

Ix-Xaghra l-Hamra and Tal-Qortin, l/o Mellieha

PROPOSED GOLF COURSE AND SUPPORTING FACILITIES

Technical Appendix 9: Policy and Legislation

Supporting Document for
Environmental Impact Statement

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**On behalf of
Malta Tourism Authority**

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Environmental Impact Statement

Policy and Legislation

Report for:

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CONTENTS

INTRODUCTION	2
Terms of Reference	2
INTERNATIONAL LEGISLATION.....	3
European Legislation.....	9
NATIONAL LEGISLATION	10
The Constitution of Malta	10
Development Planning Act, 1992.....	10
The Development Planning Act, 1992	10
Environment Protection Act, 2001	11
Food, Drugs and Drinking Water.....	19
Criminal Code.....	19
Pesticides (Control of Importation, Sale and Use) Act	20
Agricultural Leases (Reletting) Act.....	20
Disposal of Government Land Act.....	20
Ecclesiastical Entities (Properties) Act, 1992.	21
Land Registration.....	21
Code of Police Laws	21
Agricultural (Plant Protection) Act.....	22
Fertile Soil (Preservation) Act.....	22
Antiquities (Protection) Act.....	22
Cultural Heritage Act, 2002.....	23
PLANNING POLICY	24
Malta Tourism Authority	24
Policies contained within the GCDM – PP	25
Relevant Structure Plan Policies.....	29
Settlement Pattern	29
Built Environment.....	30
Agriculture	31
Tourism and Recreation	32
Transport	32
Rural Conservation Policies	32
OTHER STANDARDS.....	41
British Standards Institute.....	41

POLICY AND LEGISLATION

INTRODUCTION

1. This Technical Appendix considers the relevance of International, European and Maltese legislation and Maltese planning policy for consideration within the EIS. The EIS will assess the compatibility of the proposed development with the legislation and policy described below and the impact of the proposed development on them, and demonstrate how compliance will be achieved.
2. The legal basis for the MEPA's request for the preparation of an Environmental Impact Assessment stems from the Environmental Impact Assessment Regulations, 2001 where in the development of a golf course that is not in an approved development plan qualifies for an Environmental Impact Statement under Article 3.6.1.

Terms of Reference

3. The Terms of Reference (ToR) for the Environmental Impact Statement require the EIA to address:

3.0 PLANNING POLICIES AND LEGISLATION

3.1 *Relevance of Maltese legislation and Maltese planning policy (notably The Structure Plan for the Maltese Islands; the Golf Course Policy Paper; and any Local Plans for the surrounding areas) and its compatibility (or otherwise) with the development or its impacts should be described and analysed. Including policies on the following: scheduled properties, conservation areas and zones, afforested sites, nature reserves (existing and proposed), protected buildings and sites, areas of natural beauty, areas of scientific, ecological, archaeological, agricultural, architectural, historical, antiquarian or artistic value, aquifer protection and run-off and transport policies (including parking standards).*

3.2 *The implications/effects of the provisions of Legal Notice 257 of 2003 on the proposed development, in view that the proposed development lies adjacent to and partially overlaps with SAC (International Importance) known as Coastal Cliffs 2/8 Il-Majjiesa – Ras ir-Raheb.*

Discuss the effects of the proposal on:

- *the SAC of Coastal Cliffs 2/8 Il-Majjiesa – Ras ir-Raheb;*
- *the integrity of the SAC network in Malta;*
- *the features of the landscape (including ecology, cliffs, and avifauna)*

An assessment on whether the proposed development is likely to have a significant/adverse effect on the conservation objectives of the SAC of Coastal Cliffs 2/8 Il-Majjiesa – Ras ir-Raheb (individually or in combination with other developments).

3.3 Policies of other ministries will provide an important context for the proposed development. Tourism policies, where relevant, shall be described. Reference should also be made to Environmental Protection legislation and Agriculture legislation, including Agricultural Leases (Re-letting) Act (1967).

3.4 International polices or conventions (including EU Directives), which may affect the site or area, should also be considered, their relevance to the project highlighted, as well as how compliance will be achieved.

4. The ToR concerning the features of the landscape have been addressed in other documents that comprise this EIS. The effects of LN 257 of 2003 on the proposed development, in view of the proximity of the SAC / scheduled Coastal Cliffs are addressed to the extent that this paper highlights the matters that the design of the golf course would have to address; the actual assessment of impacts, in line with the requirements of the Habitats Directive / Natura 2000 provisions, must await the final design of the project.

INTERNATIONAL LEGISLATION

5. International legislation relevant to the Scheme arises from International Treaties and Conventions to which Malta is a signatory.
6. The International Conventions relevant to the Scheme include:
 - The European Cultural Convention, 1954 (Paris, 19.XII.1954)¹;
 - The UNESCO Convention for the Protection of the World Cultural and Natural Heritage, 1972 (the Paris or World Heritage Convention)²;
 - The Convention for the Protection of the Architectural Heritage of Europe, 1985 (Granada, 3.X.1985)³;
 - The European Convention on the Protection of the Archaeological Heritage (Revised), 1992 (Valletta, 16.I.1992)⁴;
 - The European Landscape Convention, 2000 (Florence, 20.X.2000)⁵,
 - The Convention on Biological Diversity, 1992 (the Rio Convention)

¹ See Council of Europe web site: <http://conventions.coe.int/Treaty/en/Treaties/Word/018.doc>.

² See UNESCO web page: <http://whc.unesco.org/pg.cfm?cid=182>.

³ See Council of Europe web site: <http://conventions.coe.int/Treaty/en/Treaties/Word/121.doc>.

⁴ See Council of Europe web site: <http://conventions.coe.int/Treaty/en/Treaties/Word/143.doc>.

⁵ See Council of Europe web site: <http://conventions.coe.int/Treaty/en/Treaties/Word/176.doc>.

- The Convention on the Conservation of European Wildlife and Natural habitats (the Bern Convention);
- The Convention of the Conservation of Migratory Species of Wild Animals (the Bonn Convention); and the
- EUROBATS agreement of the Bonn Convention.

The European Cultural Convention

7. This Convention was adopted in Paris on the 19th December 1954 and entered into force on 5th May 1955. The objective of the Convention is to develop mutual understanding among the peoples of Europe and reciprocal appreciation of their cultural diversity, to safeguard European culture, to promote national contributions to Europe's common cultural heritage respecting the same fundamental values and to encourage in particular the study of the languages, history, and civilisation of the Parties to the Convention.
8. The Convention requires the Contracting Parties to “*regard the objects of European cultural value placed under its control as integral parts of the common cultural heritage of Europe*”, and “*shall take appropriate measures to safeguard them and shall ensure reasonable access thereto*”.

Implications for the Scheme:

9. The layout of the golf course will need to take account of the cultural heritage value of the proposed site and its environs, including the features themselves and their cultural setting / cultural landscape.

The World Heritage Convention

10. This Convention, adopted in Paris on the 16th November 1972, aims to protect and preserve for the whole of mankind that cultural and natural heritage that is considered priceless and irreplaceable and of value not only to the country in which it occurs, but to all peoples in the world. The Convention establishes a World Heritage List and a World Heritage Committee, which, among other functions, receives nominations (from States party to the Convention) for cultural and natural properties considered by the national Government to be of outstanding universal value for inclusion in the World Heritage List.
11. Malta is a party to the Paris Convention and has to date nominated and had accepted a number of cultural properties, namely:
 - The Hypogeum at Hal Saflieni;
 - The City of Valletta; and
 - The prehistoric temples of Ggantija, Hagar Qim, Mnajdra, Skorba, and Ta' Hagarat.
12. In 1997, the Maltese Government applied to UNESCO to extend the designation of the City of Valletta to incorporate the entire network of harbour fortifications around the Marsamxett and Grand Harbours (i.e. including Fort Tigné, Fort Manoel, and the entire

network of fortifications in Floriana, Valletta, the Three Cities and Kalkara, and Fort Ricasoli). Together with this application, the Maltese Government submitted Malta's Tentative List of World Heritage Sites, which is the list of properties that the Government of Malta considers to be of outstanding universal value and hence recommends to UNESCO for eventual inclusion on the World Heritage List. The Tentative List comprises both cultural and natural properties and includes:

- The City of Mdina;
- The Cittadella in Gozo;
- The Catacombs;
- The Coastal Cliffs of Malta, Gozo, and Comino; and
- The Qawra / Dwejra area in Gozo.

None of these properties have as yet been designated World Heritage Sites.

Implications for the Scheme:

13. The development of a golf course close to and at times within a Coastal Cliffs scheduled area would likely require Malta to justify the incursion to UNESCO area and / or modify the Tentative List.

The Convention for the Protection of the Architectural Heritage of Europe

14. This Convention entered into force on 1st December 1987. Malta ratified it on 20th June 1990 and it entered into force as national legislation on 1st October 1990. The aim of this Convention is to reinforce and promote policies for the conservation and enhancement of Europe's heritage. In terms of this Convention, "architectural heritage" means:
- **Monuments:** all buildings and structures of conspicuous historical, archaeological, artistic, scientific, social or technical interest, including their fixtures and fittings;
 - **Groups of buildings:** homogeneous groups of urban or rural buildings conspicuous for their historical, archaeological, artistic, scientific, social or technical interest, which are sufficiently coherent to form topographically definable units; and
 - **Sites:** the combined works of man and nature, being areas which are partially built upon and sufficiently distinctive and homogeneous to be topographically definable and are of conspicuous historical, archaeological, artistic, scientific, social, or technical interest.
15. The Convention requires the Contracting Parties to establish heritage inventories and statutory procedures for the protection of architectural heritage within its territory. The latter include supervision and authorisation procedures, legislation, remedial works, and compulsory purchase. It also requires the Parties to adopt integrated conservation policies, including in town and country planning processes, and to promote the restoration and maintenance of architectural heritage.

16. In conformity with modern heritage legislation, the Convention calls for the use of protected properties in the light of the needs of contemporary life, the adaptation of old buildings for new uses, and the provision of public access to protected properties, while ensuring that the provision of such access, especially where it necessitates structural development, does not adversely affect the architectural and historical character of the properties and their surroundings.

Implications for the Scheme:

17. Groups of buildings and the combined effect of man and nature, such as the former British barracks, and the areas of fields / rubble walls / *Giren* respectively are likely to be “sufficiently distinctive and homogeneous to be topographically definable and are of conspicuous historical, archaeological, artistic, scientific, social, or technical interest” to warrant protection under this Convention.

The European Convention on the Protection of the Archaeological Heritage (Revised)

18. This Convention, which was agreed in Valletta on 16th January 1992, amends the original Convention (agreed in London in 1969) on the protection of archaeological heritage. The aim of this (revised) Convention is “*to protect the archaeological heritage as a source of the European collective memory and as an instrument for historical and scientific study*”. This revision was brought about through the acknowledgement that the European archaeological heritage is under serious threat from deterioration as a result of “*major planning schemes, natural risks, clandestine and unscientific excavations, and insufficient public awareness*”. In the context of the Convention, archaeological heritage includes “*structures, constructions, groups of buildings, developed sites, moveable objects, monuments of other kinds as well as their context, whether situated on land or under water*”.
19. The Convention requires the Contracting Parties to institute a legal system for the protection of archaeological heritage, including:
- The creation and maintenance of a heritage inventory;
 - The creation of archaeological reserves; and
 - Mandatory reporting to competent authorities of the chance discovery of archaeological material.
20. The Convention also requires the Parties to apply procedures for the authorisation and supervision of excavations and other archaeological activities to ensure that they are undertaken by qualified persons and in a scientific manner.
21. Other provisions of the Convention include:
- The physical protection of archaeological heritage;
 - Integrated conservation of the archaeological heritage (including through reconciliation with development plans and other planning processes);

-
- Resourcing rescue archaeology;
 - Collection and dissemination of scientific information;
 - Public awareness; and
 - Prevention of illicit circulation of elements of archaeological heritage.
22. Malta ratified this Convention on 24th November 1994 and it entered into force on 25th May 1995. The provisions of this Convention have been transposed into local legislation by the Cultural Heritage Act of 2002 (see below).

Implications for the Scheme:

23. The development of the golf course and associated facilities will need to abide by the provisions of this Convention and of the Cultural Heritage Act 2002.

The European Landscape Convention

24. This Convention, which was agreed in Florence on 20th October 2000 and entered into force on 1st March 2004, deals with the protection, management, and planning of all landscapes in Europe, as well as the organisation of European co-operation on landscape issues. For the purposes of the Convention “landscape” means “*an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors*”.
25. The Convention applies to the entire territory of the Contracting Parties (including land, inland waters, and marine areas) and covers natural, rural, urban, and peri-urban areas. It concerns “*landscapes that might be considered outstanding as well as everyday or degraded landscapes*”.
26. The Parties to the Convention are required to:
- Recognise landscapes in law as an essential component of people’s surroundings, an expression of the diversity of their shared cultural and natural heritage, and a foundation of their identity;
 - Establish and implement landscape policies aimed at landscape protection, management and planning through the adoption of specific measures (i.e. awareness-raising, training and education, identification and assessment, landscape quality objectives, and implementation – see Article 6 of the Convention);
 - Establish procedures for the participation of the general public, local and regional authorities, and other parties with an interest in the definition and implementation of the landscape policies mentioned above; and to

- Integrate landscape into their regional and town planning policies and into their cultural, environmental, agricultural, social, and economic policies, as well as in any other policies with possible direct or indirect impact on landscape.
27. Malta signed the Convention on 20th October 2000 but has not yet ratified it.

The Rio Convention

28. The Convention on Biological Diversity, also known as the Rio Convention, was enacted in 1992. Its objective is to “*conserve the maximum possible biological diversity for the benefit of present and future generations and for its intrinsic value*“. This pact among the vast majority of the world's governments sets out commitments for maintaining the world's ecological underpinnings as we go about the business of economic development. The Convention establishes three main goals: the conservation of biological diversity, the sustainable use of its components, and the fair and equitable sharing of the benefits from the use of genetic resources. The conservation element of the Convention focuses initially on the gathering of information through National Surveys and Inventories, and then moves on to address the benefits arising from the sustainable use of biodiversity. In particular, States are to undertake Biodiversity Country Studies detailing what is currently known about the status, threats, costs, and benefits of biodiversity in their territory. The Country Studies will then form the basis for the development of the National Plans for the Conservation and Sustainable Use of Biodiversity. One important aspect of the Convention is the requirement for EIA and the inclusion of biodiversity issues.

Implications for the Scheme:

29. Issues of biodiversity and the impact of the Scheme thereon will need to be addressed in the EIS.

The Bern Convention

30. The *Convention on the Conservation of European Wildlife and Natural Habitats*, better known as the Bern Convention, was promulgated by the Council of Europe in an attempt to protect Europe's natural heritage. It is widely seen as the counterpart of the EU's Habitats Directive. The Convention was adopted on September 1979 in Bern (Switzerland) and came into force on 1 June 1982. It has 45 Contracting Parties including 39 member States of the Council of Europe, as well as the European Community, Monaco and four African States. The Convention includes a number of Appendices listing protected species.

Implications for the Scheme:

31. The effects of the Scheme on protected species, as identified through the ecology baseline surveys, will need to be addressed in the EIS.

The Bonn Convention

32. The Convention on the Conservation of Migratory Species of Wild Animals, also known as the Bonn Convention, is an intergovernmental treaty that aims to conserve terrestrial and

marine species over the whole of their migratory range. The Convention has 66 Parties including the European Union. Its main objective is to provide a framework within which Range States (States with jurisdiction over any part of the range of a particular species) can co-operate to prevent migratory species from becoming endangered, through scientific research, restoring habitats and removing impediments to the migration of species. Appendix I of the Bonn Convention lists species that are in danger of extinction throughout all or a significant proportion of their range. Appendix II lists migratory species whose conservation requires, or would benefit from, international co-operative agreements.

Implications for the Scheme:

33. The effects of the Scheme on migratory species protected under this Convention will need to be addressed in the EIS. Details of any such species are given in the Birds and Mammals study carried out for this EIA.

The Agreement on the Conservation of Bats in Europe

34. The EUROBATS agreement of the Bonn Convention aims to protect bat species in Europe and range states from habitat degradation, disturbance of roosting sites, and certain pesticides. The Agreement prohibits the deliberate capture, keeping, or killing of bats, except under a permit from the competent authority. The Agreement calls for the identification and protection of sites of importance for the conservation status of bats, and for the taking of appropriate measures to promote the conservation of bats. All bat species recorded in Malta are listed in the EUROBATS Agreement.

Implications for the Scheme:

35. The effects of the Scheme on bat species, as identified in the Birds and Mammals Study carried out for this EIA will be addressed in the EIS.

European Legislation

36. The Treaty Establishing the European Community (Article 174) indicates that members should pursue the preservation, protection and improvement of the quality of the environment, aim at a high level of environmental protection and apply policies “...based on the precautionary principle and on the principles that preventive action should be taken, that environmental damage should as a priority be rectified at source”.⁶

⁶ Article 174 (ex Article 130r)

1. Community policy on the environment shall contribute to pursuit of the following objectives:
 - Preserving, protecting and improving the quality of the environment;
 - Protecting human health;
 - Prudent and rational utilisation of natural resources;
 - Promoting measures at international level to deal with regional or worldwide environmental problems.
2. Community policy on the environment shall aim at a high level of protection taking into account the diversity of situations in the various regions of the Community. It shall be based on the precautionary principle and on the

37. Since the European Union's Environment *Acquis* has been transposed into national legislation, the Directives *per se* will not be assessed and instead the national legislation transposing these Directives are assessed below.

NATIONAL LEGISLATION

The Constitution of Malta

Declaration of Principles

38. The Constitution (Section 9) declares that *the State shall safeguard the landscape and the historical and artistic patrimony of the Nation*.
39. These are the only aspects of the environment referred to in the Constitution, underlining the importance of the landscape and historical heritage.

Implications for the Scheme:

40. A small part of the proposed site is scheduled as an Area of High Landscape Value. No part of the proposed site is scheduled by reason of its cultural heritage or its geological value. Nonetheless, the site is visually confluent with the coastal cliffs to the west such that it can be considered to form part of the same landscape unit. Equally, the western part of the site boasts a very interesting and intricate network of ancient rubble walls and *giren* that, together with the windswept garrigue, form a remarkable and timeless cultural landscape, which would qualify for safeguarding under this section of the Constitution.

Development Planning Act, 1992

The Development Planning Act, 1992

41. This Act regulates and controls the use of land, and in particular requires that changes of use and development of land be subject to permission granted by the Planning Authority⁷; such permissions may be subject to conditions.
42. In determining an application for development permission MEPA is required to apply:
- Development plans; and
 - Planning policies;
- and have regard to:
- Representations from the public; and

principles that preventive action should be taken, that environmental damage should as a priority be rectified at source and that the polluter should pay.

In this context, harmonisation measures answering environmental protection requirements shall include, where appropriate, a safeguard clause allowing Member States to take provisional measures, for non-economic environmental reasons, subject to a Community inspection procedure.

⁷ Now the Malta Environment & Planning Authority (as of May 2002).

- Any other material consideration that the Authority may deem relevant.
43. The Structure Plan Policies relevant to the Scheme are identified in the Section on “Relevant Structure Plan Policies” below, and their implications on the Scheme highlighted.
44. In his application for development permission the applicant must, apart from providing a full description of the proposed project, certify to MEPA that he is the owner of the site or, alternatively, that he has notified the owner of his intention to apply for development permission.
45. The Act also empowers MEPA to:
- Schedule *areas, buildings, structures and remains of geological, palaeontological, archaeological, architectural, historical, antiquarian or artistic importance as well as areas of natural beauty, ecological or scientific value;*
 - Schedule *individual trees, groups of trees or woodlands, which it considers should be protected, and may in respect of all or any one or more of them make tree preservation orders regulating such protection.* The Act provides that no scheduled tree may be cut down, lopped, topped or wilfully damaged or destroyed without the permission of MEPA (similar provisions are included in the Trees and Woodland (Protection) Regulations, 2001⁸, see below).
46. The regulations currently in force under the Development Planning Act that are relevant to the Scheme include:
- Environmental Impact Assessment Regulations 2001, which establish the criteria for EIAs and the procedures to be followed.

Implications for the Scheme:

47. A small part of the proposed site is scheduled as an Area of Ecological Importance (Level 3) and the same area is scheduled as an Area of High Landscape Value. No part of the proposed site is scheduled by reason of its cultural heritage or its geological value. None of the trees on the proposed site have been scheduled. However, various historical structures are included in the National Protective Inventory and would qualify for protection through scheduling.
48. This EIS is being carried out in line with the EIA Regulations.

Environment Protection Act, 2001⁹

49. The Environment Protection Act requires *everyone together with the government to protect the environment and to assist in the taking of preventative and remedial measures to protect the environment and manage natural resources in a sustainable manner.* Various duties that fall to the government are established, those relevant to the Scheme are:

⁸ Trees and Woodland (Protection) Regulations, 2001 – Legal Notice 12 of 2001.

⁹ The original Environment Protection Act 1991 [Act V of 1991] has been repealed and replaced by the Environment Protection Act 2001 [Act XX of 2001].

- 4(a) *to manage the environment in a sustainable manner by integrating and giving due consideration to environmental concerns in decisions on socioeconomic and other policies;*
- 4(b) *to take such preventive and remedial measures as may be necessary to address and abate the problem of pollution and any other form of environmental degradation in Malta and beyond, in accordance with the polluter pays principle and the precautionary principle;*
- 4(e) *to apply scientific and technical knowledge and resources in determining matters that affect the environment;*
- 4(g) *to safeguard biological diversity;*
- 4(h) *to combat all forms of pollution;*
- 4(i) *to consider the environment as the common heritage and common concern of humankind; and*
- 4(j) *to provide incentives leading to a higher level of environmental protection.*

50. The Act also empowers the Minister responsible for the Environment to appoint an Authority¹⁰ whose principal duties include:

- Advice to the Minister on environmental standards, guidelines and the making of regulations;
- Issuing licenses or permits;
- Establishing threshold discharges;
- Monitor the quality of the environment; and
- Ensure that Environmental Impact Assessments are properly carried out.

In addition, the Minister is empowered to make regulations *for the better carrying out of the provisions of the Act*, such regulations including prescription of fees and charges, establishment, co-ordination and enforcement of environmental quality control systems, making provision for carrying out environmental risk assessments, prescribe techniques for environmental monitoring, and set various objectives, issue directives, and establish codes of practice relating to waste management, integrated pollution prevention and control, and the protection of biodiversity.

51. The Act also empowers the Authority to issue licences for handling waste, including its storage, treatment, collection, and management.

52. In respect of Environmental Impact Assessment, the Act provides for the Minister to promulgate regulations on various aspects of the EIA process, however, this section of the

¹⁰ In March 2002, the Planning Authority (subsequently the Malta Environment & Planning Authority) was appointed the Competent Authority in terms of the Act (LN 57 of 2002 superseded by LN 107 of 2002).

Act has not been brought into force, mainly in view of the earlier publication of the EIA Regulations, with which this section overlaps.

53. The regulations currently in force under the Environment Protection Act that are relevant to the Scheme include the Legal Notices listed hereunder.

Nature protection

- **Legal Notice 76 of 1992: Reptiles (Protection) Regulations** protect all reptiles occurring in the wild in the Maltese Islands. These regulations concern the snakes (*Coluber viridiflavus*, *Coluber algirus*, *Telescopus fallax* and *Elaphe situla*), the Ocellated Skink (*Chalcides ocellatus*), the Moorish Gecko (*Tarentola mauritanica*) and the Turkish Gecko (*Hemidactylus turcicus*), the Maltese Wall Lizard (*Podarcis filfolensis maltensis*) and the Chameleon (*Chamaeleo chamaeleon*). It is an offence to pursue, take or attempt to take, kill or attempt to kill or possess any of the protected reptiles except with the permission of the Minister for the Environment.

Implications for the Scheme:

54. The proposed development site, like all rural areas in the Maltese Islands, is home to various reptiles – all protected species. The assessment will need to take account of the protected species that are present on site and demonstrate how they will not be affected by the proposed development.

- **Legal Notice 49 of 1993: Flora and Fauna Protection Regulations as amended by LN 161 of 1999** declares certain species to be protected, and authorises the Director of the Environment Protection Department to prohibit the importation of any species that could lead to the endangering of the biological identity of the islands or for other reasons in the national interest.

Implications for the Scheme:

55. The assessment will need to take into account the flora and fauna that are protected by the Legal Notice and demonstrate how they will not be affected by the use on the proposed site of imported turfgrass.

- **Legal Notice 146 of 1993: The protection of Birds and Wild Rabbit Regulations** and the amendment **Legal Notice 222 of 2003, Legal Notice 158 of 2003, Legal Notice 41 of 2003, Legal Notice 1 of 2002, Legal Notices 75 and 106 of 1998** controls the hunting of birds and wild rabbits and provides for their protection. It also prohibits the disturbance of any bird nest, the parents, and their young.

Implications for the Scheme:

56. The assessment will need to take account of the species that are protected by the Legal Notice and demonstrate how they will not be affected by the use on the proposed development of the site.

- **Legal Notice 79 of 2006:** *Conservation of Wild Birds Regulations* manages hunting and trapping and establishes Bird Sanctuaries.

Implications for the Scheme:

57. There are no bird sanctuaries on the proposed site.

- **Legal Notice 160 of 1997:** *Rubble Walls and Rural Structures (Conservation and Maintenance) Regulations* as amended by **LN 169 of 2004** protects all rubble walls and non-habitable rural structures *in view of their historical and architectural importance, their exceptional beauty, their affording a habitat for flora and fauna, and their vital importance in the conservation of the soil and water.* Walls may be sensitively repaired without MEPA's prior authorisation. Certain areas may also be declared to be Rubble Wall Conservation areas in which no alterations to the location or construction of rubble walls and the traditional methods of their repair and maintenance will be permitted without the written approval of MEPA. In such Conservation areas, the Minister for the Environment may order the owner or occupier to repair and re-erect all the rubble walls within the area, and to continue to maintain them. The dismantling of the wall requires a permit from MEPA.

Implications for the Scheme:

58. Although no Conservation Areas are designated within the proposed development site, the concentration of rubble walls and *giren* in the northwest and west of the site boundary qualify for designation as Rubble Wall Conservation Areas.

- **Legal Notice 12 of 2001:** *Trees and Woodland (Protection) Regulations* protect a number of tree and shrub species present in the Maltese Islands (and listed in Schedules I to III of the Legal Notice), as well as declaring various areas containing important trees as "Nature Reserves"¹¹. The Regulations prohibit uprooting of or other damage to individual trees of the species listed in the various Schedules, except on written permission from the Department for Environment Protection¹² and the Department of Agriculture.

Implications for the Scheme:

¹¹ This was the only designation possible under the EPA of 1991. We understand that these areas are now being called (and will eventually be designated as) "Tree Reserves" (Stevens, D. (MEPA), *pers. comm.*).

¹² Now the Environment Protection Directorate of the Malta Environment & Planning Authority (MEPA).

59. The assessment will need to take account of the trees that are protected by the LN and demonstrate how they will be preserved, or indicate that their uprooting will be subject to permission as noted above. The trees so protected are identified in **Technical Appendix 5: Ecology Baseline Survey**
- **Legal Notice 257 of 2003: Flora, Fauna and Natural Habitats Protection Regulations** provides for the establishment of a network of ecologically important areas (Special Areas of Conservation – SAC) on the basis of selected criteria with a view to protecting the habitats and species therein through the prohibition of activities that may threaten them and the formulation of management plans.

Implications for the Scheme:

60. Part of the proposed site has been declared to be a candidate Special Area of Conservation of International Importance, and most of the western boundary abuts the candidate SAC. The EIS will need to describe the changes in ecology within the proposed site and assess whether they will result in changes in the protected habitats, flora, and fauna of the SAC, and assess the significance of the changes against the objectives of the SAC (and its management plan) and the provisions of this Legal Notice.

Air quality

- **Legal Notice 216 of 2001: Ambient Air Quality Assessment and Management Regulations, 2001** and the amendment **Legal Notice 235 of 2004** defines and establishes objectives for ambient air quality in Malta that are designed to avoid, prevent, or reduce harmful effects on human health and the environment as a whole. They establish common methods and criteria for the assessment of ambient air quality, and provide for public dissemination of information on ambient air quality. The Regulations require assessment and monitoring of air quality, the establishment of zones and agglomerations, and the preparation of action plans as appropriate.

Implications for the Scheme:

61. The development programme for the Scheme will need to take account of this Legal Notice and implement both baseline monitoring and on-going air quality monitoring if appropriate.

- **Legal Notice 224 of 2001 (as amended by L.N. 231 of 2004): Limit values for Sulphur Dioxide, Nitrogen Dioxide and Oxides of Nitrogen, Particulate Matter and Lead in Ambient Air Regulations, 2001** and the amendment **Legal Notice 231 of 2004** sets out air quality standards for Particulate Matter (PM10), SO₂, NO₂, NO_x, and Lead.

Implications for the Scheme:

62. The development programme for the Scheme will need to take account of the provisions of this Legal Notice and implement both baseline monitoring and on-going air quality monitoring if appropriate.

- **Legal Notice 193 of 2004:** *Assessment and Management of Environmental Noise Regulations*, requires the Competent Authority to prepare strategic noise maps for agglomerations of more than 250,000 inhabitants, roads carrying more than 6,000,000 vehicles per year etc.

Implications for the Scheme:

63. The provisions of this Legal Notice are unlikely to be directly applicable to the proposed development. On the other hand, the assessment and management of environmental noise is likely to be applicable on an island-wide basis.

Waste Management

- **Legal Notice 337 of 2001:** *Waste Management (Permit and Control) Regulation, 2001, Regulations*, regulates the production, and management of wastes, and promotes sound waste management practices to safeguard human health and the environment.

Implications for the Scheme:

64. The Scheme will involve both the creation of waste (excavations) and the deposition of waste, namely processed rock waste and soil-forming waste materials such as compost, and grape lees for the creation of fairways etc. A Waste Management Plan for the construction of the Scheme will be required.

Water

- **Legal Notice 194 of 2004:** *Water Policy Framework Regulations, 2004* is issued under both the Environment Protection Act and the Malta Resources Authority Act. It establishes a framework for the protection of inland surface waters, transitional waters, coastal waters, and groundwater. It states that there is one water catchment district for Malta and Gozo and catchment area management plans must be prepared. The framework is intended to prevent further deterioration, and to protect, enhance, and restore the status of aquatic systems. It aims to promote sustainable water use based on a long-term protection of available water resources, and to enhance the protection and improvement of the aquatic environment through specific measures to combat polluting discharges. The Regulations also deal with floods and the progressive reduction of pollution of groundwater.

Implications for the Scheme:

65. This Legal Notice, in combination with Legal Notices 23 of 2004 and 203 of 2002, issued under the Malta Resources Authority Act (see below), provides the basis for the assessment of the effect of the Scheme on the water quality of the mean sea level aquifer.

- **Legal Notice 8 of 1993:** *Environment Protection (Sewer Discharge Control) Regulations* prohibits the discharge of certain substances into the public sewers. The discharge of prohibited effluent into the public sewers from trade premises, agriculture or horticulture is prohibited. Prohibited effluents include biocides, non-biodegradable organic matter, sulphur compounds, surfactants, and salts.

Implications for the Scheme:

66. To be noted in the design of the Scheme.

- **Legal Notice 1 of 1994:** *Environment Protection (Preventative and Remedial Measures) Regulations* empowers the Director of the EPD to inspect the development area or any vehicles on the site for suspected violations of the Act.

Implications for the Scheme:

67. To be noted and addressed in the Environment Management Plan.

- **Legal Notice 74 of 2006:** *Plans and Programmes (Public Participation) Regulations* requires MEPA to ensure that the “public is given early and effective opportunities to participate in the preparation and modification or review of the plans or programmes required to be drawn up under the provisions listed” including specified plans for waste management and prevention of ground water pollution by nitrates from agricultural sources.

Implications for the Scheme:

68. MEPA will need to ensure that the public has the opportunity to comment on the nitrate implications of turfgrass management, possibly by way of the EIS.

- **Legal Notice 236 of 2004:** *Trade in Species of Fauna and Flora Regulations, 2004* controls the import of flora and fauna to Malta. Under this regulation, the Minister responsible for the Environment may prohibit the import of any species of flora that would endanger the biological identity or any ecosystem or any species of fauna and flora of Malta.

Implications for the Scheme:

69. The Competent Authority will need to take a view on the importation of turfgrass to Malta.

- **Legal Notice 343 of 2001** as amended by **233 of 2004: Protection of Waters against Pollution caused by Nitrates from Agricultural Sources (Amendment) Regulations** requires the Competent Authority to identify ground water bodies that are or could be affected by pollution and to designate them as vulnerable. In this regard, all of Malta has been designated as a Nitrate Vulnerable Zone.

Implications for the Scheme:

70. To be noted for assessment in the EIS.

- **Legal Notice 194 of 2004: Water Policy Framework Regulations** establish a framework for the protection of inland surface waters, transitional waters, coastal waters and ground water and in so doing transpose EU Directive 2000/60/EC. In respect of groundwater, the competent authority is required to implement measures necessary to prevent or limit the input of pollutants into groundwater, to prevent the deterioration of the status of all bodies of groundwater, and to take the necessary measures to protect, enhance, and restore all bodies of groundwater. It is also charged with ensuring a balance between groundwater abstraction and recharge.

Implications for the Scheme:

71. The EIS will need to demonstrate that runoff from the construction of the Scheme and the leachate from turfgrass husbandry will not result in a deterioration of the underlying groundwater bodies.

- **Legal Notice 217 of 2001: Freedom of Access to Information on the Environment Regulations** which ensure freedom of access to and the dissemination of information on the environment held by public authorities.

Implications for the Scheme:

72. The EIS and its supporting documents fall under this Legal Notice.

- **Legal Notice 168 of 2002 Waste Management (Landfill) Regulations as amended by Legal Notice 289 of 2002** prevent or reduce as far as possible the negative effects on the environment resulting from landfill.

Implications for the Scheme:

73. In the event that the placing of inert waste and other soil forming waste to form fairways, greens, tees etc is construed as landfill, the formation of the golf course will need to comply with this Legal Notice.

- **Legal Notice 203 of 2002: Protection of Groundwater against Pollution caused by certain Dangerous Substances** controls the direct discharge into groundwater of certain substances.

Implications for the Scheme:

74. The EIS will need to demonstrate that the leachate from turfgrass husbandry will not contain any of the substances described in the Legal Notice, or that the discharge of same is in accordance with the provisions of the Legal Notice.

- **Legal Notice 160 of 2002 Convention on Biological Diversity (Incorporation) Regulations**, provides that the Convention on Biological Diversity done at Rio de Janeiro on the 5th June, 1992, forms part of the Laws of Malta. See above.
- **Legal Notice 64 of 2002: Noise Emission in the Environment by Equipment for Use Outdoors**, describes the permitted noise levels from plant that would be used to construct and maintain the Scheme.

Implications for the Scheme:

75. The contractor(s) will need to ensure that all plant deployed on-site is compliant with the Legal Notice.

- **Legal Notice 212 of 2001: The Sludge (Use in Agriculture) Regulations** regulate the use of sewage sludge in agriculture in such a way as to prevent harmful effects on soil, vegetation, animals and man, thereby encouraging the correct use of such sewage sludge.

Implications for the Scheme:

76. In the event that sewage sludge is used in the soil forming process, or for other uses on the golf course, such use will be regulated by this legal Notice.

Food, Drugs and Drinking Water

77. It is unlawful for any person to contaminate or pollute a water supply that is a source of drinking water, or is water used in the growing of crops for use as food for human consumption.

Implications for the Scheme:

78. The EIS will need to demonstrate that runoff from the construction of the Scheme and the leachate from turfgrass husbandry will not result in a deterioration of the underlying groundwater bodies.

Criminal Code

79. Sections 161, 162, and 338 of the Criminal Code are relevant to the construction and operation of the Scheme. Sections 160 and 161 make it a crime to damage a tomb or burial place or a public monument and could be relevant if tombs are unearthed on the development site.

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80. Section 338 deals with contraventions affecting public order, including the cutting of grass in or about any fortification, or *at night time disturbs the repose of the inhabitants by rowdiness or brawling, or in any other manner.*

Implications for the Scheme:

81. These matters will need to be addressed in the Construction Management Plan and the Environmental Management Plan.

Pesticides (Control of Importation, Sale and Use) Act

82. Legal Notice 115 of 2004 (Plant Protection Products Regulations, 2004) issued under this Act regulates the chemical content and brands of pesticides imported into and used in Malta.

Implications for the Scheme:

83. The products used on the turfgrass will need to be compliant with this Legal Notice; the matter is to be addressed in the Construction Management Plan and the Environmental Management Plan.

Agricultural Leases (Re-letting) Act

84. The Agricultural Leases (Re-letting) Act provides for changes to lease conditions, and non-renewal of leases, setting out the conditions under which a lessor may instigate such actions. Private land owners are controlled by the Rural Leases Board; land under Government ownership requires a declaration by the President of Malta that the land is required for a public purpose.

Implications for the Scheme:

85. Government has already taken steps to terminate the leases of land required for this project. Should some of the land not be required, as a result of changes to the project boundary resulting from the assessment of environmental impacts, such termination may be cancelled.

Disposal of Government Land Act

86. Disposal of Government Land Act requires land that belongs to or is administered by the Government to be disposed of by way of:
- Public tender;
 - In accordance with a resolution approved by the House;
 - To a body corporate other than the Housing Authority; or
 - In accordance with any other law for the time being in force.

Implications for the Scheme:

87. Under the Disposal of Government Land Act, it is clear that the proposed development site can only pass into the ownership of an eventual developer (assuming that the golf course is not developed by Government) by way of public tender.

Ecclesiastical Entities (Properties) Act, 1992.

88. This Act governs the use and disposal of land formerly owned by the Roman Catholic Apostolic Church in Malta that was transferred to Government ownership by way of an Agreement signed on the 28th November 1991 between the Holy See and the Government of Malta. Article 2 of the Schedule to this Act provides for the land to be used *to promote the safeguarding of the environment and the development of agriculture, and to meet the country's most pressing social requirements, such as social housing and public utilities, as well as for humanitarian, educational and cultural purposes.*
89. The Act further provides that the transfer of the land from Government ownership can only be undertaken through a public call for transfer published in the Malta Government Gazette.
90. The Ecclesiastical Entities (Properties) Act provides for the administration of Joint Office land to be regulated by the "ordinary laws of general applicability". The Agricultural Leases (Re-letting) Act, therefore, regulates the termination of leases.

Implications for the Scheme:

91. It is not clear whether any part of the public land within the project boundary falls under this legislation.

Land Registration

92. The Land Registration Act, 1981, Registration Area Orders 1982 – 1993 shows two parts of the development site to have been declared a registration area under this Act: at Ix-Xaghra il-Hamra / Ghajn Zhuber and at Ix-Xaghra tal-Qortin.

Implications for the Scheme:

93. The contract conveying the ownership of immovable property or any real right over such property will not commence to be operative until the affected land is registered in the daybook of the Land Registration Office.

Code of Police Laws

94. Various Regulations promulgated under the Code of Police Laws are applicable to the development of the Scheme:
- **Legal Notice 47 of 1976:** *Building Stone Order* controls the use and dimensions of franka stone in buildings.

- **Government Notice 110 of 1934:** *Regulations Respecting the Construction of Houses and Drains* controls asphaltting, hydraulic cement – concrete, room ventilation, verandahs, drainage, and sanitaryware.

Implications for the Scheme:

95. This Notice is applicable to the construction of the buildings and roads on the development site.

- **Government Notice 328 of 1949:** *Conifer Trees (Preservation) Regulations* makes it unlawful to destroy, cut down or uproot any conifer trees (*Cupressus sempervirens* or *Pinus* spp.) without the written permission of the Director of Agriculture.

Implications for the Scheme:

96. This matter will need to be addressed in the Construction Management Plan and the Environmental Management Plan. Any conifer trees present on site (especially the Hal Ferh site) that may need to be uprooted will require a permit from the Director of Agriculture.

Agricultural (Plant Protection) Act

97. In order to prevent the introduction into Malta of plant pests and diseases, this Act prohibits the importation of certain plants or organisms, and others are subject to the prior approval of the Minister responsible for Agriculture. All plants imported into Malta are subject to the production of a health certificate.

Implications for the Scheme:

98. Although the schedules do not mention *Paspalum vaginatum* as a prohibited plant or one that requires prior authorisation, it is understood that the matter will have to be cleared with the Minister.

Fertile Soil (Preservation) Act

99. This Act requires that, before undertaking excavations for a building, the Director of Agriculture must be informed to ensure that the soil removed is deposited in a manner that has the approval of the Director.

Implications for the Scheme:

100. Any soil movement from the site will require a permit from the Director of Agriculture.

Antiquities (Protection) Act

101. The provisions of the Antiquities (Protection) Act apply to monuments and other objects whether movable or immovable having a geological, palaeontological, archaeological, antiquarian or artistic importance that have been in Malta for at least 50 years. It affords protection to the buildings or sites of such importance, ensuring that they are not demolished or altered without the permission of the Minister responsible for Culture.

However, in order to qualify for protection under this Act, the building or site must be included in a list published by the Minister.

Implications for the Scheme:

102. None of the sites or buildings mentioned in the list are within the proposed development site.

Cultural Heritage Act, 2002

103. This Act provides overall protection to all *movable or immovable objects of artistic, architectural, historical, archaeological, ethnographic, palaeontological, and geological importance and includes information or data relative to cultural heritage pertaining to Malta or to any other country (section 2)*. It also includes *archaeological, palaeontological, or geological sites and deposits, landscapes, groups of buildings...which have an historical value*. In section 3 it also specifies that *For the purposes of this Act, an object shall not be deemed to form part of the cultural heritage unless it has existed in Malta, including the territorial waters thereof, or in any other country, for fifty years, or unless it is an object of cultural, artistic, historical, ethnographic, scientific or industrial value, even if contemporary, that is worth preserving*.
104. *No person shall make any interventions on such cultural property or classes thereof without first having obtained a permit therefor from the Superintendent (Section 44.3)*. Applications are determined subject to the results of prior investigation: *Before determining an application under subarticle (3) hereof the Superintendent may require such information including the results of such tests, examinations or inspection by such persons accredited under this Act for the purpose as may be required by the Superintendent (Section 44.4)*.
105. The restrictions on archaeological excavations is stated in Section 43(1) whereby *Archaeological or palaeontological excavations or explorations on land as well as in the territorial waters or in the contiguous zone of Malta can only be made by the Superintendent, or with written permission of the Superintendent*. Chance discoveries of archaeological remains are also regulated by Section 43(2), *Any person who, even accidentally, discovers any object, site or building to which this Act applies in accordance with article 3, shall immediately inform the Superintendent, keep the object found in situ, and shall not for a period of six working days after informing the Superintendent proceed with any work on the site where the object of cultural property is discovered*. The details about rights and obligations by all parties in the eventuality of an archaeological discovery are described in Sections 43(3), 43(4), 43(5), 43(6), 43(7).

Implications for the Scheme:

106. In accordance with the ToR, cultural heritage will need to be addressed in the EIS and, if the project is approved, in the subsequent Construction Management Plan and the Environmental Management Plan.

PLANNING POLICY

107. *The Golf Course Development in Malta – a Policy Paper*, (GCDM – PP) included in the *Planning Factbook* Chapter 3, Policy and Design Guidance sets out Government’s policies in respect of golf course development as at October 1997. It covers policies of the Malta Tourism Authority and those contained in the Structure Plan.
108. This section highlights the relevant policies and discusses them in the light of the proposed golf course development. The policies of the various Government Departments applicable to the development of a golf course for the most part have been enshrined in the Laws of Malta and have been discussed above. This applies particularly to the Agriculture Department and the EPD. The principal Government entity that has not been discussed above is the Malta Tourism Authority (MTA).

Malta Tourism Authority

109. The GCDM – PP indicates that the MTA sees golf course development as a key means to extend the tourist season into the winter and shoulder months. In addition, it asserts that a golf course would also provide an added niche market. The GCDM – PP indicates that:

It is the view of the Ministry of Tourism that a golf development in Malta should position itself to attract the following market segments:

- A non-elitist golf destination particularly appeals to the Dutch, Swedes, Norwegians and Danes, as well as Germans and British;
- A ‘pay and play’ type of operation rather than a ‘private club member’ type;
- Perhaps orienting towards family and mixed golf; and
- Perhaps orienting towards tuition golf.

Golf course development may also be important for a variety of strategic reasons. First, although Malta is seeking to develop a distinct tourism product, it makes strategic sense to match attractions of competitor destinations such as Tenerife, Cyprus, and Madeira in order to remain competitive in related markets. Secondly, it is considered that in the context of the overall objectives of the tourism strategy, golf development could potentially be ‘image-making’ in the widest possible sense and thus not only sustain existing initiatives, but encourage further high quality development and initiatives in other niche markets.

Implications for the Scheme:

110. These matters will need to be addressed in the justification and economic assessment sections of the EIS.

Policies contained within the GCDM – PP

Location

111. The following factors are identified for consideration in locating golf course development:
- The site should comprise derelict land of no ecological importance;
 - The development should not result in the loss of good quality agricultural land and not be currently used for agriculture or have an of agricultural value;
 - The development should not adversely affect existing or potential areas of conservation value including existing and potential scheduled areas;
 - The site should have the potential to be extended to 27 holes;
 - The site can be serviced without detriment to the natural environment and visual amenities;
 - The development does not contaminate or pollute natural water systems and does not adversely affect the aquifer protection zones;
 - The movement of material and soil should be limited
 - Vehicular access will not generate significant adverse environmental or social impacts;
 - The site configuration doesn't leave odd shapes;
 - The development should bring significant environmental enhancement or other planning gain to the area;
 - The site setting is important in respect of marketability;
 - Good access to the main holiday centres;
 - Steeply sloping areas and clay slopes are not preferred; and
 - Existing rights-of-way should be retained or diverted to improve their amenity value.

Size

112. The development should be 18 holes capable of extension to 27 holes. The site should be sized to ensure that the facilities can be accommodated without cramping, and should include:
- Practice & teaching areas;
 - A golf range;
 - Good walking routes ;

- Designed for a wide spectrum of amateurs from beginners to keen regular golfers and be capable of accommodating some form of championship golf that would be important in Malta's tourism marketing;
- Minimise water consumption and demands for topsoil;
- The clubhouse facility should include the following facilities: office, bar and restaurant, tennis, squash, and swimming pool. No accommodation will be permitted; and
- The management philosophy of the course must be that of 'pay and play' for all comers and it must be open for tourists and local residents, experts and novices alike.

Environmental Impact Assessment

113. The GCDM – PP calls for the preparation of an EIA. It states that

Proposals are expected to make a positive beneficial contribution to the landscape and its resources and public enjoyment of the area and be in sympathy with the intrinsic character of the area.

Social Impact Assessment

114. The GCDM – PP requires a Social Impact Assessment describing the advantages and disadvantages to the community and the community's attitude to these. It is envisaged under this policy that the EIS would investigate the impacts of the golf course on the local community, and particularly the community's perception of impacts on the environment and amenities such as footpaths, water resources, views, landscape, and wildlife. The EIS should explore the beneficial impacts such as new facilities, improvement of landscape, habitats, and public access as well as economic and employment opportunities. In overall terms the Planning Authority is seeking proposals which contribute to the wider needs of the community, which are minimal in their adverse effects, and which have been researched and developed with the community.
115. This policy requirement differs somewhat from the Terms of Reference for this EIS. The ToR do not envisage the community participation in the development of the golf course. Rather the ToR require the assessment of the impact of the golf course on people and their social and economic activities, covering effects on economy, culture, recreation, amenity, nuisance, public services and tenants.

Water Resources

116. The policy states that *water requirements for irrigation of the course must be met without depleting the aquifer resources or other key supply elements or diverting resources from agricultural, residential, industrial or commercial uses. Equally, the use of recycled water, fertilisers and pesticides, as well as the drainage of the course must not be such as to cause risks of pollution to the aquifer reserves and the aquifer protection zones, to ecological features and habitats, or to health. As part of the proposal the developer must produce a water supply, drainage and pollution*

risk avoidance plan together with monitoring and management proposals which fulfil the policy requirements.

Cost Benefit Analysis

117. The Policy Paper requires a cost benefit analysis to be undertaken.

Ancillary Facilities

118. The GCDM – PP stipulates that only the country club style centre will be permitted outside the current development zone. Such facilities should not include accommodation nor create any adverse impacts on the environmental resources at the site. The conversion and rehabilitation of existing buildings is preferred, although the developer will have to demonstrate that benefit will accrue to the protection of the buildings through their restoration. New buildings should not be higher than 2 storeys and built of traditional designs and materials such that it integrates into the locality. They should be screened and be sited in an unobtrusive position. The maximum floorspace of the clubhouse and related facilities should not exceed 900m².

Driving Range

119. The GCDM – PP envisages a driving range as operating at night with flood-lights, bays, and attracting significant traffic.

Other development

120. The Policy Paper stipulates that residential or hotel accommodation facilities included within the proposed development must be located within the existing development zone.

Car Parking

121. Adequate car parking of the order of 120 – 200 car spaces is required. It should be well-screened and provision should be made for overflow areas to be grassed or finished in a ‘soft’ material. Floodlighting should be avoided.

Submitting an Application for Golf Course Development

122. The GCDM – PP outlines information to be included with the application for development permission. It notes that the application and the Environmental Impact Assessment between them should provide sufficient information to enable MEPA and other relevant organisations to assess the environmental impact and other implications of the scheme in its entirety. In this respect, information would normally be required relating to the following:

Information which would allow an appropriate assessment of the likely environmental impact arising from the development proposed

Details of trees, wooded areas and other landscape, geological and ecological features to be retained, enhanced, supplemented and measures for their protection.

Details of the design, layout and construction, drainage and irrigation works for the proposed golf course

Details of the new clubhouse building or for the conversion and use of existing buildings

Proposals for the protection of landscape and habitats during construction

Proposals for new landscaping, screening and fencing

Proposals for vehicle access and parking

Proposals for protecting existing and proposed rights-of-way

Analysis of the likely impact of the scheme on the archaeological / historical interest and agricultural quality of the site

Analysis of the potential impact of the scheme on infrastructure and services, including matters relating to land drainage and water supply, road network and public access

A Services Plan addressing matters relating to potable water supplies to the facility, sewage collection and treatment, power and telephone linkages, health and safety issues, etc.

A Construction and Maintenance Requirements Plan particularly indication topsoil requirements, the selection of grasses and site formation. An 18 hole golf course would require between 5,000 and 10,000m³ of topsoil depending on the terrain. Research into the creation of a good stable grass growing medium of 150mm final depth will be expected, together with the determination of the sources and any potential impacts upon the source areas.

Proposals for a long term Environmental Management Programme and upkeep of the land.

A Monitoring Programme to ensure that the impacts from the proposed development, if accepted, are monitored, recorded and, where necessary, rectified.

Other Considerations

123. The Policy Paper concludes by detailing a number of matters to be considered in the development of the golf course proposal. These include:

Respect of the local landscape through minimum alteration to existing ground levels, landscape, habitat and other natural features. Planting of indigenous trees

should provide for proper structural landscaping reflecting traditional patterns and integrating the site into the surrounding landscape

Plans should show existing and modified ground levels and cross sections to determine the physical impact of the proposed construction works. Details of earth movements including the import and export of material, proposed mounding and movement of topsoil should be given. Soil handling proposals will usually need to be subject to conditions to protect the quality of the material to ensure least damage to it and to the site, and to minimise soil erosion and siltation of water courses / culverts. Soil handling must be carried out during the dry season only and preferably only once in the early stages of the preparation of the course. The creation of hazard features, unless the land is completely screened, should be carefully designed without significant effect on the appearance of the land.

The existing topography should be put to sensitive use and the massive movement of soil avoided. This has considerable adverse impacts on the drainage of the sites. Careful design of drainage is essential and the drainage must not be directly to watercourses otherwise there is a risk of insecticide and fertiliser pollution, silt and / or invasion by planted species.

Selecting grass species is equally important. The performance of cultivars depends on soils, climate, slopes and drainage, patterns of inundation, and so on. The selection is also influenced by landscape and ecological considerations (e.g., avoidance of invasive species) in sensitive areas. Different species and cultivars may be needed for the greens, the fairway and the rough. This is a highly specialised matter. Thorough research, top quality advice, good establishment practices and on-going management are essential to the creation and sustainability of a good attractive golf course, to the minimisation of environmental impacts and to the minimisation of running costs (e.g., due to maintenance specifications). If genetically engineered grass is used the impact that such use may have will be assessed.

Implications for the Scheme:

124. These points will need to be addressed in the EIS and, if the project is approved, in the subsequent Construction Management Plan and the Environmental Management Plan.

RELEVANT STRUCTURE PLAN POLICIES

125. This section reviews the Structure Plan Policies identified in the Planning Authority's Policy and Design Guidance for Golf Courses — Golf Course Development in Malta – A Policy Paper.

Settlement Pattern

126. POLICY SET 11: *No form of urban development will be permitted outside existing and committed built-up areas and primary development areas as designated in the Structure Plan even where*

roads and public utilities are available. Permitted forms of non-urban development outside such areas are restricted to the categories referred to in Paragraph 7.6

127. *POLICY SET 12: Notwithstanding the policy against any form of urbanisation outside areas designated for urban uses in the Structure Plan, the Planning Authority will consider applications for permission to develop which ostensibly infringe Policy SET 11. In any such case the onus will be on the applicant to present evidence as to why the policy should be infringed, giving reasons why from a planning point of view such proposed use cannot be located in areas designated for development. The Planning Authority will additionally require the applicant to submit at his own expense a full Environmental Impact Assessment of a form and content satisfactory to the Authority. This policy is not a means of evading policy SET 11 or any other policy. An Environmental Impact Assessment which adequately demonstrates acceptable impacts will not be a reason for the granting of a development permit if the proposed use can be located in an area intended for its development under the Structure Plan or any subsequent approved Planning Authority document.*

Implications for the Scheme:

128. SET 11 may be interpreted such that sports clubs will not be permitted outside the existing built-up areas. However, Policy 25 of GCDM-PP provides for a 'country club' style centre associated with a golf club to be permitted outside the development zone boundaries.

Built Environment

129. *POLICY BEN 1: Development will not normally be permitted if the proposal is likely to have a deleterious impact on existing or planned adjacent uses because of visual intrusion, noise, vibration, atmospheric pollution, unusually high traffic generation, unusual operating times, or any other characteristic which in the opinion of the Planning Authority would constitute bad neighbourliness.*
130. *POLICY BEN 2: Development will not normally be permitted if, in the opinion of the Planning Authority, it is incompatible with the good urban design, natural heritage, and environmental characteristics of existing or planned adjacent uses, and is unlikely to maintain the good visual integrity of the area in which it is located. There will be a presumption against development which does not generally observe the design guidelines issued by the Planning Authority for built-up areas.*
131. *POLICY BEN 5: Applications for development permits outside urban areas will be judged against the policies and design guidelines of the Local Plans for Rural Conservation Areas, and in the interim period, to Structure Plan policies and the guidelines contained in the Explanatory Memorandum.*

Implications for the Scheme:

132. These points will need to be addressed in the EIS and, if the project is approved, in the subsequent Construction Management Plan and the Environmental Management Plan. It is noted that BEN 2 is not strictly applicable to the design of a golf course in respect of urban design. However, the golf course must be designed to ensure that it is compatible

with the natural heritage and environmental characteristics of the adjacent uses. The matters raised under BEN 1 will be considered in the EIS

Agriculture

133. POLICY AHF 1: *Major improvements in agriculture, horticulture, and fisheries will be encouraged, so that:*
1. *The sector assists the overall economy of the country through reduced imports and increased exports*
 2. *Better quality products are available to domestic consumers*
 3. *The countryside land resource is used efficiently and does not become derelict*
 4. *Food supplies are safeguarded in the event of natural, accidental, or deliberate calamities*
 5. *The countryside is safeguarded for the benefit of future generations*
134. POLICY AHF 4: *Soil conservation and soil saving measures will continue to be mandatory on all occasions. Soil replenishment measures will be adopted where there are suitable opportunities.*
135. POLICY AHF 5: *Buildings and structures essential to the needs of agriculture will be permitted in the countryside. They will however either blend with the rural landscape through the use of random rubble, or be hidden from view. This includes irrigation works and other utilities structures. In addition:*
1. *Least good quality agricultural land will be used where this is feasible, with a presumption against the use of land irrigated from naturally occurring sources of water*
 2. *Locations must be acceptable in terms of noise, smell, and effluent impacts on nearby urban and recreational areas and wildlife*
 3. *The high productivity and out of season cropping potential of protected cropping is recognised, and suitable locations will be promoted. Greenhouses and similar protected cropping structures will in particular be hidden from longer distance views, possibly amongst other buildings, by landscaping, or in disused quarries*
 4. *"Farm gate" retail outlets will be permitted. Suitable off road vehicle parking and traffic safety measures shall be included*
 5. *The sensitive conversion of existing farmhouses and other farm buildings in the countryside for rural recreation use will be permitted*

Implications for the Scheme:

136. Agricultural land uses and the impacts thereon from the golf course development are an important part of the environmental assessment of this project. These points will need to

be addressed in detail in the EIS, and should the Scheme be approved in a Construction Management Plan and the Environment Management Plan.

137. Soil will need to be imported or manufactured to create the fairways, greens and tees etc, highlighting the need for soil conservation.

Tourism and Recreation

138. POLICY TOU 11: *Government will seek the co-operation of relevant public and private sector agencies to ensure that the Islands' many heritage items are made more accessible and interesting to tourists. Heritage trails will be identified in Local Plans.*
139. POLICY REC 8: *The Planning Authority will ensure that adequate provision for district- level sports and recreational facilities will be made in Local Plans for both new and existing urban areas. Provision will also be made for sports and recreational uses in the countryside with particular attention paid to minimising adverse environmental impacts. A limited number of tracks and training facilities need to be designated in suitable locations for major impact sports such as vehicle racing, and managed professionally. Locations should only be chosen after full environmental impact assessments, in conjunction with sieving techniques to narrow areas of search. Following designation of suitable facilities, the use of any other location will be specifically prohibited.*

Implications for the Scheme:

140. These points will need to be addressed in the EIS and, if the project is approved, in the subsequent Construction Management Plan and the Environmental Management Plan.

Transport

141. POLICY TRA 2: *The promoters of major developments will be required to prepare traffic impact statements illustrating the likely impact of their proposals on the highway network.*

Implications for the Scheme:

142. The effects of traffic generated by the proposed development are addressed in the Transport Study prepared as part of this EIS.

Rural Conservation Policies

143. POLICY RCO 1: *Rural Conservation Areas are designated as illustrated in the Key Diagram. Within such areas the following sub areas will be designated, using World Conservation Union definitions and criteria where relevant:*
- 1. Areas of Agricultural Value: areas comprised of high-grade agricultural land including irrigated and partially irrigated land*
 - 2. Areas of Ecological Importance: relatively large areas designated to protect typical and rare habitats*

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3. *Sites of Scientific Importance: sites containing individual species, groups of species, and geological features*
 4. *Areas of Archaeological Importance: concentrations of valuable archaeological sites*
 5. *Sites of Archaeological Importance: individual and/or isolated archaeological sites*
 6. *National Parks: relatively large areas of national significance not materially altered by human use, with managed visitor access and amenities*
 7. *Areas of High Landscape Value*
144. **POLICY RCO 2:** *Within Rural Conservation Areas and in accordance with Policy SET 11 no form of urban development will be allowed. However, in accordance with Policy BEN 5, applications for permission to develop structures or facilities essential to agricultural, ecological, or scenic interests will be favourably considered as long as the proposed development does not infringe the principles set out in Policy RCO 4 as subsequently detailed in the relevant Local Plan (Policy RCO 3). See also Policies RCO 7 and 8. With regard to existing buildings and other structures in Rural Conservation Areas, and other rural areas, the overall aim is to improve the rural environment. To this end the rehabilitation and suitable change of use of some buildings will be permitted, in conjunction with the removal of other buildings and structures which adversely affect the rural environment.*
- See comments in respect of SET 11 above.
145. **POLICY RCO 3:** *As soon as is practicable after the adoption of the Structure Plan, the Planning Authority will draw up Local Plans covering all the areas designated by the Plan as Rural Conservation Areas. The purpose of these Local Plans will be to:*
1. *Specify the precise boundaries of areas having different forms of scenic value, Areas of Agricultural Value, Areas of Ecological Importance, Sites of Scientific Importance, Areas and Sites of Archaeological Importance, National Parks, and Areas of High Landscape Value*
 2. *Specify in detail the measures of protection and enhancement to be adopted with respect to the various uses and activities*
 3. *Consider the results of the assessment of mineral deposits initiated by the Planning Authority (Policy MIN 2) and the implications for the further working of minerals and the sterilisation of land*
 4. *Resolve conflicts between the various uses and activities*
- Scenic Value**
146. *Within Rural Conservation Areas as a whole and with particular reference to the various types of scenic value to be specified in the Local Plans, the Planning Authority's general strategy is to both protect and enhance areas of scenic value.*
147. **POLICY RCO 4:** *The Planning Authority will not permit the development of any structure or activity which in the view of the Authority would adversely affect scenic value because it would:*
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1. Break a presently undisturbed skyline
 2. Visually dominate or disrupt its surroundings because of its mass or location
 3. Obstruct a pleasant and particularly a panoramic view
 4. Adversely affect any element of the visual composition - for example, cause the destruction or deterioration of traditional random stone walls
 5. Adversely affect existing trees or shrubs
 6. Introduce alien forms, materials, textures, or colours
148. POLICY RCO 5: *In Rural Conservation Areas, permission for the development of new or extended infrastructure (roads, reservoirs, overhead electricity and telephone cables, pipelines, tipping sites, etc.) will only be given if the Planning Authority is satisfied that all possible measures have been taken to mitigate the visual impact of the proposed development.*

Refer to comments made under the GCDM – PP above.

149. POLICY RCO 6: *Following the adoption of the Local Plans for Rural Conservation Areas, the Planning Authority will institute a programme of enhancement and management in conjunction with the Ministry of Agriculture and the Secretariat of the Environment comprising:*
1. *Afforestation and landscaping schemes*
 2. *Rehabilitation of abandoned quarries*
 3. *Reactivation of abandoned agricultural land, encouraging compatible methods of cultivation*
 4. *Reuse and conversion of rural buildings which are compatible with their scenic setting*
 5. *Rehabilitation of degraded habitats*
 6. *The encouragement of and provision of incentives for the relocation to appropriate existing or planned urban areas of structures and activities which are incompatible with the creation and maintenance of a high quality of rural environment.*

Agriculture

150. 15.30 *The designation of Areas of Agricultural Value in the Structure Plan is intended primarily as an instrument of protection and as a statement of the importance of such areas in the resolution of conflicts with scenic, ecological, archaeological, and mineral interests in the Local Plans. It is assumed that conflict between scenic, ecological, and archaeological interests will be rare, but certain agricultural processes can adversely affect all three. Therefore, notwithstanding the Planning Authority's support and protection of agricultural interests, it is the intention, in conjunction with the Ministry of Agriculture and individual farmers, to seek ways in which these other interests can be protected without unduly constraining efficient agricultural practices.*

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151. **POLICY RCO 7:** *Structure Plan policies with respect to agriculture generally are set out in Policies AHF 1 to 13. In applying these policies, particular attention will be paid to the needs of designated Areas of Agricultural Value and to their importance in the resolution of conflicts with other rural interests in Local Plans.*
152. **POLICY RCO 8:** *In Rural Conservation Areas, individual cultivators will be required to illustrate to the Planning Authority how any planned agricultural development will not harm the ecological, archaeological, and scenic value of the Area.*
153. **POLICY RCO 9:** *In Rural Conservation Areas, individual cultivators will be required to put forward proposals to the Planning Authority for the cultivation of abandoned or derelict agricultural plots and for the restitution of ecologically, archaeologically, or scenically valuable environments which have been degraded because of agricultural malpractice or neglect. Where scientifically important species have become established on abandoned agricultural land, they will be protected and no reversion to agriculture will be required.*

Ecology

154. **POLICY RCO 10:** *In identifying and designating Areas of Ecological Importance in Local Plans, one or more of the following habitat types must be present:*
1. *Permanent springs*
 2. *Saline marshlands*
 3. *Sand dunes*
 4. *Forest remnants*
 5. *Semi natural woodland*
 6. *Natural freshwater pools and transitional coastal wetlands*
 7. *Deep natural caves*
 8. *Coastal cliffs*
 9. *Representative examples of typical Maltese habitats such as garigue, maquis, valley sides, watercourses, and gently sloping rocky coasts.*
155. **POLICY RCO 11:** *In identifying and designating Sites of Scientific Importance in Local Plans, one or more of the following features must be present:*
1. *The only known locality in the Maltese Islands where certain endemic and/or non endemic species are found*
 2. *A locality where certain endemic and/or non endemic species with a restricted distribution in the Maltese Islands occur ('restricted distribution' is taken to mean occurrence in five localities or less)*

3. *The type locality of an endemic species*
 4. *An important bird nesting site or of some other major ornithological interest*
 5. *A locality of special palaeontological interest*
 6. *A lithostratigraphical type section*
 7. *A locality of particular geomorphological interest*
 8. *Some other specific feature of scientific importance not listed above*
156. POLICY RCO 12: *In Local Plans, the Planning Authority will give protection ratings to Areas of Ecological Importance and Sites of Scientific Importance as follows:*
1. *LEVEL 1 zones will include important habitat types present only in small areas and/or sites with unique species or features*
 2. *LEVEL 2 zones will include important habitat types present in relatively large areas and/or sites with rare species or features*
 3. *LEVEL 3 zones will include areas where control is necessary to preserve habitats/species/features in adjacent sites*
 4. *LEVEL 4 zones will include habitats and/or features of general interest*
157. *All local wildlife constitutes part of the natural heritage of the nation, and in some cases wildlife populations are suffering significant reductions.*
158. POLICY RCO 13: *In collaboration with the agencies concerned with the protection of wildlife, the Planning Authority will develop and implement policies for the protection and conservation of all local wildlife, but particularly threatened species. These policies will include the prohibition and/or regulation of certain activities; regulation of the use of weapons, traps and similar equipment; the establishment of open and closed seasons; and regulations concerning commercial and other exploitation of wildlife, and all related enforcement measures. In the wider interests of conservation, the Planning Authority will promote legislation regulating the killing, capture, collection, and maintaining in captivity of certain flora and fauna, particularly those protected by European Community and other international regulations and agreements.*
159. POLICY RCO 15: *There is a general presumption against developments in urban and other built-up areas which are insensitive to the continued existence of identified features of scientific importance and significant elements of the country's natural heritage present within the area.*

Implications for the Scheme:

160. Part of the proposed site is scheduled as an Area of Ecological Importance (Level 3). The above matters will need to be addressed in the design of the Scheme and the EIS, and would be expected to influence the layout of the course.

Sandy Beaches and Dune Areas

161. *Sandy beaches are one of the country's most valuable resources, especially due to their recreational use by the local population and by tourists. Due to the human pressure on these beaches they are also among the most threatened of local environments.*
162. **POLICY RCO 16:** *No form of permanent construction will be allowed in sandy coastal areas and existing constructions will be removed wherever practicable. The removal of sand from sandy beaches is prohibited, and the extension and creation of sandy beaches for recreational use will be encouraged. Sandy beaches include shallow inshore seabeds. All beach and seabed enhancement will be the subject of Environment Impact Analyses.*
163. **POLICY RCO 17:** *Overnight camping on sandy beaches, and any camping on sand dunes will be prohibited, and access of vehicles to sandy beaches and dune areas will be prevented.*
164. **POLICY RCO 18:** *Without prejudice to any other policy or regulation protecting dune areas, the Planning Authority will actively prevent the removal of sand binding vegetation from such areas.*

Implications for the Scheme:

165. The sandy beaches at Golden Bay and the associated dune areas are not likely to affect the Scheme and vice versa.

Rehabilitation of Degraded Habitats and Landscapes

166. *15.34 Many local habitats and landscapes, including some considered to be of great scientific and cultural importance, are much degraded. In some cases, these habitats and landscapes can be rehabilitated.*
167. **POLICY RCO 19:** *The Planning Authority will carry out surveys in order to identify sites where the habitat and/or landscape has degraded. Such surveys will be reviewed every two years.*
168. **POLICY RCO 20:** *Positive action will be taken to rehabilitate identified areas of degraded habitat and landscape, and proposals from Government agencies and non governmental bodies for rehabilitation schemes for these areas, provided that such schemes do not conflict with other policies and/or regulations concerning these areas, will be supported subject to scrutiny and approval by competent experts.*

Implications for the Scheme:

169. The degraded landscapes, such as the informal tipping area and the areas used for off-roading etc within the site of the proposed golf course would need to be rehabilitated.

Control of Erosion

170. *Erosion, particularly of coastal sediments including beach sand and coastal clay slopes, and of soil and of cliff edges, is a problem which needs special attention. Beach erosion may be reduced by constructing coastal defences, although this needs to be planned with great care, and existing beaches can be enlarged and new ones created by dredging sand from the seabed and by the*

manufacture of sand from suitable rock as is done successfully in other countries. However, inappropriate developments of this type could result in serious and irreparable damage to the coastal systems they are seeking to establish, protect, and enhance, as well as to other coastal, nearshore, and offshore marine resources.

- 171. POLICY RCO 21: *There is a general presumption against development in areas prone to erosion.*
- 172. POLICY RCO 22: *Positive action will be taken to prevent further loss of sandy beaches, sand dunes, coastal clay slopes, soil, and cliff edges.*
- 173. POLICY RCO 23: *Developments connected with the construction of coastal defences, the enlargement of existing beaches, and the creation of new ones will only be allowed following a scientific study by competent persons of their short term and long term environmental, social, and economic impact, and provided that it is clearly demonstrated that there is a real need for such development and that the benefits outweigh any negative impacts.*
- 174. POLICY RCO 24: *Existing regulations concerning excavation and transport of sand and soil will continue.*
- 175. POLICY RCO 25: *Positive action will be taken to promote the repair of breached retaining walls on valley sides in order to prevent further soil erosion.*
- 176. POLICY RCO 26: *The removal of the vegetation cover from abandoned fields and derelict land without good reason will not be permitted.*
- 177. POLICY RCO 27: *Developments which involve the excavation of significant quantities of Blue Clays will not be permitted.*

Implications for the Scheme:

- 178. The control of erosion will be very important during the construction of the golf course, especially following placement of the soil and before the turfgrass cover has developed sufficiently to prevent erosion from runoff.

Valleys

- 179. *Valleys (widien) are a valuable national resource in terms of water resources, agriculture, wildlife, landscape, soil conservation, and leisure. Dredging of valleys is necessary to keep the watercourses free of debris. However, this dredging can be very disruptive to the natural communities of valleys and could lead to accelerated soil erosion.*
- 180. POLICY RCO 28: *Valleys will continue to be protected as important water catchment areas.*
- 181. POLICY RCO 29: *No new physical development will normally be allowed on the sides of valleys and especially on valley watercourses except for constructions aimed at preventing soil erosion and the conservation and management of water resources. Also:*

1. Existing dams across valleys to conserve water resources will be repaired in preference to the construction of new dams. Dams will be built of durable materials and will be regularly maintained
2. The Planning Authority will have regard to the possible detrimental effect of dredging works in valleys, and will seek to minimise the impact of such works, particularly by leaving the valley banks intact and by promoting selective dredging
3. The Planning Authority will take positive action, in collaboration with the appropriate Government agencies, in order to prevent the dumping of domestic waste, building rubble, and other refuse into valleys
4. The Planning Authority will take positive action to safeguard valleys for walking, cycling, and horseriding through the prohibition of vehicles, other than for agriculture and maintenance, and the establishment of car parks at valley edges.

Implications for the Scheme:

182. The proposed golf course and the associated urban development span two valleys. These policies predicate against the development of the valley sides, possibly preventing the development of the valley wall near Manikata

Trees and Afforestation

183. Trees are a limited but very important feature of the Maltese landscape and a threatened resource.
184. POLICY RCO 30: There is a general presumption against the siting of afforestation projects where stable indigenous (native species) natural vegetational communities are already established, but encouragement of the siting of afforestation projects on abandoned agricultural land and on derelict ground will be given.
185. POLICY RCO 31: Afforestation projects sites in non urban areas will make use only of indigenous and archaeophytic (brought by man in prehistoric times, and now naturally occurring) species. The use of exotic (not native to the country) species will be limited to urban areas.
186. POLICY RCO 32: The planting of appropriate species of trees will be encouraged where they enhance the landscape, particularly along roadsides, where they provide a screen to visually unattractive areas, and alongside footpaths where they provide shade. Species which attract birds will be encouraged in suitable locations.
187. POLICY RCO 33: Specified individual trees or groups of trees of aesthetic, historical, cultural, arboricultural, and/or scientific interest will be protected by means of Tree Preservation Orders which prohibit the uprooting, destruction, or damage to trees growing in the wild and in public parks, gardens, and other spaces, or on private land, and regulate any other activity which may cause harm or death of such trees.

Implications for the Scheme:

188. Although none of the trees within the proposed site are currently protected, many would qualify for protection. Tree planting will need to use indigenous species.

Golf Courses

189. *There is a recognised and very substantial international demand for golf courses as components of tourism and business development, and any serious attempt to attract tourists and businesses to the Islands has to take this phenomenon into account. Although relatively few Maltese currently have an interest in golf, its more extensive introduction into the Islands would probably release a considerable latent demand and thus add to the stock of locally used recreational facilities. A particular advantage of golf is that it is healthy sport which is played by both men and women in the middle and older age groups.*
190. *In terms of rural conservation, one of the benefits of golf courses is that they can be made to blend into the rural landscape and become a permanent guarantee that the area they occupy is unlikely to be urbanised. A major disbenefit is that no developer can now afford to open up a golf course in isolation: development economics dictate that courses have to be accompanied by profit making urban development (high value residential areas, hotels, etc.) since golf courses alone do not produce profit. The ideal location for a golf course is therefore on the periphery of an existing built-up area which can absorb the urbanised elements, rather than in open countryside.*
191. *A further complexity attaches to the location of golf courses. Because they require such extensive areas of land (60 ha for a modern 27 hole course), land assembly is a major criterion of implementation. In the Islands, such large areas in one ownership are rare and developers tend to think first of Government land. This however runs the risk that, as with social housing, golf courses are developed where Government happens to own land, and not where they are most suitable.*
192. **POLICY TOU 12: A Subject Plan will be prepared for golf courses. The plan will be based on considerations of the demand for and benefits of golf courses, and on the competing uses for limited land resources in Malta. Any golf course should be located where:**
- 1. It can be accommodated without adverse environmental impact or loss of good quality agricultural land*
 - 2. Associated development can be satisfactorily accommodated, preferably as part of an adjacent built-up area*
 - 3. Suitable vehicle access exists or can be provided*

Potentially suitable locations are those where positive environmental benefits can be achieved by utilising derelict land or other land requiring major environmental improvements. Any development permit application shall require an Environmental Impact Assessment in a form and content suitable to the Planning Authority.

Implications for the Scheme:

193. These points are addressed in the financial feasibility study for the project and in the economics assessment and will be dealt with in more detail in the EIS proper. Relevant aspects will also be addressed in any eventual Construction Management Plan and Environmental Management Plan, if the Scheme is approved.

OTHER STANDARDS

British Standards Institute

194. **BS4142:1997 – Method for Rating Industrial Noise Affecting Mixed Residential and Industrial Areas** provides, in the absence of EU guidance, the basis for measuring and assessing noise levels in the vicinity of the Scheme.

Implications for the Scheme:

195. BS 4142:1997 will be used in the assessment of noise because of the lack of guidance from the EU and Maltese legislation / standards