

# FAIER Away!

Godwin Cassar

Many quote the Aarhus but few are those who actually FAIER away. The 'Freedom of Access to Information on the Environment Regulations, 2005', in short FAIER, transposed the Aarhus convention into Legal Notice 116 of 2005 of Maltese legislation. FAIER allows people to request environmental information from public authorities, such as the Malta Environment and Planning Authority, and those bodies carrying out a public function, for example the Malta Resources Authority. FAIER has directly incorporated the definition of environmental information from European Directive 2003/4/EC on public access to environmental information. This European directive closely follows, but also expands upon, the definition in the Aarhus Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters 1998.

Environmental information includes documents, leaflets, reports, books, notes, data sets, Pictures, maps, plans, designs, models. A request can be written, electronic or hardcopy. It is always advisable to be clear and concise in your request. While MEPA does not need to know why you are making a request, it might help to explain as this might give valuable guidance in the compilation of the information. Our aim is to render the best service possible so, if one finds difficulty in formulating a request, it would be advisable to call MEPA's focal point on access to information. If MEPA receives a request which is too general, the authority will contact the applicant as soon as possible to try to determine specifically what information it is that he/she would like and give assistance to be able to do so. In any case, the authority has 30 days in which it must reply whether it can service the request or not. Following this, where the request can be serviced, it must be completed within 30 days of receipt of the request; however this time period can be extended by a further 30 days if the information requested is complex and voluminous.

When making a request for information an applicant may state a preference as to the form/format in which they would like the information to be provided e.g. hardcopy/electronic etc. If MEPA, as the competent authority, does not have the requested environmental information, it shall forward the applicant's request to the public authority holding such information who shall provide this to the applicant within the time-frames stipulated above.

Public authorities, including MEPA, may charge a fee for disclosing information; however an authority cannot charge an applicant to inspect the information on site such as public registers or lists. Inevitably there is information for which there would be adverse consequences should it be released, for example the nesting location of a rare bird species. To prevent such an event happening, the Freedom of Access to Environmental Information Regulations contain a number of exceptions which would allow public authorities to withhold that information. If a public authority refuses to disclose all/part of the information requested, that authority must state, in writing, what exception the information falls under and justify their decision that the exception should be applied.

## Sea Level Rise: A time to Review?

Saviour Formosa, Michelle Borg, Stephen Conchin, Miraine Rizzo

The awareness and debate on climate change is heating up. Both political and scientific arenas internationally have agreed to come up with a review of the situation. Such was the case in the latest Intergovernmental Panel on Climate Change (IPCC) report. The scientist, F. Pearce in an article on the journal New Scientist, (March 2007) alleged that this report issued a watered down version of the impacts of climate change. Originally it had been argued quite emphatically that less trees to absorb greenhouse gas emissions would lead to accelerated climate change.

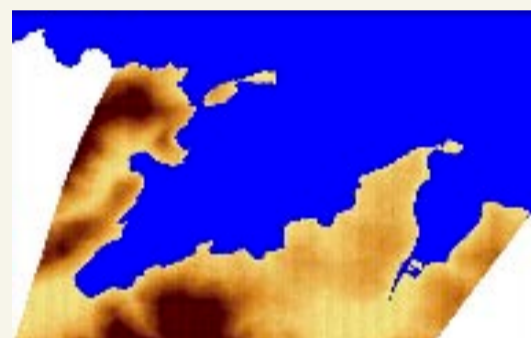
Changes include a temperature increase of 1.20C by 2100, reduced ability of oceans and rainforests to absorb emissions, collapsing ice sheets, high levels of atmospheric water vapour, discharge of ice from major ice sheets and a measurable sea-level rise. Whilst all have hit the headlines, none other than the last seems to have reached myth status. Figures vary from IPCC statements that sea level rise will reach 50cm to extreme figures of 13m published in the European Environment Agency's State of the Environment Report 2005. Each is based on scientific studies with their own scenarios using a multitude of complex models. It is not easy to understand the situation considering the vast gaps between such figures. Whilst a 50cm rise can be handled through technology and natural protection, a 13m (4 storeys) rise requires the migration of populations from low grounds to higher areas as well as having an impact on the economic fabric of a country.

If we apply such predictions to the Maltese scenario using only topography as a parameter, a mid-way rise will also result in drastic changes as depicted to the area in St. Paul's Bay

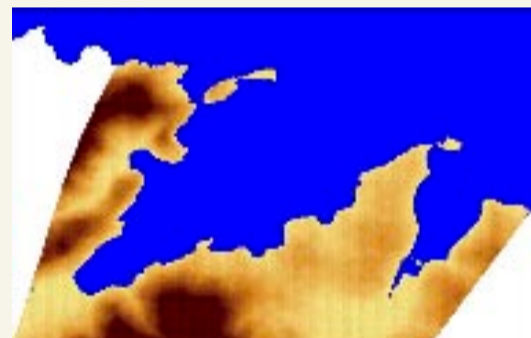
Most of our activities lie along the low-lying coast, with residential development, leisure and recreation, ports and fisheries all demanding greater proximity to the sea. However it is not a doom and gloom situation and caution is called upon when interpreting avail-

able information. Figures 1-3 are only one indication of the vulnerability of our coastal areas to sea level rise. More parameters need to be included in the equation to get a better understanding of the likely impacts from sea – level rise before we can start thinking of mitigation.

Malta, through MEPA has been at the forefront in addressing this issue through its commitment within the framework of the EU Expert Group on Integrated Coastal



Current Sea Level



50cm rise in Sea Level



6m rise in Sea Level

Zone Management. A set of 27 sustainability indicators has been developed by the Working Group on Indicators and Data (WG-ID) to help assess the status of the European coasts in accordance with the EU ICZM Recommendation (2002/413/EC). Three indicators have been developed to address 'the threat to coastal zones posed by climate change and to ensure appropriate ecologically responsible coastal protection': Sea level rise and extreme weather conditions; Coastal erosion and accretion; Natural, human and economic assets at risk.

The list of 27 indicators has been tested through an EU Interreg IIIc Project, DEDUCE, where methodologies for each indicator have been developed. As a partner MEPA has tested most of the indicators, but like most project partners, encountered a hurdle when attempting to calculate the climate change indicators. The limiting factors are data issues: the lack of reliable data or the absence of a long-time series for such data. To be able to predict climate

change impacts, one requires data that has been systematically collected over a long period of time, and in some instances this is missing. One parameter is the length of dynamic coastline where geomorphological data can enable a better understanding of the rates of coastal erosion along our coast. In lieu of this data, MEPA has developed a geomorphological baseline thus providing an additional layer of information in terms of vulnerability of the coast to erosion, where sandy beaches and cliff areas are respectively more vulnerable than low-lying rocky shores and cliffs, depending on the geological composition. The more vulnerable a coastline is to erosion, the more the impact from potential sea level rise.

Another parameter is the frequency and scale of marine storms.

All these physical parameters (sea level rise, erosion, marine storms) can assist in the identification of coastal areas at risk from climate change. This would enable one to identify those areas of economic, social and environmental importance that are located within such areas and allow for the quantification of such risks especially through the use of prediction models. Subsequently one is equipped to identify the necessary mitigation measures.

One important conclusion is evident: the need for further specialist scientific research. *Continued on page 4.*



[www.mepa.org.mt](http://www.mepa.org.mt)

For further information please call MEPA on telephone 2290 2021 or send a fax to 2290 2299

## Eu Projects

### MEPA secured EU funds to fulfil EU obligations on inspection and monitoring

Sergei Golovkin

The Malta Environment and Planning Authority (MEPA) embarked on an EU-funded project to obtain support for the implementation of EU directives related to Integrated Pollution Prevention and Control (IPPC Directive); the Control of Major Accident Hazards ("Seveso II" Directive); and to fulfil cross-compliance requirements related to the use of nitrates and sewage sludge in agriculture.

The project will be implemented through a Twinning Light partnership with the Austrian

Federal Environment Agency, which was awarded the contract. The project has a total budget of almost 225,000 and is entirely financed from the unallocated envelope of the Transitional Facility Programme for Malta for 2004.

By August 2007, the project is expected to result in a range of inspection procedures and checklists, as well as in training of compliance with various environmental obligations. Training will include workshops, expert assistance during local site visits

and inspections, and study visits in EU Member States.

The MEPA project team led by Ing. Christina Mallia, Ms. Charmaine Ajaq-Vassallo and Mr. Stephen Saliba believes that this project will assist MEPA in building capacity for environmental enforcement of Seveso and IPPC sites, both as a result of the checklists and procedures that shall be developed, as well as from the exposure to best practice gained by MEPA staff participating in the project. The project would also help MEPA to develop appropriate tools to monitor the farming activities and their relationship with the natural environment in the light of the Nitrates and Sewage Sludge Directives.

All the activities are being carried out under the supervision of the Pollution Prevention and Control Unit of MEPA with input from the Resources Management Unit and the EU and Multilateral Affairs Unit, which helped to secure EU funding for this project.



## Construction Sites...

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The cutting of stones shall be carried out either by equipment having dust extraction accessories, or in an enclosed space purposely set up on site. Mechanical fair facing (invar) on sites will no longer be allowed. Public areas extending 10 metres from either side of the site are to be swept. Loose construction materials (e.g. sand, aggregate etc) shall be transported and stored on site in covered rigid containers. This will ensure that the elements will not cause the dispersal of such building materials to neighbouring areas.

In order to improve the aesthetics of the sites themselves, hoarding that encloses the works will be introduced. Where the construction works extend beyond the site, a covered walkway shall be provided for pedestrian traffic. This shall be adequately lit to

ensure safety for passers-by and road traffic.

As a further benefit to neighbouring communities, permissible hours of work are being set as 0700-2000 hours with no work on Sundays and public holidays. Developers will be required to re-instate the pavement and the street if and where these have been damaged during construction. A bank guarantee, submitted by the developer, will be used to re-instate the pavement and road if the developer fails to do so.

The regulations are to be introduced in a phased manner. Initially they will be applicable to large projects in Malta and Gozo and to where areas with high development intensity. Their applicability will be extended to all projects and to all Malta and Gozo over a two-year timeframe.

Key

- Area from which urban areas are visible
- Area from which urban areas are NOT visible



How urbanised the Maltese population is?

## Sea Level Rise...

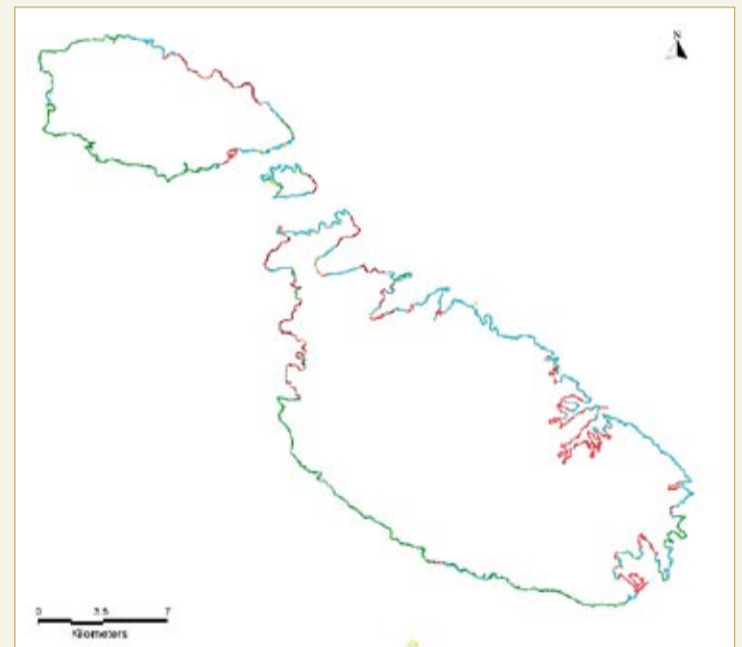
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More studies are needed on the effects in ecosystems and human activities from direct temperature rise. This includes further studies on those coastal territories under 60 cm that have a high risk of permanent flooding in the next 100 years, the inclusion of studies on land subsidence and coastal erosion, as well as the related legal, financial, economic and social implications. It is only with reliable information that one can identify the

appropriate measures to be undertaken to ensure effective and long-term results.

Key

- Artificial Coast (2004) as indicated in Ind 26.1
- Dynamic Coastline
- Type of Coast by Geomorphology
- Boulder Shore
- Clay Slopes
- Cliffs
- Cobbles
- Islet
- Low-Lying Coast
- Public Beach
- Sandy Beach
- Stringle Beach



## Our Urban Wits: Point to Ponder!

Saviour Formosa

Have you ever realised how urbanised the Maltese population is? We have a problem with the issue whether we can consider our small countryside as rural, since it could be considered as a country park in other countries...

Lets put everything in perspective: have you every gone somewhere in Malta and Gozo where you did not see a building? Can't think of one?

Well now you can: The map with this article depicts those areas in red where the Urban development is visible.