 22, 24 and 33, is unreasonable, he may request the Director of Environment Protection to reconsider such terms of reference or decision. A request for a reconsideration shall be made in writing within fifteen (15) days from the date of communication of the said terms of reference or decision to the applicant.

(2) The Director of Environment Protection shall, without delay, consider the request made by the applicant, and communicate the final terms of reference or decision as the case may be, within thirty (30) days from receipt of the request for reconsideration. The Director

for Environment Protection shall give a reasoned justification for his decision/s relating to the applicant's request for reconsideration.

(3) If the applicant considers the final terms of reference or decision, as the case may be, communicated to him in accordance with the provisions of this regulation, as unreasonable, he may request the Director Environment Policy and Initiatives to review the said terms of reference or decision, as the case may be. A request for a review shall be made in writing within fifteen (15) days from the date of communication of the said terms of reference or decision to the applicant.

(4) The Director Environment Policy and Initiatives National Director of Environment Protection shall, without delay, consider the request made by the applicant, and invite submissions from the Director of Environment Protection. The decision of the Director Environment Policy and Initiatives National Director of Environment Protection shall be final, and shall be communicated to the applicant within thirty (30) days from receipt of the request for review.

(5) Any time period set out under any provision of these regulations or the Act shall be suspended until a decision under this regulation is communicated to the applicant.

(6) The provisions relating to the publication and communication of the terms of reference or decision under the provisions of regulations 3, 5, 6, 7, 10, 19, 22, 24 and 33, shall apply *mutatis mutandis* to the decision of the Director of Environment Protection or the Director Environment Policy and Initiatives taken in accordance with the provisions of sub-regulations (2) and (4).

PART IX

TRANSITORY PROVISION

Transitory provision.

46. Any application for development permission which concerns any development listed in Schedule IA to these regulations pending on the date of coming into force of these regulations shall be regulated according to the provisions of these regulations provided that:

(a) any environmental impact assessment carried out or in the process of being carried out by consultants who are not registered in the Register shall be deemed to have been made in accordance with the provisions of those regulations regulating the registration of consultants in the Register;

(b) participation by any person in an environmental impact assessment prior to the coming into force of these regulations shall not be deemed to constitute an automatic acceptance of an application made by such person for registration in the Register; and

(c) environmental impact assessments or environmental planning statements the terms of reference whereof have already been communicated to the applicant prior to the entry into force of these regulations shall, as far as possible, comply with the provisions of these regulations unless the Director of Environment Protection specifically exempts in writing the applicant from any provisions of these regulations with regards to a particular development and this may be done after the Director of Environment Protection would have taken into consideration the advanced stage arrived at in the environmental impact statement or environmental planning statement, as the case may be.

Repeal and saving.

47. (1) The Environment Impact Assessment Regulations, 2001 are hereby repealed.

L.N. 204 of 2001.

(2) The repeal of the Environment Impact Assessment Regulations, 2001, shall be without prejudice to anything done or omitted to be done under the said regulations and in particular shall not affect the validity of any environmental impact assessment or environment planning statement made under the said regulations.

SCHEDULE IA

Projects which require an Environmental Impact Statement or an Environmental Planning Statement

1	**GENERAL CATEGORY OF PROJECT**		
1.1	**Category I Projects**		
1.1.1	The carrying out of development on land or on sites not designated for such purposes in an approved development plan or development brief, and not within the perimeter of an established airport where the proposed development involves: (i) the use of 5 ha of land or more; or (ii) the construction of a building or installation with ground cover of more than 10,000m^2.		
2	**INFRASTRUCTURE PROJECT**		
2.1	**Highway and Road Construction**		
2.1.1	**Category I Projects**	**2.1.2**	**Category II Projects**
2.1.1.1	Construction of a four-lane highway.	2.1.2.1	Other roads with a carriageway width of more than 3.5m and not being a road for which the design is approved in a development plan if the road is : (i) more than 1 km in length; or (ii) within 100m of a protected site.
2.1.1.2	Construction of a road with a carriageway width of 7.5m or more and not being a road for which the design is approved in a development plan, if the road is : (i) 2 km or more in length; or (ii) more than 300 dwellings or an area designated for more than 300 dwellings are within 100m of the centre line of the proposed road; or (iii) where the road passes through or within 100m of a protected site.	2.1.2.2	Construction of bridges outside development zones.
2.1.1.3	Realignment and/or widening of an existing road of two lanes or less so as to provide four or more lanes where such new road, or realigned and/or widened section of road would be: (i) 2 km or more in length; or (ii) more than 300 dwellings or an area designated for more than 300 dwellings are within 100m of the centre line of the proposed road; or (iii) where the road passes through or within 100m of a protected site		

2.1.1.4	Construction of a tunnel over 1m in diameter, if the tunnel is: over 1 km in length; or (i) passing beneath or within 100m of a protected area, or (ii) passing through or within 100m of an aquifer protection zone.		
2.2	**Airports**		
2.2.1	**Category I Projects**	**2.2.2**	**Category II Projects**
2.2.1.1	Construction of a new airport/airstrip, or heliport.	2.2.2.1	Expansion of an airport/airstrip or heliport which includes an extension to a run-way or taxi way by 250m or more not being a development falling within 2.2.1.1 and 2.2.1.2
2.2.1.2	Significant expansion or development of an existing airport which includes an extension to a runway or taxi-way by 500m or more, new terminal buildings, or other major developments with a building footprint exceeding 35,000 sq.m.		
2.3	**Ports**		
2.3.1	**Category I Projects**	**2.3.2**	**Category II Projects**
2.3.1.1	Construction of a trading port, piers for loading and unloading connected to land and outside ports (excluding ferry piers) f for handling vessels over 1000 tonnes.	2.3.2.1	Construction or extension of a port installation, dry dock, bilge water recycling station (ship tank cleaning), permanent moorings for ships over 25,000 tons, harbours including fishing harbours or yacht marina (with a capacity of less than 200 boats) not being development falling within 2.3.1.1 and 2.3.1.2
2.3.1.2	Construction of a yacht marina where the number of berths exceeds 200.		
2.3.1.3	Construction of a breakwater, wave-breaker or coastal defences.		
2.3.1.4	Inland waterways and ports for inland-waterway traffic which permit the passage of vessels of over 1350 tonnes.	2.3.2.2	Inland – waterway construction not included in 2.3.1.4, canalization and flood – relief works
2.4	**Other Transport**		
2.4.1	**Category I Projects**	**2.4.2**	**Category II Projects**
2.4.1.1	Construction of a tramway, elevated or underground railway, suspended line or similar line being either: (i) within 100m of a protected site; or (ii) having a length of more than 1km.	2.4.2.1	Other tramways, elevated or under-ground railways, suspended line or similar structures not covered by 2.4.1.1.
2.4.1.2	Construction of railways and intermodal transshipment facilities, and of intermodal terminals		

		2.4.2.2	Other major transport facilities e.g. a bus terminal or container depots.
2.5.1	**Category I Projects**	**2.5.2**	**Category II Projects**
2.5.1.1	Construction of a dam which is either: (i) more than 100m long; or (ii) more than 15m high.	2.5.2.1	Construction of a dam or reservoir, not being a development within 2.5.1.1 and 2.5.1.2 and being: (i) a dam of between 25–100m long; or having (ii) a water storage capacity of between 20,000m^3 and 50,000m^3.
2.5.1.2	Construction of a reservoir or other installation for holding or storing water on a long term basis with a capacity of more than 50,000m^3.		
2.6	**Pipelines and Underground Electricity Transmission**		
2.6.1	**Category I Projects**	**2.6.2**	**Category II Projects**
2.6.1.1	Construction of a main transmission pipeline for the transport of gas, oil or chemicals (other than water); (i) over a distance of 5 km; or (ii) where more than 300 dwellings or a site designated for more than 300 dwellings are within 100m of the route; or (iii) the route passes through the aquifer protection zone or is within 500m of a bore hole; or (iv) the route passes through a protected site.	2.6.2.1	Construction of an oil or gas pipeline not being a development falling within 2.6.1.1.
2.6.1.2	Construction of an aqueduct or a main sewer with a diameter exceeding 600mm and not utilising an existing right of way: (i) over a distance of 5 km or more; or where (ii) the route passes through a protected site.	2.6.2.2	Construction of an aqueduct or a main sewer not being a development falling within 2.6.1.2 and not utilising an existing right of way: (i) over a distance of 5 km or more; or where (ii) the route passes through a protected site.
		2.6.2.3	Laying an underground route for electricity cable/s of 100KV or more not utilizing an existing right of way: (i) over a distance of 5km or more; or where (ii) the route passes through a protected site.
2.7	**Management and Disposal of Wastes**		
2.7.1	**Category I Projects**	**2.7.2**	**Category II Projects**
2.7.1.1	Erection of an installation for incinerating, treating (including chemical treatment), processing, recycling and destruction of hazardous waste and spent oil.	2.7.2.1	Installation for incinerating, treating (including chemical treatment), processing, recycling and destruction of wastes not being a development falling within 2.7.1.2

2.7.1.2	Erection of an installation for incinerating, treating (inc. chemical treatment), processing, recycling and destruction of non hazardous wastes with a capacity of 25,000m^3 per year or more.	2.7.2.2	Installation for the disposal of household and other industrial and commercial wastes with a capacity of over 15,000m^3 and not being a development falling within 2.7.1.5 or 2.7.1.6.
2.7.1.3	Site for depositing or recycling sludge.		
2.7.1.4	Installation for the disposal of chemical or hazardous wastes on or in the ground.		
2.7.1.5	The development of new landfill sites (not for inert waste).		
2.7.1.6	Installation for the disposal of household and other industrial and commercial wastes with a capacity of 100,000m^3 or more.		
2.7.1.7	Installation for the disposal of household and other industrial and commercial wastes with a capacity of over 25,000m^3 and where: (i) more than 300 dwellings or an area designated for more than 300 dwellings are within 200m of the boundaries of the site; or (ii) a protected site is within 200m of the boundaries of the site; or (iii) in the aquifer protection zone or within 500m of a bore hole or any other water abstraction point.		

NOTE: As a rule of thumb, 15,000 cubic metres equate approximately to 15,000 tonnes, or to 1000, 20-ton lorry movements (assuming 15 tonnes per 20-ton lorry)

2.8	**Sewage Treatment Plants**		
2.8.1	**Category I Projects**	**2.8.2**	**Category II Projects**
2.8.1.1	A waste water treatment plant with a capacity 150,000 population equivalent or more	2.8.2.1	A waste water treatment plant with a capacity of less than 150,000 population equivalent.

2.9	**Reverse Osmosis Plants**		
2.9.1	**Category I Projects**	**2.9.2**	**Category II Projects**
2.9.1.1	A Reverse Osmosis or desalination plant with a capacity exceeding 50,000m^3 per day.	2.9.2.1	A Reverse Osmosis or desalination plant with a capacity of between 10,000m^3 and 50,000m^3 per day.

NOTE: A Reverse Osmosis or Desalination Plant on the coast is also covered by criterion 4.2 Development on the Coast whichever is the more demanding.

3	**LAND USE AND BUILT DEVELOPMENT PROJECTS**		
3.1	**Urban Development Projects including Tourist and Recreation Developments[1] but excluding developments on operational land within the perimeter of an established airport**		
3.1.1	**Category I Projects**	**3.1.2**	**Category II Projects**
3.1.1.1	Developments with an area of 10 ha or more.	3.1.2.1	Developments with a site area of more than 3 ha.
3.1.1.2	Developments with a site area of 5 ha or more not being a project defined in an approved development plan or development brief.	3.1.2.2	Developments where more than 300 dwellings, or a site designated for more than 300 dwellings, are within 200m of the site boundary and: (i) the site area is more than 2 ha; or (ii) has a gross floor area of more than 30,000m^2.
3.1.1.3	Developments to provide 10,000m^2 gross floor space or more of shops, including shopping centres, offices or other commercial uses, and not being a project defined in an approved plan or development brief.		
3.2	**Business Parks where floorspace is predominantly devoted to office uses which may cater for research and development, and may include ancillary/supporting uses which complement the main use)**		
3.2.1	**Category I Projects**	**3.2.2**	**Category II Projects**
3.2.1.1	Development of Business Parks where the site is 5 ha or more.	3.2.2.1	Development of a Business Park with a site area of more than 1 ha.
3.3	**Other Tourism Development ¥**		
3.3.1	**Category I Projects**	**3.3.2**	**Category II Projects**
3.3.1.1	Construction of and extension to hotel, holiday Village, hostel or tourist facility being outside development zone and not being in a tourism development area in an approved development plan with: (i) a capacity of more than 500 beds; or (ii) to provide gross floor area of more than 20,000m^2; or (iii) a total site area of 5 ha or more.	3.3.2.1	Construction of and extension to hotel, holiday Village, hostel or tourist facility being outside development zone and not being in a tourism development area in an approved development plan with: (i) a capacity of 100- 500 beds; or (ii) a gross floor area of more than 3000m^2.
3.4	**Theme Parks**		
3.4.1	**Category I Projects**	**3.4.2**	**Category II Projects**
3.4.1.1	Theme Parks with a site area of 5ha or more.	3.4.2.1	Theme Parks with a site area of more than 5,000m^2.

[1] The most stringent criteria will apply

3.5	**Other Recreation and Sporting Facilities and Activities[2]**		
3.5.1	**Category I Projects**	**3.5.2**	**Category II Projects**
3.5.1.1	Developments which cover a site area of over 10ha.	3.5.2.1	Developments which : (i) have a site area of between 2 – 10 ha; or (ii) have a site area of more than 5,000m^2 and is within 200m of a protected site.
3.5.1.2	Permanent racing and test tracks for motorised vehicles where the length of the track exceeds 5km.	3.5.2.2	Permanent racing and test tracks for motorised vehicles not being a development falling in 3.5.1.2.
3.5.1.3	Cable cars, ski-lifts and associated developments	3.5.2.3	Permanent camp sites and caravan sites with a capacity for over 100 tents or 50 caravans
3.6	**Golf Courses**		
3.6.1	**Category I Projects**	**3.6.2**	**Category II Projects**
3.6.1.1	Development of a golf course.		
3.7 A	**Industrial Estates**		
3.7.A.1	**Category I Projects**	**3.7.A.2**	**Category II Projects**
3.7.A.1.1	Development of a speculative industrial development (i.e. where no specific end user is identified), where the site is more than 10 ha.	3.7.A.2.1	Development of an industrial estate, on a site not specifically designated for such purpose in an approved plan or development brief, with a site area between 3 ha – 10 ha where: (i) more than 300 dwellings, or an area designated for more than 300 dwellings, are within 200m of the site boundaries; or (ii) the site boundary is within 200m of a designated site; or (i) the development is within the aquifer protection zone or within 500m of a bore hole of water abstraction point.
3.7B	**Industrial Development**		
3.7.B.1	**Category I Projects**	**3.7.B.2**	**Category II Projects**
		3.7.B.2.1	Industrial development not within an industrial estate with a gross floor area more than 3,000m^2.
		3.7.B.2.2	Industrial development not within an industrial estate with a gross floor area more than 1000m^2, and: (i) within 100m of a protected site; or (ii) within the aquifer protection zone or within 500m of a bore hole or water abstraction point.
3.8	**Defence**		
3.8.1	**Category I Projects**	**3.8.2**	**Category II Projects**
3.8.1.1	Development for the purpose of defence may require an Environmental Impact Statement depending on the type of the development proposed, site area and location.		

[2] The most stringent criteria will apply

3.9	Homes for the Elderly		
3.9.1	**Category I Projects**	**3.9.2**	**Category II Projects**
3.9.1.1	Development of or an extension to a home for the elderly being outside development zone and not being in an approved development plan and with: (i) a capacity of 500 beds or more; or (ii) a gross floor area of 20,000m^2 or More; or (iii) a total site area of 5ha or more.	3.9.2.1	Development of or an extension to a home for the elderly being outside development zone and not being in an approved development plan and with: (i) a capacity of 200 beds or more; or (ii) a gross floor area of 5000m^2 or more.

3.10	Car-Parks		
3.10.1	**Category I Projects**	**3.10.2**	**Category II Projects**
		3.10.2.1	Construction of car-parks providing more than 800 spaces

4 DEVELOPMENT ON THE COAST AND OFFSHORE

This section refers to developments that are located within the coastal zone. The area of land and sea within the coastal zone will incorporate all coastal natural processes as well as those activities which rely on the land-sea interactions and as may be defined by any development plan.

4.1	Reclamation		
4.1.1	**Category I Projects**	**4.1.2**	**Category II Projects**
4.1.1.1	Reclamation of land from the sea and fastening installations to the bed of the sea or raising the level of the bed of the sea and having an area of 1 ha or more.	4.1.2.1	Reclamation of land from the sea or other development in the sea having an area of 1000m^2 and more.

4.2	Development on the coast (not being covered by other classes of project)		
4.2.1	**Category I Projects**	**4.2.2**	**Category II Projects**
		4.2.2.1	The change of use of land of 1 ha or more.
		4.2.2.2	Any engineering works (including coastal defences) with site area of more than 500m^2.
		4.2.2.3	Construction of a building with a footprint of more than 500m^2.
		4.2.2.4	Sinking of vessels or structures on the sea bed to form artificial reefs or similar structures or uses

4.3	New Beach or Beach Enhancement		
4.3.1	**Category I Projects**	**4.3.2**	**Category II Projects**
		4.3.2.1	Creation of a new beach or enlargement of existing beaches, involving the replenishment of an existing sandy beach or interventions which will result in a change in the profile of the land/water interface.

4.4	**Dredging**		
4.4.1	**Category I Projects**	**4.4.2**	**Category II Projects**
4.4.1.1	Dredging within a Marine Conservation Area (including candidate Marine Conservation Areas) or in an area of seabed scheduled or in any way protected under the Development Planning Act or the Environment Protection Act.	4.4.2.1	Dredging over an area of 25 ha or more, in any dredging cycle or within 5 years.

4.5	**Dumping at Sea**		
4.5.1	**Category I Projects**	**4.5.2**	**Category II Projects**
4.5.1.1	Site for the deposition of waste at sea.		

5	**EXTRACTIVE INDUSTRY**		
5.1	**Hard Rock Quarries**		
5.1.1	**Category I Projects**	**5.1.2**	**Category II Projects**
5.1.1.1	Any quarry or open-cast mining not in an area of potential mineral working in an approved plan. (Transitional arrangements will apply until appropriate subject or local plans have been approved).	5.1.2.1	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is up to 3 ha.
5.1.1.2	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is more than 3 ha.	5.1.2.2	Any quarry or open-cast mining where the boundary of the site is within 300m of a protected site.
5.1.1.3	Any quarry or open-cast mining where more than 300 dwellings or a site designated for more than 300 dwellings are within 500m of the boundaries of the proposed site.	5.1.2.3	Any quarry or open-cast mining where the site is within the aquifer protection zone or 500m of a borehole.

NOTE: A quarry on the coast is also covered by criterion 4.2 Development on the Coast whichever is the more demanding.

5.2	**Soft Rock Quarries**		
5.2.1	**Category I Projects**	**5.2.2**	**Category II Projects**
5.2.1.1	Any quarry or open-cast mining not in an area of potential mineral working in an approved plan. (Transitional arrangements will apply until appropriate subject or local plans have been prepared).	5.2.2.1	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is 1 – 4 ha.
5.2.1.2	Development of a quarry or open-cast mining and an extension to an existing quarry where the proposed area of new operations is more than 4 ha.	5.2.2.2	A quarry or open-cast mining where more than 300 dwellings or a site designated for more than 300 dwellings is within 200m of the boundaries of the proposed site.
		5.2.2.3	Any quarry or open-cast mining where the boundary of the site is within 200m of a protected site.

		5.2.2.4	Any quarry or open-cast mining where the site is within the aquifer protection zone or within 500m of a bore hole.

5.3	**Restoration and after use**		
5.3.1	**Category I Projects**	**5.3.2**	**Category II Projects**
		5.3.2.1	Restoration and after use of existing and disused quarries not already covered by an approved landscaping / restoration scheme, where the boundary of the site is within 200m of a protected site or a site of known environmental importance.

5.4	**Other Extraction Operations**		
5.4.1	**Category I Projects**	**5.4.2**	**Category II Projects**
5.4.1.1	Deep drilling on land (in excess of 1 km), including geothermal drilling and deep drilling for the storage of nuclear waste material, but excluding drillings for investigating the stability of soils.	5.4.2.1	Drilling for water supplies where the expected supply would exceed 2 million cubic metres per annum.
5.4.1.2	Extracting coal, petroleum, natural gas, ores or bituminous shale on land.	5.4.2.2	Extraction of minerals by marine or fluvial (including valleys) dredging.
5.4.1.3	Extracting petroleum or natural gas offshore (an EIS is required for each production contract area).	5.4.2.3	Artificial groundwater recharge schemes not being a development within 5.4.1.6.
5.4.1.4	Surface industrial installation for extraction of petroleum or natural gas.		
5.4.1.5	Underground mining or peat extraction		
5.4.1.6	Groundwater extraction or artificial recharge schemes where the annual volume of water abstracted or recharged is equivalent to or exceeds 10 million cubic metres.		

NOTE:	**Extraction of minerals by marine dredging is also covered by criterion 4.4 whichever is the more demanding.**

5.5	**Mineral Processing Industries**		
5.5.1	**Category I Projects**	**5.5.2**	**Category II Projects**
5.5.1.1	Erection of a cement manufacturing plant.	5.5.2.1	Erection of a rock processing plant not within the operational site of a quarry.
		5.5.2.2	Erection of a plant for concrete block (brick) production or tarmac production.
		5.5.2.3	Erection of other mineral processing plants e.g. lime kilns, ready-mix.
		5.5.2.4	Construction of salt pans over 1000m^2.

6	AGRICULTURE		
6.1	**Land Reclamation and Water Management**		
6.1.1	**Category I Projects**	**6.1.2**	**Category II Projects**
6.1.1.1	Works for the transfer of water resources between river basins where this transfer aims at preventing possible shortage of water and where the amount of water transferred exceeds 10 million cubic metres/year. Transfers of piped drinking water area excluded.	6.1.2.1	Land reclamation for agriculture where the area to be modified is more than 5ha.
		6.1.2.2	Construction of irrigation works for the use of treated water where: (i) the area to be irrigated is more than 10 ha; or (ii) the amount of water intended to be supplied is more than 1,000m^3 in any day; or (iii) the site is located within the aquifer protection zone.
6.2	**Livestock**		
6.2.1	**Category I Projects**	**6.2.2**	**Category II Projects**
		6.2.2.1	Developments with a site area of more than 7500m^2.
6.2.1.1	A new establishment or extension for poultry production with more than 50,000 broilers or 25,000 layers at any one time.	6.2.2.2	A new establishment or extension for poultry production for more than 30,000 broilers or 7,000 layers.
6.2.1.2	A new establishment or extension for turkey production with more than 6,250 head at any one time.	6.2.2.3	A new establishment or extension for turkey production for mote than 1,750 heads at any one time.
6.2.1.3	A new establishment or extension for rabbit production with more than 12,500 heads at any one time.	6.2.2.4	A new establishment or extension for rabbit production for more than 5,000 heads at any one time.
6.2.1.4	A new pig rearing establishment or extension for more than 500 sows or 3,000 fattening pigs (over 30kgs) at any one time.	6.2.2.5	A new pig rearing establishment or extension with: (i) more than 250 sows or 1,500 fattening pigs (over 30 kgs); or (ii) more than 125 sows or 750 fattening pigs (over 30 kgs) and within 400m of a residential area..
6.2.1.5	A new cow rearing establishment or extension with more than 200 milk cows[3] or 300 beef cows at any one time.	6.2.2.6	A new cow rearing establishment or extension with more than 150 milk cows or 200 beef cows at any one time.
6.2.1.6	A new goats rearing establishing with more than 900 heads at any one time.	6.2.2.7	A new goats rearing establishing with more than 600 heads at any one time.
6.2.1.7	A new sheep rearing establishing with more than 1,200 heads at any one time.	6.2.2.8	A new sheep rearing establishing with more than 800 heads at any one time.

[3] Milk cows refers to milking cows (excluding replacements, calves, etc.)

		6.2.2.9	Any livestock unit rearing animals such as emus, ostriches, kangaroos, wallabies or crocodiles, whether these are for consumption or otherwise and other animals, such as snails and frogs, that can create an ecological imbalance if they escape into the wild.
6.3	**Aquaculture**		
6.3.1	**Category I Projects**	**6.3.2**	**Category II Projects**
6.3.1.1	Any aquaculture hatchery or unit and extension to existing one rearing any form of marine organism (animal or plant), and including penning, and having: (i) facilities covering an area of 2 ha or more at sea (be it at the surface or on the sea-bed); or (ii) intended for the production of more than 100 tons of fish per year and within 2km of the coast.	6.3.2.1	All aquaculture hatcheries or units and extensions to existing one rearing any form of marine organism (animal or plant), and including penning having facilities at sea (whether on the surface or on the sea-bed) within 2 km of the shoreline.
		6.3.2.2	Aquaculture hatcheries or units and extension to existing ones rearing any form of marine organism (animal or plant), and including penning, having facilities at sea (whether on the surface or on the sea bottom), more than 2km from the coast and covering an area of more than 2 ha.
		6.3.2.3	All aquaculture hatcheries and rearing farms and extension to existing ones with all facilities on land covering an area of land of 1 ha or more, or intended for the production of more than 50 tons of fish or equivalent other produce per year not being a development on the coast within 4.2.
6.4	**Afforestation and Deforestation**		
6.4.1	**Category I Projects**	**6.4.2**	**Category II Projects**
6.4.1.1	An afforestation scheme of more than 25 ha.	6.4.2.1	An afforestation scheme of 5 ha or more.
6.4.1.2	Deforestation (including felling and uprooting of trees) in an area of more than 10ha for the purposes of conversion to another type of land use	6.4.2.2	Deforestation (including felling and uprooting of trees) in an area of more than 3ha for the purposes of conversion to another type of land use

NOTE:	**Afforestation/deforestation projects affecting protected trees, copses and woodlands are also covered by criterion 9 – Development affecting natural and cultural heritage - whichever is the more demanding.**

6.5	**Greenhouses and Protected Crops**		
6.5.1	**Category I Projects**	**6.5.2**	**Category II Projects**
		6.5.2.1	Greenhouses or structures to protect crops with an area of more than 1 ha.
		6.5.2.2	Greenhouses or structures to protect crops with an area of more than 5,000m^2 and where the total area of greenhouses within 500m of the site is more than 5 ha.
6.6	**Rural Land Holdings**		
		6.6.2	Category II Projects
		6.6.2.1	Projects for the restructuring for rural land holdings where the restructuring will involve the change of of use of 1 ha or more of land
6.7	**Horse Stables**		
6.7.1	Category I Projects	6.7.2	Category II Projects
	Any horse stables with more than 150 horses;		Any horse stable unit with more than 50 horses
7	**ENERGY INDUSTRY**		
7.1	**Refineries**		
7.1.1	**Category I Projects**	**7.1.2**	**Category II Projects**
7.1.1.1	Construction of a gas or crude-oil refinery.		
7.2	**Coal and Allied Works**		
7.2.1	**Category I Projects**	**7.2.2**	**Category II Projects**
7.2.1.1	Installation for the gasification and liquefaction of coal or bituminous shale.	7.2.2.1	Coke Ovens (dry coal distillation)
7.2.1.2	Industrial briquetting of coal and lignite.		
7.3	**Electric Power Station**		
7.3.1	**Category I Projects**	**7.3.2**	**Category II Projects**
7.3.1.1	Construction of thermal power station and other combustion installation with an output of more than 50 megawatts.	7.3.2.1	Construction or extension of a thermal power station and other combustion installation for the generation of power for sale to consumers and not being development falling within 7.3.1.1.
7.4	**Nuclear Energy**		
7.4.1	**Category I Projects**	**7.4.2**	**Category II Projects**
7.4.1.1	Construction and/or dismantling and decommissioning of nuclear power stations or other nuclear reactors[4].		

[4] Nuclear power stations and other nuclear reactors cease to be such an installation where all nuclear fuel and other

7.4.1.2	Installation for the processing or reprocessing of irradiated nuclear fuel.		
7.4.1.3	Installation for the accumulation and/or processing of radioactive wastes, including fission waste and irradiated fissile materials.		
7.4.1.4	Installation for the permanent storage or final disposal of radioactive wastes or irradiated nuclear fuel.		
7.4.1.5	Installation designed for the production or enrichment of nuclear fuel		

7.5	**Renewable Energy Production**		
7.5.1	Category I Projects	**7.5.2**	**Category II Projects**
7.5.1.1	Installations for the harnessing of wind power for energy production (wind farms) in excess of 5 turbines or in excess of a total output of 5MW or the use of wave and solar energy with an output of more than 2 MW.	7.5.1.2	Installations for the harnessing of wind power for energy production (wind farms) or the use of wave and solar energy designed to sell electricity to consumers, i.e. not for personal use, and not falling within 7.5.1.1.
7.5.1.2	Installations for hydroelectric energy production.		

7.6	**Storage of Gases, Fossil Fuels and Petroleum**		
7.6.1	**Category I Projects**	**7.6.2**	**Category II Projects**
7.6.1.1	Surface and underground storage of combustible gases including natural gas with a capacity of more than 100,000m^2.	7.6.2.1	Surface and underground storage of combustible gases including natural gas with a capacity of more than 50,000m^3.
7.6.1.2	Surface storage of fossil fuels on a site of 2ha or more.	7.6.2.2	Surface storage of fossil fuels on a site of more than 5,000m^2.
7.6.1.3	Storage of petroleum products with a capacity of more than 100,000m^3.	7.6.2.3	Storage of petroleum products where the storage capacity is between 50,000m^3 and 100,000m^3 and where: (i) the site area is over 20,000m^3; or (ii) where more than 300 dwellings or a site designated for more than 300 dwellings are within 300m of the proposed site; or (iii) within the aquifer protection zone; or (iv) within 500m of a borehole.
		7.6.2.4	Installation for storage and transport of gas, steam or hot water over a network having more than 1km of pipe work.
		7.6.2.5	Industrial installations for the production of steam and hot water.

radioactively contaminated elements have been removed permanently from the installation site.

		7.6.2.6	Construction of a new fuel servicing station.
7.7	**Electric Transmission**		
7.7.1	**Category I Projects**	**7.7.2**	**Category II Projects**
7.7.1.1	The transmission of electrical energy by overhead cables at high voltage over 220KV and over more than 1km.	7.7.2.1	The transmission of electrical energy by overhead cables with a voltage of over 100KV and over more than 1km.
8	**INDUSTRIAL DEVELOPMENTS AND OPERATIONS**		
8.1	**Industrial Smelting of cast-iron and steel**		
8.1.1	**Category I Projects**	**8.1.2**	**Category II Projects**
8.1.1.1	Construction of an installation for the initial smelting of cast-iron, steel or other metals.		
8.2	**Asbestos**		
8.2.1	**Category I Projects**	**8.2.2**	**Category II Projects**
8.2.1.1	Construction of an installation for the extraction, treatment and processing of asbestos and products containing asbestos.	8.2.2.1	The use of asbestos in manufacture or production of products not being a development within 8.2.1.1 to 8.2.1.4.
8.2.1.2	Construction of an installation for the manufacture of asbestos cement.		
8.2.1.3	Construction of an installation for the manufacture of brake linings with a capacity of 50 tonnes or more per year.		
8.2.1.4	Construction of an installation for the manufacture or production of other products containing asbestos with a consumption of over 200 tonnes or more of asbestos per year.		
8.3	**Chemical Installations**		
8.3.1	**Category I Projects**	**8.3.2**	**Category II Projects**
8.3.1.1	Construction of an integrated chemical installation, i.e. an installation for the manufacture on an industrial scale of substances using chemical conversion or physical processes, in which several units are juxtaposed and are functionally linked to one another and which are: (i) for the production of basic organic chemicals; (ii) for the production of basic inorganic chemicals; (iii) for the production of phosphorous-, nitrogen-, or potassium-based fertilisers (simple compound fertilisers); (iv) for the production of basic plant health products or biocides; (v) for the production of basic pharmaceutical products using a chemical or biological process;		

(vi) for the production of explosives.
(vii) for the production of any other product not listed above but which requires similar treatment.

8.3.1.2	Installations for the storage of chemical products with a capacity of 100,000m^3	8.2.2.1	Installations for the storage of chemical products with a capacity of over 20,000m^3

8.4 - 8.10 OTHER INDUSTRIES

General Criteria

The industrial developments listed below are in Category I where the following circumstances apply:

(b) the industrial operations will require the disposal of significant[5] quantities of liquid, gaseous or solid wastes; or

(c) significant[§] quantities of chemical or combustible material are to be stored on site; or

(d) development covering a site of 2ha or more is:

(i) to be located in an area not designated for the type of industry in an approved development plan; or

(ii) more than 300 dwellings or a site for more than 300 dwellings are within 200m of the site boundaries; or

(iii) the boundary of the site is within 200m of a protected site; or

(iv) within the aquifer protection zone or within 500m of a bore hole.

All industrial developments listed below not covered by the above conditions and with a site area o more than 2,000m^2 are in Category II.

8.4	**Processing of metals**		
8.4.1	**Category I Projects**	**8.4.2**	**Category II Projects**
8.4.1.1	Roasting, pelletizing or sintering of ores.		
8.4.1.2	Installations for the production or processing of ironworks or steel works (primary or secondary fusion) including continuous casting, a foundry, forge, smitheries with hammers, application of protective fused metal coats, drawing plant or hot rolling mills not being works falling within 8.4.1.1.		
8.4.1.3	The pressing, drawing, or stamping of large castings.		

[5] "Significant" means the quantities to be disposed of or stored may have significant environmental impacts on the locality.

8.4.1.4	Installations for the production or processing (including smelting, refining, drawing and rolling) of non-ferrous metals, other than precious metals.		
8.4.1.5	Installations for the surface treatment and coating of metals and plastic materials using an electrolytic or chemical process.		
8.4.1.6	Boiler-making or manufacturing of reservoirs, tanks and other sheet-metal containers.		
8.4.1.7	Shipyards.		
8.4.1.8	Manufacture or assembly of motor vehicles or manufacturing motor-vehicle engines.		
8.4.1.9	Installations for the construction or repair of aircraft.		
8.4.1.10	Swaging by explosives.		
8.4.1.11	Installations for the application of protective fused metal coats.		
8.4.1.12	Manufacture of railway equipment		
8.5	**Glass and Ceramics**		
8.5.1	**Category I Projects**	**8.5.2**	**Category II Projects**
8.5.1.1	Installations for the manufacture of glass including glass fibre.		
8.5.1.2	Installations for the manufacture of ceramic products by burning, in particular roofing tiles, bricks, refractory bricks, tiles, stoneware or porcelain.		
8.6	**Chemical Industry**		
8.6.1	**Category I Projects**	**8.6.2**	**Category II Projects**
8.6.1.1	Treatment of intermediate products and production of chemicals not being a development within 8.6.		
8.6.1.2	Production of pesticides or pharmaceutical products, paints, varnishes, elastomers or peroxides.		
8.6.1.3	Storage of chemical or petrochemical products.		
8.7	**Food Industry**		
8.7.1	**Category I Projects**	**8.7.2**	**Category II Projects**
8.7.1.1	Manufacturing of vegetable or animal oils and fats.		

8.7.1.2	Packing or canning of animal or vegetable products.		
8.7.1.3	Manufacture of dairy products.		
8.7.1.4	Brewing or malting.		
8.7.1.5	Confectionery or syrup manufacture.		
8.7.1.6	Installations for the slaughter of animals.		
8.7.1.7	Installations for the manufacture of industrial starch.		
8.7.1.8	Fish meal or fish-oil industry.		
8.7.1.9	Sugar factory.		
8.8	**Textile, Leather, Wood and Paper Industries**		
8.8.1	**Category I Projects**	**8.8.2**	**Category II Projects**
8.8.1.1	Wool scouring, degreasing and bleaching factory.		
8.8.1.2	Manufacture of fibre board, particle board or plywood.		
8.8.1.3	The manufacture of pulp, paper or board.		
8.8.1.4	Fibre dyeing factory.		
8.8.1.5	Cellulose-processing and production installation.		
8.8.1.6	Tannery or leather dressing industry.		
8.9	**Rubber Industry**		
8.9.1	**Category I Projects**	**8.9.2**	**Category II Projects**
8.9.1.1	Manufacture and treatment of elastomer-based products.		
8.10	**Other Projects**		
8.10.1	**Category I Projects**	**8.10.2**	**Category II Projects**
8.10.1.1	Manufacture, packing, loading or placing in cartridges of gunpowder or other explosives other than for local use i.e. the making of fireworks for local festas.		
8.10.1.2	The storage of scrap iron including scrap vehicles.		
8.10.1.3	A car breakers yard, a test bench for engines, turbines or reactors.		
8.10.1.4	A knackers yard.		
8.10.1.5	Installations for smelting mineral substances including the production of mineral fibres.		

8.10.1.6 Installations for the manufacture of artificial mineral fibres.

8.10.1.7 Installations for the recovery or destruction of explosive substances

9. DEVELOPMENTS AFFECTING NATURAL AND CULTURAL HERITAGE

Any development or activity on behalf of which a scheduled property, conservation area, or other property having heritage value, whether natural or cultural, could be destroyed or its protected status rescinded, may require an environmental impact assessment, the scale of which shall be determined by the Director of Environment Protection.

10. CHANGES OR EXTENSIONS TO APPROVED PROJECTS

Any change or extension of development which would result in the development listed in Category I or II, already authorised, executed or in the process of being executed which may have significant adverse effects on the environment including:
(a) an increase in size greater than 25%; or
(b) an amount equivalent to 50% of the appropriate threshold
shall be required to undertake an environmental impact assessment, the scale of which shall be determined by the Director of Environment Protection.

11. RE-ACTIVATION OF CATEGORY I PROJECTS

Projects in Category I, undertaken exclusively or mainly for the development and testing of new methods or products and not used for more than two years, shall be subject to an environmental planning statement prior to re-use.

12. CUMULATIVE EFFECTS OF PROJECTS

Projects not included in Category I and II and which normally do not require an assessment of environmental impacts but, due to cumulation with other projects can produce significant environmental or social effects, may be required to undertake an environmental impact statement or an environmental planning statement if the Director of Environment Protection is of the opinion that significant impacts are likely to occur and a normal development permission application would not provide an adequate basis for evaluating such developments.

SCHEDULE IB

Criteria for determining whether a development would or would not be likely to have significant effects on the environment

1. Characteristics of the proposed development

The characteristics of proposed development, in particular, to:

- the size of the proposed development;
- the cumulation with other developments;
- the use of natural resources;
- the production of waste;
- pollution and nuisances;
- the risk of accidents, having regard to substances or technologies used.

2. Location of proposed development

The environmental sensitivity of geographical areas likely to be affected by proposed development, having regard, in particular, to:

- the existing land use;
- the relative abundance, quality and regenerative capacity of natural resources in the area;
- the absorption capacity of the natural environment, paying particular attention to the following areas:

(a) wetlands;
(b) coastal zones;
(c) mountain and forest areas;
(d) nature reserves and parks;
(e) areas classified or protected under other legislation, designated special protected pursuant to LN 79/2006 and LN 257/2003;
(f) areas in which the environmental quality standards laid down in legislation of the EU have already been exceeded;
(g) densely populated areas;
(h) landscapes of historical, cultural or archaeological significance.

3. Characteristics of potential impacts

The potential significant effects of proposed development in relation to criteria set out under paragraphs 1 and 2 above, and having regard in particular to:

- the extent of the impact (geographical area and size of the affected population);
- the transfrontier nature of the impact;
- the magnitude and complexity of the impact;
- the probability of the impacts;
- the duration, frequency and reversibility of the impact.

AVVIŻI TAL-QORTI – *COURT NOTICES*

202

B'digriet mogħti mill-QORTI ĊIVILI, PRIM AWLA fid-29 ta' Jannar, 2007 fuq rikors ta' GEORGE PACE ESTATES LIMITED ġie ffissat il-jum tal-Ħamis, 15 ta' Marzu, 2007 mid-9.00 a.m. sa nofsinhar għall-BEJGĦ BL-IRKANT li kien ġie ordnat b'digriet tad-29 ta' Jannar, 2007 li għandu jsir fil-kuriduri ta' dawn il-Qrati, tal-fond hawn taħt deskritt.

L-Utile Dominium Temporanju għaż-żmien li fadal minn 150 sena dekorribbli mill-25 ta' April, 1977, tal-maħżen bla numru inkluża l-arja tiegħu f'Old Mill Street, Ħal Qormi, mibni fuq Plot numru tnejn (2), soġġett għaċ-ċens annwu u temporanju, stmat li jiswa' Lm105,000.00ċ.

L-imsemmi fond huwa proprjetà ta' FINO FERS LIMITED.

N.B. L-imsemmi fond jinbiegħ bħalma gie deskritt mill-AIC Simon Saliba fir-relazzjoni tiegħu maħlufa fl-14 ta' Settembru, 2005.

Reġistru tal-Qrati Superjuri, illum it-Tlieta, 30 ta' Jannar, 2007.

VINCENT ATTARD
Għar-Reġistratur, Qrati Ċivili u Tribunali

By decree given by the CIVIL COURT, FIRST HALL on 29th January, 2007 on the application of GEORGE PACE ESTATES LIMITED, Thursday, 15th March, 2007 from 9.00 a.m. to twelve noon, has been fixed for the SALE BY AUCTION ordered by a decree given on the 29th January, 2007 to be held in the corridors of these Courts, of the following property.

The Temporary Utile Dominium for the remaining period from 150 years commencing on 25th April 1977, of unnumbered store including its airspace in Old Mill Street, Qormi, erected on Plot number two, (2), as being subject to the annual and temporary groundrent of valued Lm105,000.00c.

The said tenement is the property of FINO FERS LIMITED.

N.B. The said tenement will be sold as described in the report sworn to by Simon Saliba on 14th September, 2005.

Registry of the Superior Courts, this Tuesday, 30th January, 2007.

VINCENT ATTARD
For the Registrar, Civil Courts and Tribunals

203

B'digriet mogħti mill-QORTI ĊIVILI, PRIM AWLA fis-7 ta' Jannar, 2006 fuq rikors ta' GASAN ENTERPRISES LTD ġie ffissat il-jum tal-Ħamis, 8 ta' Marzu, 2007 mid-9.00 a.m. sa nofsinhar għall-BEJGĦ BL-IRKANT li kien ġie ordnat b'digriet tas-7 ta' Jannar, 2006 li għandu jsir FIL-KURIDURI TAL-QRATI TAL-ĠUSTIZZJA, TRIQ IR-REPUBBLIKA, VALLETTA tal-fondi hawn taħt deskritti.

1. Il-fond bin-numru tmienja u sittin (68), fi Triq Żimelli, il-Ħamrun, stmat li jiswa' Lm29,000.00ċ.

2. Il-garaxx immarkat mhux uffiċjalment bin-numru wieħed, (1), fi Triq il-Pijunieri, San Pawl il-Baħar, sottopost għall-flat internament immarkat bin-numru wieħed, (1), formanti parti minn blokk ta' flats magħruf bħala Howard Building Blokk A, stmat li jiswa' Lm68,000.00ċ.

3. L-Utile Dominium Temporanju għaż-żmien li fadal mill-perjodu oriġinali ta' 150 sena li bdew jiddekorru minn Diċembru, 1933, tal-fondi numri wieħed u għoxrin u sebgħa u għoxrin, (21 u 27), fi Triq Żimelli, il-Ħamrun, inkluż il-bitħa fuq wara b'aċċess komuni, kif soġġett għaċ-ċens annwu u temporanju, stmat li jiswew Lm112,000.00ċ.

By decree given by the CIVIL COURT, FIRST HALL on 7th January, 2006 on the application of GASAN ENTERPRISES LTD, Thursday, 8th March, 2007 from 9.00 a.m. to twelve noon, has been fixed for the SALE BY AUCTION ordered by a decree given on the 7th January, 2006 to be held IN THE CORRIDORS OF THESE COURTS, REPUBLIC STREET, VALLETTA, of the following property.

1. Tenement numbered sixty eight (68), in Żimelli Street, Ħamrun, valued at Lm29,000.00c.

2. Garage unofficially marked 1, Pioneer Road, St Paul's Bay, underlying flat internally marked 1, forming part of a block of flats known as Howard Building, Block A, valued at Lm68,000.00c.

3. The temporary utile dominium for the remaining period from 150 years commencing on December, 1933, of tenements numbered twenty one and twenty seven (21 and 27), Żimelli Street, Ħamrun, including a backyard accessible from both tenements, as being subject to the annual and temporary groundrent, valued at Lm112,000.00c.

L-imsemmi fond huwa proprjetà ta' LOUIS PACE U MARTU ALBERTA PACE PRO ET NOMINE.

N.B. L-imsemmi fond jinbiegħ bħalma ġie deskritt mill-AIC Alan Saliba fir-relazzjoni tiegpu maplufa fl-10 ta' Marzu, 2005.

Reġistru tal-Qrati Superjuri, illum it-Tlieta, 30 ta' Jannar, 2007.

VINCENT ATTARD
Għar-Reġistratur, Qrati Ċivili u Tribunali

The said tenement is the property of LOUIS PACE AND HIS WIFE ALBERTA PACE PRO ET NOMINE.

N.B. The said tenement will be sold as described in the report sworn to by Alan Saliba on 10th March, 2005.

Registry of the Superior Courts, this Tuesday, 30th January, 2007.

VINCENT ATTARD
For the Registrar, Civil Courts and Tribunals

204

IKUN jaf kullhadd illi b'digriet tal-15 ta' Jannar 2007 mogħti mill-Qorti tal-Maġistrati (Malta), din il-Qorti ordnat il-pubblikazzjoni ta' l-estratt li jidher hawn taħt biex iservi ta' notifika skond l-Artikolu 187(3) tal-Kodiċi tal-Proċedura u Organizzazzjoni Ċivili (Kap. 12).

Illi b'rikors ippreżentat minn APS Bank Limited, fl-20 ta' Novembru 2006, qed jintalab l-iżbank fl-ammont ta' Lm906.25ċ depożitat b'ċedola numru 2023/2006 minn H.S.B.C. Bank Malta plc li jappartjenu lil David Debono.

Reġistru tal-Qorti tal-Maġistrati (Malta), illum il-31 ta' Jannar 2007

VINCENT ATTARD
Għar-Reġistratur, Qrati Ċivili u Tribunali

It is hereby notified that by a decree of the 15th January 2007 given by the Magistrates Court (Malta), the Court ordered that the extract hereunder mentioned be published for the purpose of service according to article 187(3) of the Code of Organisation and Civil Procedure (Chapter 12).

That by an application filed by APS Bank Limited on the 20th November 2006, is asking for the withdrawal of the amount of Lm906.25c deposited by Schedule of Deposit number 2023/2006 made by H.S.B.C. Bank Malta plc and appertaining to David Debono.

Registry of the Magistrates Court (Malta), today the 31st January 2007.

VINCENT ATTARD
For the Registrar, Civil Courts and Tribunals

205

Ikun jaf kulħadd illi l-Qorti Ċivili (Sezzjoni ta' Ġurisdizzjoni Volontarja) in segwitu għar-Rikors ta' Mary Valletta, Rikors numru 32/2007, ordnat il-ftuħ u l-pubblikazzjoni tat-testment sigriet ta' Emanuela Grech, xebba, bint il-mejtin George u Maria neé Scerri, imwielda r-Rabat (Għawdex) u mietet il-Pietà fil-5 ta' Marzu, 1991, ta' 88 sena u li kellha karta ta' l-identità numru 65502(G).

Il-ftuħ u l-pubblikazzjoni ta' dan it-testment għandu jsir nhar il-Ħamis, 1 ta' Marzu 2007, fl-10.30 a.m., fl-Annexe tal-Qorti fi 22, Triq id-Dejqa, Belt Valletta, fejn din il-Qorti toqgħod b'att tan-Nutar Dottor Joseph Tabone.

Reġistru tal-Qorti Ċivili (Sezzjoni ta' Ġurisdizzjoni Volontarja) illum 31 ta' Jannar 2007.

AVV. DOTT. FRANK PORTELLI, LL.D.
Għar-Reġistratur, Qrati Ċivili u Tribunali

It is hereby notified that the Civil Court (Voluntary Jurisdiction Section) following an Application of Mary Valletta, Application number 32/2007, ordered the opening and publication of the secret will of Emanuela Grech, unmarried, daughter of the late George and Maria neé Scerri, born in Rabat (Gozo) and died in Pietà on the 5th March, 1991, aged 88 and who had identity card number 65502(G).

The opening and publication of this will shall be held on Thursday 1st March 2007 , at 10.30 a.m., at the Court Annexe at 22, Strait Street, Valletta where the Court holds its sitting, by deed of Notary Dr. Joseph Tabone.

Registry of the Civil Courts (Voluntary Jurisdiction Section) today 31st January 2007.

ADV. DR. FRANK PORTELLI, LL.D.
For the Registrar, Civil Courts and Tribunals

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