

SEA SCREENING TEMPLATE

Part A – Plan/Programme (PP) and Responsible Authority

Title of PP: Fireworks Factory Complexes Policy

Responsible Authority: MEPA

Contact Person: F. Mallia

Position: A/D – Forward Planning Division - Planning Directorate

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Date: 20 th. August 2014

Part B – Key Facts

Responsible Authority: MEPA

Title of PP: Fireworks Factory Complexes Policy

Purpose of PP: Purpose To establish guidance for the location and assessment of proposals related to fireworks factories.

From the result of a policy review exercise it emerged that the the policy framework regulating fireworks factories was not overarching across the whole territory and was referred only on two out of seven local plans. Issues with the implementation of the policy also implied that the previous policies were due for revision.

Is the PP the result of legislative, regulatory or administrative provisions? Explain.

The Planning Guidance is not specifically required by legislative, regulatory or administrative provisions. The policy guidance was borne from a need to direct activities which are related to the manufacture and storage of fireworks products. In Malta these activities are primarily conducted by licensed personnel and most of the

work is done on a voluntary basis. The nature of fireworks complexes in Malta does not in general have the industrial nature and full time employment characteristics found in many other countries. Locally the buildings in fireworks complexes have an overall built footprint of the order of 300 sqm set within a site area which is many times larger. .

Period covered by PP: n/a

Envisaged Frequency of Updates: Policy Guidance will be monitored and reviewed on a regular basis

Area covered by PP (ideally also attach map): Maltese Islands

Summary of PP content: The policy determines that these factories need to be located outside areas designated for other forms of development and in view of the potential hazards to retain the legal safety distances. Moreover it guides them away from the most culturally and environmentally sensitive areas, including areas which are identified to be sensitive but are not yet scheduled or likewise legally protected. Moreover, a cautionary approach is indicated for sites which are located on

- a) Good quality agricultural land (saqwi naturali) as determined by the Agriculture Department)or:
- b) Within areas/sites protected by a designation in a development plan or;
- c) Within the buffer zones of Water Services Corporation potable water boreholes;

will be considered on a case by case basis.

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
		<p>5) Special Protection Areas</p> <p>Proposals for new fireworks located in these sites are precluded from being located within the above indicated sites.</p>
<p>Does the PP determine the use of small areas at local level</p> <p>OR</p> <p>is it a minor modification of a PP subject to Regulation 4(2)(a) (Regulation 4(3))</p>	<p>Yes</p>	<p>The PP shall guide development of small areas at local level.</p>

SEA Criterion	Yes/No (no other answer except Yes/No)	Explanation
Does the PP set the framework for future development consent of projects (not just projects in Annexes to the EIA Directive)? (Regulation 4(4))	Yes	The Policy Guidance will guide the planning assessment of proposals related to upgrading of or new fireworks factories.
Is the PP likely to have a significant effect on the environment? (Regulation 4(5))	No	<p>Given their relatively small scale and nature, local fireworks factory complexes are unlikely to leave a significant effect on the environment. Any localised impacts can be successfully mitigated especially given that the more environmentally sensitive areas are excluded by the policy. The guidance precludes location of new fireworks complexes in the vicinity of the more sensitive designated and even candidate environmentally sensitive areas. Visual and other mitigation measures are contemplated to enhance the prospects of fit with a predominantly rural landscape. Operational requirements, although contemplated, fall outside the scope of this policy. Risk assessment considerations are required to be addressed prior to the submission of a development planning application.</p> <p>In this case, given the considerable number of locational restraints, it is envisaged that most of the applicability of the policy would be employed in proposals to upgrade existing fireworks factory complexes and to replace fireworks factory complexes which have been abandoned due to accidents and not since replaced.</p> <p>Given that this policy is an enabling one, it is not possible at this stage to accurately predict the number of extensions</p>

		<p>or new facilities that would request development consent over the years. However, it is possible to envisage that in a worst case scenario, it is extremely unlikely that new fireworks factories would be significant in numbers in view of the following considerations:</p> <p>a) Fireworks factories cannot be located on significant tracts of the Maltese Islands due to environmental considerations, topography, lack of access, cultivation or proximity to main roads, inhabited or employment areas, infrastructural facilities, ownership issues or proximity to other fireworks factories. For examples distances less than 183m from the store centre are currently contemplated from the Development Zones, Inhabited areas having more than 100 residents and a number of carriageways specifically identified by law are prohibited. The policy also stipulates that the same distance is maintained from strategic infrastructure, the main industrial areas, and the main social or community facilities (eg hospitals)</p> <p>b) The vast majority of complexes are not full time employee manned and depend heavily on voluntary work. They also rely heavily on a very significant community effort to finance, develop, maintain and operate.</p> <p>c) In view of the small size of the territory and the considerable number of interested parties which may be adversely affected by a new fireworks factory complex, the choice for committing a fresh parcels of land to this effect is rather limited.</p>
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<p>Is the PP's sole purpose to serve national defence or civil emergency</p> <p>OR</p> <p>is it co-financed by structural funds or EAGGF programmes 2000 to 2006/7</p> <p>OR</p> <p>Is it a financial or budget PP?</p>	No	
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Part D – Likely Significance of Effects on the Environment

Responsible Authority: Malta Environment and Planning Authority

Title of PP: Fireworks Factory Complexes Policy

Criteria for determining the likely significance of effects on the environment	Likely to have significant environmental effects? Yes/No (no other answer except Yes/No)	Summary of significant environmental effects (negative and positive)
the degree to which the PP sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources	No	The Policy Guidance includes several safeguards which are outlined in the explanations given to "Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))" and "Is the PP likely to have a significant effect on the environment? (Regulation 4(5))" in the previous section
the degree to which the PP influences other plans and programmes including those in a hierarchy	No	This policy is a supplementary guide which is at the lowest tier of plans in the planning hierarchy.
the relevance of the PP for the integration of environmental considerations in particular with a view to promoting sustainable development	No	The Policy Guidance integrates a number of diverse environmental and cultural safeguards which are outlined in the explanation given to "Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))" and "Is the PP likely to have a significant effect on the environment? (Regulation 4(5))" in the previous section
environmental problems relevant to the PP	No	The Policy Guidance includes several safeguards which are outlined in the explanations given to "Will the PP, in view of its likely effect on sites, require an assessment under Articles 6

		or 7 of the Habitats Directive? (Regulation 4(2)(b))" and "Is the PP likely to have a significant effect on the environment? (Regulation 4(5))" in the previous section
the relevance of the PP for the implementation of Community legislation on the environment (e.g. PPs linked to waste management or water protection)	No	The Policy Guidance includes several safeguards which are outlined in the explanations given to "Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))" and "Is the PP likely to have a significant effect on the environment? (Regulation 4(5))" in the previous section
the probability, duration, frequency and reversibility of the effects	No	Given that envisaged interventions are directed towards less environmentally sensitive tract, impacts are envisaged to be local and relatively easy to mitigate. Additional assessment processes of operations of fireworks factories are also envisaged to increase safety of activity.
the cumulative nature of the effects	No	A proposed development may be the subject of a risk assessment which would take into consideration these aspects.
the trans-boundary nature of the effects	No	No trans-boundary effects are envisaged, as the main issues are of a local relevance.
the risks to human health or the environment (e.g. due to accidents)	No	This exercise relates to impacts on health at a strategic level. In the case of Fireworks Complexes, literature and knowledge on local accidents suggests that in the case of accidents the most serious consequences lie in the immediate vicinity of the fireworks complex and therefore the effects are considered to be local and therefore not strategic in nature.

		<p>To address the local impacts issue this policy stipulates that all development planning proposals require to be screened by a committee which would need to vet the operational aspects and unless cleared by this technical committee, the relevant fireworks factory complex proposal would not be permitted to be assessed from a planning point of view.</p>
<p>the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected)</p>	No	<p>Given the inbuilt policy safeguards, the effects are envisaged to be very local ...refer to section "Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))"</p>
<p>Criteria for determining the likely significance of effects on the environment</p>	<p>Likely to have significant environmental effects? Yes/No (no other answer except Yes/No)</p>	<p>Summary of significant environmental effects (negative and positive)</p>
<p>the value and vulnerability of the area likely to be affected due to: (i) special natural characteristics or cultural heritage; (ii) exceeded environmental quality standards or limit values (iii) intensive land-use</p>	No	<p>The Policy Guidance includes several safeguards which are outlined in the explanations given to "Will the PP, in view of its likely effect on sites, require an assessment under Articles 6 or 7 of the Habitats Directive? (Regulation 4(2)(b))" and "Is the PP likely to have a significant effect on the environment? (Regulation 4(5))" in the previous section</p>
<p>the effects on areas or landscapes which have a recognised national, Community or international protection status</p>	No	<p>In Malta, the most highly valued landscapes in most cases happen to coincide with the areas which enjoy the highest levels of statutory protection</p>

		<p>(levels 1 and 2 Areas of Ecological Importance). Therefore effects on areas of High Landscape Sensitivity may only occur if the sites are located just outside or within visual range from these areas. In any case the impact is likely to be insignificant.</p>
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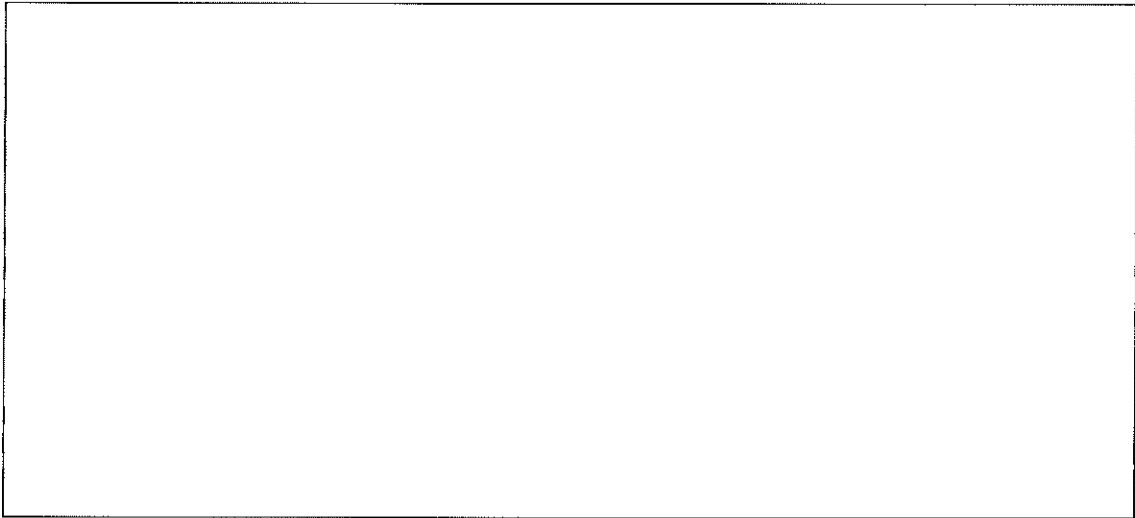
Part E – Summary of Environmental Effects

The Policy Guidance on Fireworks Factory Complexes has been designed to integrate environmental considerations in line with the spirit of LN497/2010 article 2(1)

Operational requirements dictate that fireworks factories need to be located away from urban areas and related infrastructure. This consideration has been addressed in the policy guidance. In site selection processes, the most environmentally sensitive areas are out-rightly excluded. This provision would also be applicable to sites which are not yet protected through the scheduling process but are otherwise earmarked as candidate sites. The assessment of operational risk does not form part of this policy but is envisaged to be addressed through the ad hoc technical committee whose approval would be required as a condition prior to processing of any development permit application requisite for the upgrading or a new fireworks factory complex.

The section in the policy relating to the design of fireworks factory complexes takes into account their often rural setting and therefore seeks to introduce visual and other mitigation measures which do not conflict with operational considerations.

The proposed policy guidance is mainly addressing locational and design aspects of fireworks factory complexes and is deemed unlikely to generate significant environmental impacts from a strategic point of view as the most sensitive environmental areas are avoided. The lesser environmentally sensitive areas would be assessed through the development planning application process. A technical operational assessment is stipulated as a mandatory requirement prior to submission of a development planning proposal and this is deemed to satisfactorily address the operational aspects of the submission (including safety considerations). Further assessment of specific proposals may be required at project stage, depending on the site location and the nature of the proposal. As with all development planning applications, these proposals would need to be subject to a statutory and mandatory public consultation exercise. In the light of the above, and in line with article 4(3) which states that "*Plans and Programmes referred to in sub-regulation (2) which determine the use of small areas at a local level, and minor modifications to plans and programmes referred to in sub-regulation(2) shall require a strategic environmental assessment only where the responsible authority determines that they are likely to have significant environmental impacts*", MEPA is of the opinion that the policy guidance does not require further detailed assessment at plan stage.



Part F – Screening Outcome

Screening is required under the Strategic Environmental Assessment Regulations, 2010 (Legal Notice 497 of 2010). It is MEPA's view that:

- An SEA is required because the PP falls under the scope of Regulation 4(3) of the Regulations and is likely to have significant environmental effects
- An SEA is required because the PP falls under the scope of Regulation 4(4) of the Regulations and is likely to have significant environmental effects
- An SEA is not required because the PP is unlikely to have significant environmental effects.

Frans Mallia

Name of Officer responsible for the Screening Report

Malta Environment and Planning Authority

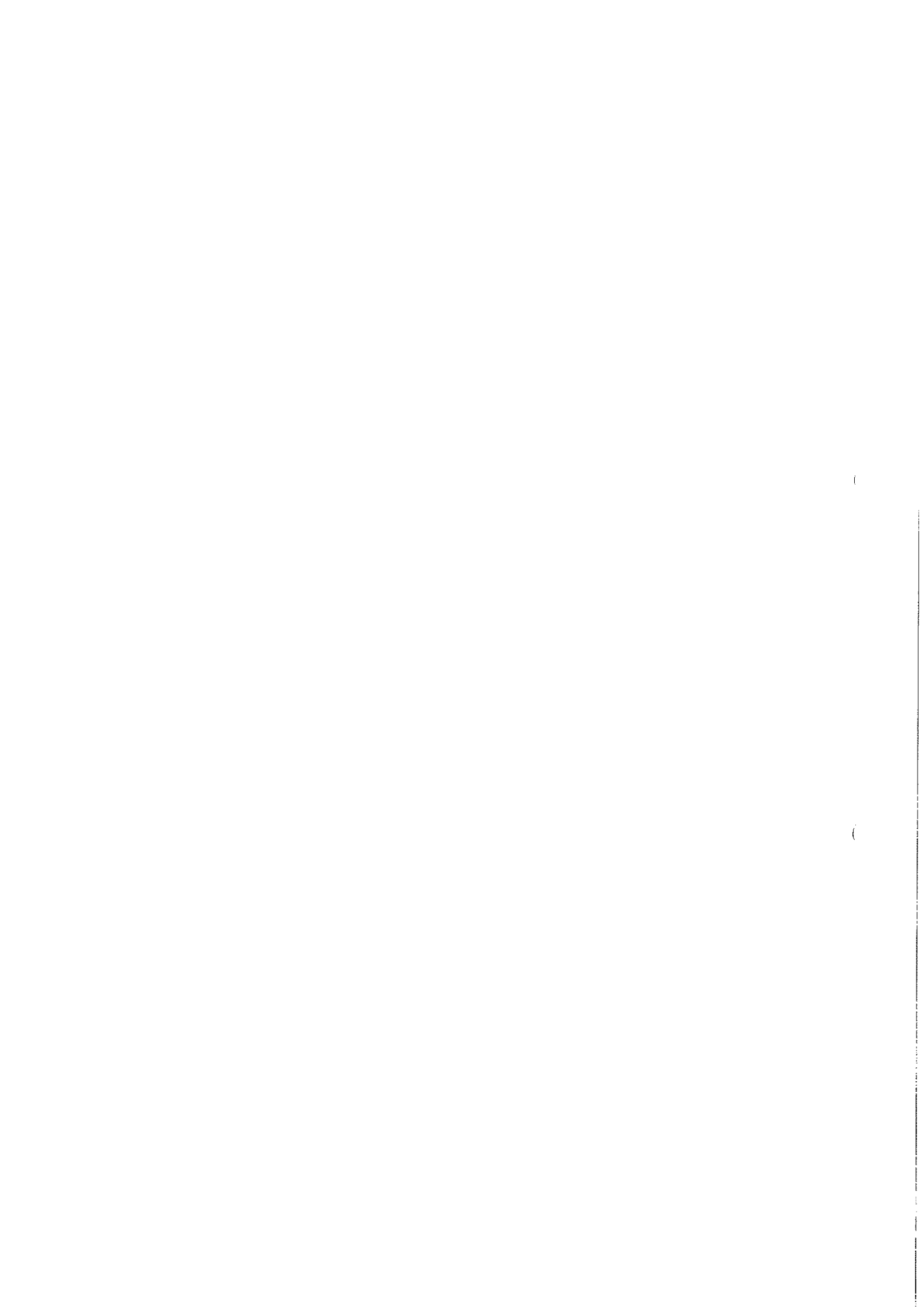
Name of Responsible Authority

21 th August 2014

Date

Notes to Responsible Authorities:

1. The SEA Focal Point cannot provide any feedback to incomplete Screening Templates
2. All responsible authorities should provide the SEA Focal Point with an original signed copy of each Screening Template prepared
3. All responsible authorities should provide the SEA Focal Point with a copy of the public notification which is obligatory under Regulation 4(7) of the Strategic Environmental Assessment Regulations, 2010.



FIREWORKS FACTORY COMPLEXES POLICY

1.0 Introduction

1.1 This document establishes a policy for new fireworks factory complexes and for the upgrading of existing facilities. The policy includes as annexes the following documentation:

- (i) Annex 1: Civil Protection Department Regulations for Fireworks Factory Complexes
- (ii) Annex 2: Police General Conditions Regarding Fireworks Factory Complexes
- (iii) Annex 3: Guidance on fire resistant planting

IMPORTANT - These Annexes have been included in view of their direct relevance to the subject matter and are not part of the policy document. The scope of their inclusion is to assist with the site selection, design and upgrading of fireworks factory complexes. Some of the indicated provisions are not within MEPA's remit. They may therefore be amended from time to time at the discretion of the relevant authorities.

1.2 To date, there was no specific strategic policy guidance document on fireworks factory complexes, but two local plans published in 2006 included references to fireworks complexes. Once this policy is approved the following local plan policies shall no longer be applicable:

- (i) North West Local Plan – NWCM 6: Fireworks Factories
- (ii) Gozo and Comino Local Plan – GZ-CMRC-13: Fireworks Factories

2.0 Definition

2.1 A fireworks factory complex is defined as a facility which manufactures fireworks and stores substances associated with the manufacture of fireworks, as well as the finished products.

3.0 New Fireworks Factories

3.1 General

3.1.1 A fireworks factory complex is made up of a number of processing rooms and magazines (storage rooms), the layout of which may vary according to the context.

3.2 Location

3.2.1 The proposed site for a new fireworks factory complex shall not be located within, or adversely affect scheduled, listed, designated, or protected:

- (i) Areas of Ecological Importance (Levels 1 and 2) or;
- (ii) Sites of Scientific Importance (Levels 1 and 2) or;
- (iii) Areas or Sites of Archaeological Importance (including a buffer zone under Class A and B) or;
- (iv) Special Areas of Conservation; or
- (v) Special Protection Areas.

3.2.2 Candidate sites indicated to qualify for the above designation (in para. 3.2.1) shall likewise not be favourably considered.

3.2.3 Proposed sites which are located:

- (i) On good quality agricultural land (*saqwi naturali*) as determined by the Agriculture Department or;
- (ii) Within areas/sites protected by a designation in a development plan or;
- (iii) Within the buffer zones of Water Services Corporation potable water boreholes;

will be considered on a case by case basis.

3.2.4 Further to that established by the relevant legislation (ie. Chapter 33 and the related subsidiary legislation 33.03) or the subsequent revision thereto, magazines within a fireworks factory complex shall not be located within the distance established by law, from:

- (i) Land designated for industrial purposes in an approved development plan or;
- (ii) Facilities related to social infrastructure such as hospitals, schools, social and community facilities and old peoples' homes or;
- (iii) Facilities related to utilities infrastructure such as fuel storage facilities, reverse osmosis plants, power generating plants, sewage and treatment plants.

3.2.5 Infrastructural considerations (including access and adequacy of access roads) would need to comply with the provisions included in **Annexes 1 and 2.**

3.3 Design Criteria and Other Considerations

3.3.1 Structures within a fireworks factory complex shall not be higher than one storey as measured from the lowest adjacent site level. Save for mandatory safety markings and features, efforts should be undertaken to use materials which merge rather than contrast with the surrounding rural countryside.

3.3.2 Visual mitigation measures may include the use of soft landscaping in areas where this is permissible, from a safety point of view. The species used should be fire resistant and compatible with the local flora as guided by the *Guidelines on Trees, Shrubs and Plants for Planting and Landscaping in the Maltese Islands* (MEPA, 2002), or any subsequent update (refer to **Annex 3.**)

3.3.3 The designs of the individual complexes shall be guided by the provisions of this policy as well as by other relevant legislation and policies. The guidance given in the attached annexes is there to help with the development planning application proposal, but their provisions are not considered binding in terms of this policy document. Special care should be taken in the design process to:

- (i) Increase measures that promote safety within and around the site;
- (ii) Ensure that as much as possible the interventions complement, rather than contrast with the surrounding rural landscape.

Special attention should be given to take into account the surrounding site characteristics to achieve the above objectives. To this effect a one size fits all design solution is being avoided.

3.3.4 Prior to the submission of a development application to MEPA, the proposed design of a fireworks factory complex must be submitted to an "ad hoc technical committee" appointed by

the Minister responsible for planning and which will have the role of guiding proponents on the technical parameters to be adopted within such complexes in order to examine design and take into account operational considerations and with a view to assess and reduce associated risks. Only submissions with prior clearance from this Committee will be further processed by MEPA and this clearance shall be a condition for validating a development planning permission proposal. The said "ad hoc technical committee shall include amongst others representatives from the Civil Protection Department, the Malta Police Force and the Armed Forces of Malta.

4.0 Upgrading of Existing, Licensed Facilities

4.1 The upgrading of existing and/or alterations to and/or additions etc. to licensed fireworks factory complexes is acceptable provided that such interventions conform to the criteria listed in **para 3.2.4** and that the proposal satisfies the provisions of **Sections 3.3.3 and 3.3.4** of this policy. Requests for the reconstruction of existing licensed fireworks factory facilities will be considered as an upgrading of the previous facilities. This does not apply to illegally built structures.

5.0 Designation of Safety Buffer Zones

5.1 All fireworks factory Complexes (new and existing) are to have a designated safety buffer zone around them in accordance with the relevant legislation. Within such zones no further development, that may jeopardise the continued operation and/or licensing of the said fireworks factory complexes, is to be permitted.

