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K A M R A T A L - P E R I T I

To support members of the profession in achieving excellence in their practice of architecture and engineering in the interest of the community

Chairman
Environment and Resources Authority
Hexagon House
Spencer Hill
Marsa

20 March 2017

Dear Chairman and Board Members,

Re: EIA Regulations

Reference is made to the ongoing consultation process regarding amendments to the EIA regulations. The *Kamra tal-Periti* is of the opinion that the proposed amendments are generally positive, aiming to give clearer direction and focus, and should result in better protection of our built and natural environment. The following are the specific comments of the *Kamra tal-Periti*:

Salami slicing - Regs 10(6) to 10(7):

These two paragraphs should be read carefully, because it is difficult for one to decide whether (i) a project is salami-sliced with an malicious purpose or (ii) a series of project proposals in a specific location would have been made in a piecemeal way genuinely, given that there seems to be a natural tendency in the Maltese property development sector to function in this manner. The grey areas in these two regulations can be easily avoided, if SEAs are more detailed.

Relationship between ERA and PA

Among other things, the proposed Regulations talk about the power of the ERA to request the Planning Authority to refuse, dismiss, withhold, or restrict permission, for a range of reasons. A 'request' is not an 'advice', and therefore this is giving additional powers to the ERA which would strengthen the environmental protection of our national territory. The *Kamra tal-Periti* welcomes this approach, however it is concerned about how the corresponding regulations regarding the planning process would be impacted by this change. Do the regulations governing the Planning Authority require amendment to cater for this change? It is imperative than any conflicting legislative provisions are addressed prior to promulgation of the new regulations.

In particular, the Development Planning Act should be amended in a manner that requires the PA to justify in detail both refusals and approvals of development applications which are subject to EIAs, among other things by indicating why a plan/policy is referred to as the basis of the decision or why '*any other material consideration*' is considered as more important than the plan/policy. This is particularly important in cases where ERA is not favourable to the proposal.

Resources

The *Kamra* is of the opinion that the proposed changes require additional resources within the ERA, in particular regarding monitoring obligations. It is therefore important that Government recognises the additional onus being placed on ERA and ensures that it is adequately resourced to meet its obligations.

Information & education

Finally, the *Kamra* is of the opinion that these proposed changes need to be properly explained to the profession, and therefore it invites the ERA to set up an information session, in collaboration with the *Kamra*, in order to ensure that the profession is kept up to date on these matters.

This is particularly important since the amended regulations identify the principles to be adopted at law, however the *modus operandi* of such measures still needs to be explained in detail.

While trusting that the above comments meet your due consideration, please do not hesitate to contact the undersigned should you wish to discuss further.

Yours sincerely,

Perit Simone Vella Lenicker
Vice President, Kamra tal-Periti