

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 7th Meeting of 2014 of the Development and Planning Commission held at the Charles Hunt Room, John Mackintosh Hall, on 10th April 2014 at 9:30a.m.

- Present:**
- Mr P Origo (Chairman)
(Town Planner)

 - The Hon Dr J Cortes (MEH)
(Minister for Environment & Health)

 - The Hon Dr J Garcia (DCM)
(Deputy Chief Minister)

 - Mr H Montado (HM)
(Technical Services Department)

 - Mr G Matto (GM)
(Technical Services Department)

 - Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

 - Mr C Perez (CP)
(Gibraltar Ornithological & Natural History Society)

 - Mr J Collado (JC)
(Land Property Services Ltd)

 - Mrs J Howitt (JH)
(Environmental Safety Group)

 - Mr W Gavito (WG)
(Rep Commander British Forces, Gibraltar)
- In Attendance:**
- Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

 - Miss K Lima
(Minute Secretary)
- Apologies:**
- Dr K Bensusan (KB)
(Gibraltar Ornithological & Natural History Society)

 - Mr C Viagas (CV)
(Heritage & Cultural Agency)

Mr J Mason (JM)
(Rep Commander British Forces, Gibraltar)

Major Developments

147/14 – BA12734 – 1c North Mole – Proposed replacement of existing damaged sullage storage tanks

The Commission welcomed Mr Jack Noble, Ms Georgina Dowling, Mr Matthew Byrne and Mr Freddy Becerra.

Mr Noble explained that they would be presenting the research that they have carried out and explaining why the proposed replacement of the sullage tanks is necessary. He said that they would also be addressing the following points; the impact on the industry, design, environmental assessment, EIA methodology, timeline, location, design measures, environmental effects, reviews against the Parsons Brinkerhoff Report and transparency.

Ms Dowling told the Commission that the port is required to have a waste reception facility. She said that thirty years ago waste would be discharged directly into the sea until the Marpol Convention was formed, which has a requirement for all ports have to have port waste facilities. She also said that both EU regulations and the Gibraltar Merchant Shipping Regulations require waste facilities. She also told the Commission that the online IMO Global Integrated Shipping Information System (GISIS) is a system that facilitates the search of ports in the world and the facility to report those that are not adhering to regulations.

Ms Dowling advised that the Port of Gibraltar has signed up to the Green Award which means that they need to reduce waste tonnage. She said that waste management is a key requirement and that there is an ongoing increase in the shipping industry to ensure that environmental efficiency is improved.

Ms Dowling said that the proposal is for a like for like replacement of tanks 1 and 2. She explained the steps taken in the design and environmental assessment and referred to the various reports and assessments carried out. Ms Dowling also said that their investigations show that if changes are carried out, the cruise liner terminal and the facility could continue to coexist they have done for years. Ms Dowling said that the EIA report was carried out between December 2013 and January 2014. She said that the EIA does not recommend design measures but recommends operational measures. She also said that the technical design will continue to be refined.

Ms Dowling said that the redesign is fundamental in accordance with ATEX, QRA, HAZOP, etc. She said that the new system will be automated whereas the previous was operated manually. She also said that access to the tanks will be restricted and firefighting prevention methods will be implemented.

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Ms Dowling told the Commission that the tanks require heating to maintain a lower viscosity and that the proposed system is similar to that used in ships. Ms Dowling also said that the tanks will have different zones to control gas mixtures and that a nitrogen blanketing system will prevent any possibility for leaks to occur.

Ms Dowling said that the EIA methodology included issues such as navigation, water quality, odour, tourism and major accident prevention. She said that the environmental assessment looked at the construction phase and operational phase including day to day running, maintenance and emergency procedures. Ms Dowling also said that the EIA took into account sensitive receptors. She said that they looked at the number of complaints received on the existing tanks, the time the effects were ongoing, and obtained statistics on the magnitude of the impact.

Ms Dowling told the Commission that the key environmental effects affect mainly the cruise liners which dock at the cruise terminal. She said that the main effects will be during the construction phase, maintenance activities, transfer process and emergency scenarios. As a mitigation measure, Ms Dowling said that Nature Group has agreed to cease all activities one hour prior to and one hour after the ship berths. She said that Royal Caribbean which is one of the main cruise operators has confirmed that they are happy with this. By implementing this measure the most susceptible receptor will be protected.

Ms Dowling said that site procedures will be implemented and significant training on arrangement and maintenance of port waste will be given to their workforce. She said that they will achieve a Marine Environment Protection Certification and that design and management changes will ensure less risk on site. Ms Dowling also said that Nature Group is committed to transparency and will obtain full legislative compliance, licences and permits required. She said that they will maintain ongoing consultation with the relevant authorities.

CP asked Ms Dowling whether introducing nitrogen into the tanks will release gases into the air. Ms Dowling said that no harmful gases will be released into the air as it will be under pressure. She said that a only a small amount of nitrogen will be released if there is too much pressure but that it will be filtered through a carbon system. She said that the tanks will have a pressure vacuum valve.

MEH asked what is the different between the old and new systems. Ms Dowling said that they will not be introducing chemical elements to make the substances heat more.

JH highlighted that even with the new tanks the boiler's main function would still be to separate oil and water. She said that both the Environmental Statement and the Environmental Agency states that odours will be part of the operation. Ms Dowling said that separation of oil and water would happen anywhere as part of this process. However, she said that it will not be part of the daily operation and that possible effects will only be caused once a year when they have to clean the tanks to maintain their efficiency. She said that cleaning will only take place when winds are blowing away from Gibraltar and that there will only be a possibility of odours during maintenance as it will be a closed system where there is no vapor recovery. She also said that the

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nitrogen blanket will be maintained from the start and that if there were pressure and any gases escape, it would pass through a carbon filter.

MEH asked what would be the daily activity in relation to the tanks. Ms Dowling said that whenever a vessel docks alongside the tanks they would connect to the tank for their sullage to be removed and stored. She said that odours will not typically be expected due to day to day operations.

JH said that no complaints have been received as a result of the activities being carried out by the barge that is being used at present. Ms Dowling said that the barge is not best practice and that it is a temporary measure as a result of the 2011 accident. She said that the site prior to 2011 had been working with a good record since the 70s. She said that they are proposing the best practice levels available in the market and that no VOCs will be emitted, hence there should not be any complaints. Ms Dowling also said that as the green agenda increases, having a state of the art facility is important for Gibraltar.

MEH asked Ms Dowling how new the technology that they will be using is. Ms Dowling said that this technology is already being used elsewhere.

MEH also asked how confident they are that they will not receive complaints and whether they would be willing to sign a contract saying that they will cease operations if complaints are received until the issue is addressed. Mr Byrne said that Nature Group is confident enough to say that they would stop operations if complaints are justified. MEH highlighted that with the old tanks, there were bad odours several times a week. Ms Dowling said that there shouldn't be a difference from the current level of odours as a result of the new tanks. She said that their concern is that complaints of odours might not be due to activities carried out by Nature Group. She said that if odours can be ascribed to Nature Group they will take responsibility.

DCM said that concerns arise from past experiences and that the question is whether if there are odours and these can be ascribed to Nature Group whether they would cease operations and fix the problem before reopening. Ms Dowling said that they would.

DCM advised that HMGOG specified conditions and insisted on an EIA being carried out. He said that it is clear that the facility is more modern and secure but that it is important to ensure that odours will not reoccur. Ms Dowling said that by approving the tanks the DPC would not be approving the operation. She said that permits can be ceased if they do not adhere to conditions.

JH said that if gases are not contained there will be issues. Ms Dowling said that this area has always been used for the same purpose. Mr Byrne said that the barge currently being used is in the Bay of Gibraltar and that sullage is stored in the vessel until it is full and it is then transported elsewhere to be emptied. He said that there are transfers once a week.

JH said that she would have thought that until the court case regarding the accident in 2011 is settled, the operation would not have been allowed to go ahead.

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The Chairman asked Ms Dowling whether she could provide the names of other places which use this new technology. Ms Dowling said that Rotterdam uses the same system. Mr Byrne said that Algeciras also uses this system.

GM asked how long maintenance will take. Mr Byrne said that it will take between 2 to 3 days and that the public would be notified. GM said that it is important to implement a notification process so that the public is aware.

The Chairman asked whether they are the only licenced operator for sullage in Gibraltar. Mr Byrne said that there are other local companies that are licenced. The Chairman said that all of the other companies with licences should comply with the conditions being placed on Nature Group.

MEH said that at the moment there are no issues with odours so it is concerning to change something that is not causing problems. Ms Dowling said that she understood the concern but that she cannot think of any situation in the new tanks that will cause odours. She said that the operational procedure of stopping for two hours when cruises are in the port would not be done elsewhere. MEH said that if there were odours licences would not be renewed.

HM asked how robust the nitrogen blanketing system is. Mr Byrne said that it will be an automated system and that there will be alarms to indicate whether a leak has occurred.

JH asked how robust the blanketing system would be in the case of an emergency. Ms Dowling said that the system will be continuous and is a fundamental firefighting precaution. She said that they do not want any risk of fire.

JH also said that the application is only for the replacement of the two damaged tanks and asked whether the rest of the infrastructure is being looked at. Mr Byrne confirmed that the design aspect in terms of the nitrogen blanketing system will be applied to all of the tanks. Mr Noble told the Commission that investigations and reports have been done on the whole plant and that they could make the information available if required.

JH asked whether a planning application would have to be made in respect of maintenance and repair of the other tanks. The Chairman said that maintenance and repair does not require a planning permit.

JC said that conditions can be attached to the licence if granted and if they do not meet these conditions the licence could be removed. However, he said that the DPC would not be able to monitor this. The Chairman said that the licencing authorities would have to ensure that the controls set by the DPC are met; if they do not, they would be failing as an authority. JH said that the accident in 2011 shows that they did fail to ensure that controls were adhered to. MEH said that as Minister for the Environment he will make sure that controls are maintained.

JH said that it is also important to take weather conditions into account.

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DCM said that HMGOG as Landlord took the view that if objections were received from cruise liners, operation would not be allowed to resume. He said that the Gibraltar Tourist Board has confirmed that cruise liners have accepted the proposal.

CP asked whether there will be any water processing. Ms Dowling confirmed that there will not be any water processing.

JH said that the ESG's concern is that there is continuous expansion in this area and that the future is a concern. She said that the industry is sold as a green industry but that the key problem is Gibraltar's size and the proximity of the plant to residential and other areas. She said that if this is a lucrative business, having a new plant may attract more ships. She said that the ESG would want a condition that waste processed is waste from local sources and not imported. The Chairman said that this would be up to the licencing authority and not for the DPC to decide. MEH said that if the replacement is for storage it wouldn't have any added benefits for the company. Ms Dowling confirmed that it is only for storage purposes so there will not be any commercial gain.

DCM asked whether the tanks will be of the same size/volume. Ms Dowling said that it is a like for like replacement.

DTP asked whether the Environmental Assessment considered cumulative effects. Ms Dowling said that there will not be any cumulative effects and that any effects would be mainly during the construction phase. She said that there will be a plan and consultation with the relevant authorities.

DTP asked what will be the construction period. Mr Noble said that it will be 12 months.

Mr Stanley (Chairman of the Nature Group) who was in the audience, confirmed that he has worked with many plants, ten of which are close to residential areas. He said that in other sites he has created a local liaison committee which meets once a year and includes representatives of environmental agencies, planning and monitoring departments. He suggested creating a local liaison committee in Gibraltar.

JH said that this proposal is a big issue for the ESG due to the large number of complaints that they have received in the past and for which it has always been difficult to name a culprit. She said that a reporting system should be set up for people affected to be able to complain and provide feedback.

Mr Stanley said that he would welcome feedback and the creation of a committee. He said that this worked well in the UK as the company could hear issues first hand from the public.

The Chairman asked whether the IMO GISIS is accessible to the public. Ms Dowling said that this is mainly for the shipping industry and that a liaison group would be a good mitigation measure.

The Commission did not have any further questions.

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The Chairman advised that he had prepared a summary on the results of the EIA and circulated this to members prior to the meeting. He said that the ESG has been included as one of the consultees and will continue to be included for future projects. From a planning point of view, the Chairman said that the proposal will bring physical improvements and that if conditions are met, a permit should be granted. He said that no doubt there will be environmental and odour effects but mitigation technologies implemented should prevent or minimise these effects. He also said that in his statement Royal Caribbean had not yet replied but that they have now accepted the proposal.

MEH said that he will be strict on licences which he needs to approve. He said that Gibraltar needs a viable green port and therefore, facilities that handle waste have to be provided. He said that there will always be a risk but that this has to be managed efficiently. MEH said that he fully supported the conditions included in the Chairman's analysis.

JH said that the ESG would require the conditions stated in the Chairman's summary to be amended due to issues discussed at the meeting. She said that the Commission is considering this application but said that there are moral issues as an accident occurred in which a man lost his life and questioned whether the pending court decision should not be taken into account as a planning consideration. The Chairman said that this is not within the DPC's domain and that they are only responsible for considering the operation of the port facility. JH said that the ESG will have to follow this up in their own time due to the moral implications.

DCM said that the DPC is not proceeding as if nothing had happened and that is why the matter is being discussed. He said that he thought that the applicant has met most of the five conditions set by the ESG in their paper.

JH said that the court issue is another matter. She said that the nitrogen blanketing system is being described as a method of containing odours but that this is not clear in the Environmental Statement. She said that she will be requesting information from the ESG's environmental technicians.

DCM said that MEH has made it clear that odours will be monitored and controlled through licences.

The Commission took a vote on this application with the following result:

7 in favour
1 against
1 abstention

The Commission approved this application.

The Chairman advised that conditions to be included in the licence will be drafted into the permit and the DPC consulted.

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Any other business

148/14 – Next meeting

The Commission agreed to next meet on Thursday 24th April 2014.