



Strategic Environmental Assessment (SEA) Screening Proforma

Plan or Programme (PP): *Hal Far Industrial Estate Land Use Management Plan*

Background and purpose		Contents and scope	
The Hal Far Industrial Estate Land Use Management Plan has been prepared in order to guide decisions on the growth of the estate, location of new development within the estate, location of new development within the estate, building heights, location of hazardous substances, car parking areas and other aspects associated with the management of the estate.		The Plan sets out measures, guidance, policies and recommendations with respect to the following: <ol style="list-style-type: none"> 1. Land use; 2. Provision of safety infrastructure; 3. Air Quality; 4. Waste management; 5. Conservation of Wied Znuber SAC; 6. Sustainable Travel measures; 7. Building heights; and, 8. Malta International Airport operations in relation to the estate. 	
Geographical Scale	Proponent	Parent Ministry	
Local	MIP	N/A	

Criteria for determining applicability of the SEA Directive as transposed by Legal Notice 418 of 2005	
1. Is the PP prepared and/or adopted by an authority at national, regional or local level or prepared by an authority for adoption?	<p>Potentially yes, depending on precise interpretation of Malta Industrial Parks Ltd.'s legal status, given that it is the plan proponent.</p> <p>MIP Ltd is formally a limited liability company, but is ultimately a national agency (as also indicated in Page 16 of the PPDS) entrusted with management of the industrial estate and answerable to Government. In such capacity, MIP Ltd is also deemed to be an "authority" for the purpose of this screening question.</p>

and

2. Is the PP required by legislative, regulatory or administrative provisions?	No. However, the PPDS indicates that the plan is the forerunner to a statutory Action Plan.
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and

<p>3. Is the PP likely to have significant environmental effects as determined by using the criteria set out in Schedule 4 of the SEA Legal Notice?</p>	<p>If the recommendations of the Plan are <u>not</u> implemented, there is potential for significant effects on the environment due to the overall scale of activity within the industrial estate and also the proximity to Wied Žnuber and the coastal cliffs, both of which are a Special Area of Conservation (SAC) and a Special Protection Area (SPA). Furthermore, the nature of the industrial processes being proposed, including those handling hazardous waste materials, may trigger significant environmental effects as determined in the criteria set in the SEA LN. Many of the individual industrial developments within the industrial estate may require EIA, and some may require IPPC.</p>
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and

<p>4. Is the PP prepared for one or more of the sectors listed in Schedule 1(f) of the SEA Regulations, 2005 and (Article 3(2) of the Directive), namely agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use?</p>	<p>Yes. Industry, and also includes aspects of waste and water management, transport and town and country planning.</p>
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and

<p>5. Does the PP set the framework for future development consents of project listed in the EIA Directive as transposed by Legal Notice 114 of 2007?</p>	<p>Yes, particularly with respect to industrial related land-uses that might also trigger EIA-related procedures as per LN 114 of 2007.</p>
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Or

<p>6. Does the PP require an appropriate assessment under the Habitats Directive as transposed by Legal Notice 257 of 2003?</p>	<p>Given the close proximity to the adjoining SAC, the PP would need to be screened for plan-level Appropriate Assessment requirements.</p> <p>Individual developments located within the parts of the industrial estate that abut the SAC/SPA may also require project-level Appropriate Assessment.</p>
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or

<p>7. Does the PP, other than those areas indicated in 4 above, referred in Schedule 1 (f) of the SEA Legal Notice (Article 3 (2) of the Directive), set the framework for future development consent of projects and are likely to have significant environmental effects?</p>	<p>No other areas other than those listed in 4 above are envisaged.</p>
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And

<p>8. Has the PP started after 21 July 2004 or will be adopted after 21 July 2006?</p>	<p>Yes. Started after 21st July 2004; prepared in 2008.</p>
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Applicability of the SEA Directive		
Definitely requires to be subject to an SEA	Uncertain	Does not require to be subjected to an SEA
	x	
Opinion on SEA Requirement		
<p>The plan provides a framework, including detailed policies, to guide land use decisions on the Hal Far Industrial Estate. This would lead the establishment of future industrial land uses, in spite of what is being stated in the PPDS, i.e. that MEPA would eventually prepare an Action Plan that would provide guidance on the land uses are to be sited in the area. The PPDS and its related plan also indicate areas for future development consent that might necessarily need to be screened in relation to EIA and Appropriate Assessment requirements.</p> <p>The coverage of the plan thus clearly falls within the <i>technical</i> scope of the SEA legal notice. What is less clear is whether the plan is also strictly within the <i>legal</i> scope of the SEA legal notice. This depends on clarification of the legal status of:</p> <ul style="list-style-type: none"> ▪ The plan proponent (as per question 1 above, in relation to MIP Ltd.); and, ▪ The document per se (as an optional and non-statutory forerunner to a statutory Action Plan – see question 2 above). <p>In view of the above, MEPA is of the opinion that a borderline situation exists. In line with the precautionary principle, and consistently with the Audit Team's response to another enquiry on management of industrial areas, it would be appropriate to subject the plan to a SEA. In any case, the eventual statutory Action Plan (to which the current document claims to be a forerunner) would itself qualify for a SEA; hence it would be both reasonable and advisable to initiate such assessment from the outset.</p>		

