



**GOVERNMENT OF GIBRALTAR
PRESS OFFICE
No.6 Convent Place
Gibraltar
Tel:70071; Fax: 74524**

PRESS RELEASE

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Statement by the Government relating to the Nelson's View Development at Rosia Tanks.

The Government does not intend to intervene to prevent this Development and stands by its decision that the heritage value of the tanks and their condition and other characteristics does not compel their preservation.

A variety of allegations and arguments have been used by those opposed to the Development. While some have been genuinely motivated by heritage concerns, others have been motivated by other factors, including self interest and political opportunism. Now that the court case is over, the Government considers that it is appropriate and necessary to respond to these arguments and allegations, so that people can form a view of the reasonableness of the Government's decision in the context of accurate information, knowledge of the Government's position and of the conduct of others in this matter.

A huge range of arguments have been deployed, including heritage, the fairness and integrity of the planning process, integrity of the Government's decision making process, lack of tender for the site allocation, alleged bullying by Government of the Heritage Trust, traffic congestion, loss of views, overcrowding, shortage of schooling, whether the housing will be affordable, lack of sewage and infrastructure, that the buildings were too big etc etc.

The Development and Planning Commission

The Government is completely satisfied that the Development and Planning Commission took properly into account all lawful and relevant planning factors in coming to its decision, including the issues raised by those who submitted objections to the Development and Planning Commission as part of the planning process. The Government has already announced plans for improved traffic access, parking facilities and green areas in the South District. There will be no shortage of schooling. All other infrastructure is sufficient. All relevant factors have been taken into account.

The South District Committee

Whilst the Government has no doubt that many residents of the area surrounding the Rosia Tanks have a proper regard and concern for heritage generally, including this site, the Government believes that the persons who established the South District Committee and who direct it, are not primarily motivated by Heritage considerations. Indeed, heritage featured very lowly in their original arguments, and when it did first arise, the argument related not to the heritage value of the tanks but to the proximity of the new building to the Victualling Yard and the Parson's Lodge. Furthermore, the public petition raised by the South District Committee did not even mention heritage and said only that the signatories were "against the proposed Rosia Tanks development as it is too large and unsuitable for the local area". The Government, accordingly, believes that the South District Committee rather belatedly 'jumped onto the bandwagon' of heritage as a prop to the principal reasons for their objection. Now, their case is exclusively based on heritage to the extent that their campaign is called "save the Rosia Tanks".

The Gibraltar Heritage Trust

The Government fully support the work and proper role of the Heritage Trust, and regrets the decision of Joe Ballantine to resign as Chairman. Suggestions made by persons who are not Trustees, that the Trust may have been subject to pressure or bullying by the Government to discontinue their action, are outrageous and wholly untrue.

However, given recent statements by some persons closely connected with the Heritage Trust, it is appropriate to say that in the Government's view the Trust's decision to commence legal action was not consistent or compatible with its behaviour in relation to Rosia Tanks prior to commencing that legal action. Nor did that behaviour indicate to the Government any sense that the Trust attached sufficient heritage importance to the Tanks themselves as to require the Government not to allow their destruction.

The Chronological facts, against which the reasonableness of the Government's behaviour needs to be measured, are these:-

1. In April 2004 the Government prominently published the fact that the Rosia Tanks site was available for development, including for affordable housing. The Trust did not react adversely.
2. On 12 October 2005 the Government and the Developer announced the Nelson's View Development on the site of the Rosia Tanks. The Trust did not react until 4 weeks later, and then it was not to argue the heritage value of the Tanks or the need to prevent the demolition of the Tanks, but to lament the damage that the new building would (through proximity) cause to the heritage value of surrounding sites (Victualling Yard, Parsons Lodge etc).
3. On 24 November 2005 the Chairman of the Heritage Trust wrote to the Chairman of the Development and Planning Commission reiterating "the concerns of the Trust as regards the deleterious effects that this project will have on the heritage sites and buildings in the proximity of the proposed building, the protection of which is a prime duty of the Trust." Again, no mention of the Tanks themselves or any concern about their heritage value.
4. Upon submission of the application for the planning permission, and as part of the statutory 21 day public consultation process under the Town Planning Ordinance, introduced by this Government, public notice was given of the application for outline planning permission. Nearly 500 citizens exercised their statutory right to submit objections to the Development and Planning Commission. The Heritage Trust did not do so, and filed no objection.
5. The Chairman of the Heritage Trust is a member of the Development and Planning Commission and was present at the three meetings at which this project was discussed and approved, including on 7 December 2005, when the Development and Planning Commission gave final approval and granted outline planning permission. That outline planning permission fully envisaged and indeed referred to the demolition of the Tanks. There were no votes against the decision by any member of the DPC.

The Government notes the call by the new Chairman of the Heritage Trust for all heritage sites to be listed urgently. The Government is happy to consult with the Heritage Trust about what further sites are sufficiently important and valuable to be listed by the Government for protection under the Heritage Trust Ordinance. However, the Government

has never received a request for the Rosia Tanks to be listed. This did not require a new Ordinance.

The Government is committed to the preservation of important and valuable heritage in Gibraltar and indeed to rescue it from decades of dilapidation and abandonment, e.g. Casemates, the King's Bastion and the Victualling Yard itself. However, while everything that is old is heritage, not everything that is heritage is important and valuable enough to require preservation. The Government formed the balanced view that the heritage value of these underground tanks were outweighed by the social value of affordable housing on this attractive site. The Government must make a judgement and, in the case of Rosia Tanks has done so. Many people will disagree with that judgement, but that does not make the Government arrogant or indifferent to heritage or to other people's views.

The GSLP/Liberal Opposition

1. During November and December, the GSLP/Liberals broadcast seven party political broadcasts, all of which were also issued as written statements. In not one of them did they express opposition to the demolition of the Rosia Tanks;
2. During December, the GSLP/Liberals asked 7 questions in the House of Assembly about or relating to the Rosia Tanks development. At no time during the lengthy exchanges in the House did they express concern about or opposition to the demolition of the Tanks or indeed the construction of Nelson's View on the site of the Rosia Tanks.
3. Indeed, at no time since the original announcement on 12th October 2005 has the GSLP/Liberal Opposition voiced any opposition to the Nelsons View development or any heritage concern about the Rosia Tanks demolition. In late December (a full 8 weeks after the original announcements), following submission to him of the South District Committee's petition, Mr Bossano wrote to the Committee and to the Developer expressing, for the first time, that the Opposition were opposed to the Nelson's View development. But that opposition was not expressed in terms of heritage concerns for the Tanks themselves or any other heritage concern.

Tender Process

Both the Opposition and the South District Committee have raised the fact that this site did not form part of the original tender won by this Developer, and that the site was allocated directly to this Developer without tender. That is correct. But the Government does not understand what is the objection to that. Unlike the previous Government's policy which was that all development sites were allocated without tender, this Government's policy is that all Government sites, assets and contracts are awarded by tender unless there are exceptional circumstances, such as particular and exceptional social or economic benefit to the community. This exception to the tender policy has been set out publicly many times before. In addition, the Government's 2003 Election Manifesto made it clear that sites would be made available to developers provided they build affordable housing for residents at prices agreed with the Government. That is precisely what has happened at the Rosia Tanks site and at the two sites in Cumberland Road. Furthermore, with the particular construction method being used in these projects, the more volume built by one developer, the cheaper all the houses can be sold for.

The Government therefore totally rejects the insinuations of impropriety attaching to the "accusation" of direct allocation of these sites without tender.

Last Minute, Unplanned

It has also been said that the allocation of this site for housing development was adhoc, unplanned and not thought out. This is disproved simply by pointing out that it has been publicly identified by Government for possible development as affordable housing since April 2004!