

Appendix B

Overview of the Scheduling instrument: Section 46 of the Development Planning Act (1992)

- 1.1 Section 46 of the Development Planning Act (1992) requires the Authority to schedule for conservation “*buildings, structures and remains of geological, palaeontological, cultural, archaeological, architectural, historical, antiquarian, or artistic or landscape importance, as well as areas of natural beauty, ecological or scientific value*”. Scheduling of the natural heritage can be defined as the statutory designation and protection of natural areas whereby the control of development targets the protection and conservation of the habitats, species and features within such areas, in accordance with the different levels of protection.
- 1.2 There are four levels of protection for Areas of Ecological Importance and Sites of Scientific Importance, as defined by Structure Plan policy RCO 12. Level 1 affords the highest degree of protection, whereas Level 4 is the lowest. Habitats that are present only in small areas (thus very rare), or sites that support very rare species would qualify as Level 1. Such areas would be subject to the highest degree of control on human interventions as well as the prohibition of physical development.
- 1.3 Level 2 AEIs and SSIs encompass important habitat types present in relatively large areas (such as coastal cliffs), as well as areas and sites with rare species or features. Within such areas or sites, human intervention is also strictly controlled, whilst physical development is limited to the maintenance of already existing structures, and construction of minor amenities designed to enhance the educational and recreational use of the area. Within Level 2 AEIs and SSIs traditional activities are allowed to continue, unless in conflict with other policies.
- 1.4 In line with paragraph 15.34(5) of the Structure Plan Explanatory Memorandum the Authority designates the land located adjacent to and beyond the higher levels of protection (Levels 1 and 2) as a buffer zone, to safeguard the integrity of the area. Buffer zones are typically assigned a Level 3 degree of protection and can be void of any features of ecological or scientific importance. However, the Authority can nonetheless designate sites or areas as Level 3 or Level 4 AEIs and SSIs on their own merits (in line with the provisions of paragraphs 15.39 and 15.40 of the Structure Plan Explanatory Memorandum).

Structure Plan Policies and the Explanatory Memorandum (1990)

STRUCTURE PLAN 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
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. Areas 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

STRUCTURE PLAN POLICY RCO 10:

In identifying and designating Areas of Ecological Importance in Local Plans, one or more of the following features 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.

STRUCTURE PLAN 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

STRUCTURE PLAN 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

Structure Plan Explanatory Memorandum - Paragraph 15.34:

In designated Areas of Ecological Importance and Sites of Scientific Importance, the following general protection will apply:

1. A general presumption against development, including roads and public utility services, and particularly on crests of ridges and the edges of coastal and inland cliffs
2. A general presumption against activities likely to be a fire risk to a significant wooded area
3. A general presumption against development where noxious emissions are likely to create problems in nearby Areas of Ecological Importance and Sites of Scientific Importance
4. The removal of intrusive elements
5. The inclusion of buffer zones to further their protection.

Structure Plan Explanatory Memorandum - Paragraph 15.35:

For LEVEL 1 AEIs and SSIs, which include important habitat types present only in small areas and/or sites with unique species or features, the following are applicable:

1. Human intervention kept to the barest minimum
2. No physical development
3. All efforts made to protect the identified features of scientific interest
4. Management by the competent Government agency in an appropriate manner.

Structure Plan Explanatory Memorandum - Paragraph 15.38:

For LEVEL 2 AEIs and SSIs, which include important habitat types present in relatively large areas and/or sites with rare species or features, the following are applicable:

1. Human intervention strictly controlled
2. Physical development limited to the maintenance of already existing structures, and construction of minor amenities designed to enhance the educational and recreational use of the area. Any such developments to be carried out with the least possible damage to the environment
3. Traditional activities (e.g. agriculture) can continue, unless in conflict with other policies, but no new land diverted to these uses except for the suitable re-establishment of abandoned fields for agriculture.

Structure Plan Explanatory Memorandum - Paragraph 15.39:

For LEVEL 3 AEIs and SSIs, which include areas (buffer zones) where control is necessary to preserve habitats/species/features in adjacent sites, the following are applicable:

1. No residential, industrial, commercial or tourism development
2. No infrastructure or public utility works
3. Small scale physical development can be considered providing the adjacent AEIs and SSIs are protected, and this is demonstrated by a suitable environmental impact assessment and is consistent with other policies.

Structure Plan Explanatory Memorandum - Paragraph 15.40:

For LEVEL 4 AEIs and SSIs, which include habitats and/or features of general interest, the following are applicable:

1. Small to medium scale physical development can be considered, provided no suitable alternatives exist and features of ecological and scientific interest are protected
2. A suitable environmental impact assessment is undertaken.