

# Environmental Statement

## Appendix A

Government of Gibraltar Scoping Opinion and Consultation Responses

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**GOVERNMENT OF GIBRALTAR**  
Department of Trade and Industry  
Suite 631  
Europort  
Gibraltar

Our Ref: BA 10090 Outline/PNR

14 June 2005

MCB (Gibraltar) Ltd  
206 Main Street  
Gibraltar

Dear Sirs,

Re: Sovereign Bay, Devil's Tower Road: Proposed mixed use development comprising residential/leisure/office/commercial/marina use – Scoping Opinion

We refer to the Environmental Scoping Report submitted with your application dated 3 June 2005 in respect of the above. The Report is entitled 'Draft Environmental Scoping Report, December 2004', and has been prepared by Halcrow Group Ltd.

The abovementioned Scoping Report is the same as that previously provided and which was the subject of consultation with the various consultation bodies as required by the Town Planning (Environmental Impact Assessment) Regulations, 2000. Comments from the consultation bodies have been taken into account in the formulation of the Town Planner's formal Scoping Opinion that is attached.

We would take this opportunity to emphasise the dynamic nature of the EIA process and request that you keep us closely informed of any developments that may affect the scope of the Environmental Statement. Please bear in mind that the legislation does allow the Town Planner to require additional information to that defined in his Scoping Opinion. It is therefore in everybody's interest to ensure that there is continuing close consultation.

We also remind you of the requirements set out in the EIA Regulations on submission of the Environmental Statement, in particular Regulation 9.

If you have any queries on this matter please do not hesitate to contact the undersigned.

Yours faithfully,

Paul Naughton-Rumbo  
Assistant Town Planner

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# **TOWN PLANNING (ENVIRONMENTAL IMPACT ASSESSMENT) REGULATIONS 2000**

## **TOWN PLANNER'S SCOPING OPINION**

**Application Ref:** BAI0090  
**Location:** Sovereign Bay, Devil's Tower Road  
**Proposal:** Proposed mixed use development comprising residential/leisure/office/commercial/marina use.

### **INTRODUCTION**

1. This Scoping Opinion indicates the topics and general level of detail that the Town Planner and consultees would wish to see included in the Environmental Statement.

### **DESCRIPTION OF DEVELOPMENT**

2. The project description should provide the information called for in the EU Directive and Regulations. Although the development proposal is still at outline stage a consistent level of information should be provided for the different elements of the project including:
  - Planned capacity of marina,
  - Intended number of apartments (and anticipated maximum carrying capacity in terms of resident population),
  - Proposed office, commercial and retail space (in m<sup>2</sup>),
  - Extent of public and private open space broken down in terms of circulation, landscaping etc (in m<sup>2</sup>).
3. A full description should be provided of the engineering works to be undertaken in creating the marina, outer revetments, beach enlargement, replenishment and protection and the measures to protect shipping and users of the marina in storm conditions.
4. The size and location of the borrow pit to be used as the source for the fill material should be detailed and a location plan included.

### **OUTLINE OF MAIN ALTERNATIVES**

5. It is appreciated that the development proposal takes advantage of an existing land reclamation scheme which fixes its general location. Nevertheless, the

ES should contain a description of the design process leading to the preferred layout of the Marina and associated development, and identify any alternative profiles considered in the process.

## **DESCRIPTION OF ASPECTS OF ENVIRONMENT**

6. The ES should refer to the environmental topics listed in the EU Directive and Gibraltar Regulations and indicate (in an introductory section dealing with environment) which topics have been included in the assessment and which, if any, have been excluded. (Note: The Draft Environmental Scoping Report discusses a number of topics without reaching a judgement as to whether or not the topic in question warrants further analysis).
7. The Draft Environmental Scoping Report distinguishes between potential effects on the Natural Environment (Section 3.1) and the Human Environment (Section 3.2). This is considered to be a helpful distinction although it is important to remember that there are links between these two main themes. The remainder of this paper follows the same sequence.

### **Natural Environment**

8. **Geomorphology and Earth Heritage:** The draft scoping report discusses issues relating to rock falls in considerable detail but does not state whether or not the issue will be covered in the ES. It is noted that other development initiatives will eliminate any hazards from rock falling at some future date, but the assessment should clarify whether a risk remains during early stages in the project's development and if so what measures will be taken to mitigate any adverse impacts.
9. **Coastal Hydrology:** The scoping report goes into considerable detail on the geological origins of coastal sands, former sea levels, wave action and patterns of erosion and deposition. It is also apparent that the consultants are aware of the likely range of impacts to be considered. However the existing text headed 'Potential Impacts' does not deal with these issues sequentially or consistently. For the avoidance of doubt the ES should contain sections covering:
  - Current tidal range, and potential for sea level rise over a 50 year period,
  - Predicted annual wave conditions: giving details on mean and maximum heights, and measures for dissipating wave energy,
  - Any measures to protect the harbour from storm surges,
  - Extent of current littoral drift,
  - Predicted impacts of marina structures and beach protection works on coastal scour and deposition rates, transport and distribution of sediments along the coastline and any measures needed to safeguard the airport runway,

- The capacity of the enlarged beach areas to maintain self-cleansing activities through tidal action once the submarine breakwaters are in place,
- Predicted rates of infill of borrow-pit dredging areas and sources of fill,
- Cumulative (in-combination) effects assessment of the above.

10. Water Quality and Contaminants: The Draft Scoping report makes several references to potential water quality issues associated with natural cleansing of the beaches, and the potential for water to stagnate within the new harbour (reference is made in 3.1.4 to the avoidance of such problems in Ceuta harbour due to flushing of water through a channel and break in the harbour wall). It is important that the outcome of model tests are reported in the ES and the necessary mitigation measures are described to minimise such impacts.
11. The ES should assess the likely overall effect of the development on water quality in relation to the European Council Directive 76/160/EEC on bathing water quality.
12. Arrangements for dealing with pollution sources associated with shipping use of the harbour, and the disposal of waste from yachts and other vessels should be described, including any arrangements for storm water release from existing or upgraded sewage systems.
13. The Draft Scoping report helpfully describes possible sources of contamination within the rubble tip and discusses the need to introduce protective measures during construction. These measures should be described in the ES, together with any proposals for removing and disposing of contaminants.
14. Surface areas which are currently pervious are likely to be covered over by development and there will be a need to channel increased rainwater runoff into the sea. Arrangements for cleansing surface water runoff should be described in the ES.
15. Climate and Air: A full description of climatic data sources is provided in the Draft Environmental Scoping Report. Given the exposed location of the development in relation to prevailing winds and wave fetch it is assumed that a full modelling exercise will be undertaken to support the project design. This should apply to building locations and profiles as well as to engineering structures, to ensure that micro-climatic conditions are addressed in terms of the future living environment.
16. Fauna and Flora: Extensive consultation has already taken place between the Developer's consultants and appropriate bodies on Gibraltar. This is commendable and has provided much useful background information. It is important that the ES is structured in such a way that:
- a) Sections dealing with terrestrial and marine habitats are separated, (it is assumed that any reference to terrestrial habitats will be brief).

- b) The links between shore protection works, dredging operations, climate, wave action and the marine environment are clearly established.
17. The proximity of the site to the airport is an important consideration. In this context it will be essential to address the issue of potential increases in bird strike hazards at the airport, especially during the reclamation stage where conditions may be created that are attractive to gulls and other seabirds.
18. As a result of statutory consultation it has been recommended that consideration be given to the opportunities for the creation of littoral and coastal habitat and specifically the provision of artificial 'natural' habitats to include rocky shore, sandy areas, a lagoon and reedbeds, as well as viewing facilities. Whilst fully supportive of the objective of this recommendation there is concern, as set out in the preceding paragraph, in relation to the potential impact such habitat creation could have on the risk of bird strikes at the airport. Where habitat creation encourages migratory birds for example, it would be logical to assume that the risk would increase. It is therefore considered that it would be appropriate to assess the issue of habitat creation but that the assessment should pay particular regard to any potential effect on the operation of the airport.
19. Specific issues that have been identified in the Draft Scoping Report and need to be addressed include the following:
- Requirement for a marine survey to identify the presence of any protected species under the EU Habitats Directive <sup>1</sup>,
  - Conduct of an Appropriate Assessment in the event that any protected species, such as *Murex brandaris* and *Patella ferruginea*, are located,
  - Conservation status of cave habitats and assessment of risk,
  - Protection of coral species, especially in close proximity to any proposed sand dredging operations,
  - Choice of materials for submarine structures and the creation of new 'rocky' habitat,
  - Extent of Shellfish harvesting activities for human consumption. (This activity should be assessed in the ES and then discounted if it is found to be irrelevant).
20. The ES should discuss the potential impacts of the development on terrestrial and marine ecology and the causal linkages (e.g. physical disturbance, sedimentation, current and water quality changes).

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<sup>1</sup> European Directive on the Conservation of Natural Habitat of Wild Fauna and Flora (92/43/EEC)

## **The Human Environment**

21. **Population (and Human Beings):** The ES should describe the baseline characteristics of the population on Gibraltar and indicate what effect the proposed development is likely to have on the resident and transitory population. This in turn has implications for housing need, employment and support services which should be explored in relevant sections of the ES.
22. The Draft Environmental Scoping Report makes reference to a number of issues affecting people under the headings, amongst others, of *Planning (3.2.1) and Socio-Economic Aspects (3.2.4)*. All aspects of environmental change tend to affect people to a greater or lesser degree, but given the density of settlement on Gibraltar it is important that the ES gives a clear account of the likely effects of the development on the existing resident community and also describes what the new environment will be like for both residents and visitors. The intention should be to maximise the benefits to be created from this major development opportunity.
23. It is recommended that the effects of construction activities on the existing population should be dealt with separately from the effects of the project as successive phases of the development are achieved. The Draft Environmental Scoping Report proposes the active involvement of local residents in discussions on potential socio-economic effects (section 4.4) and this approach is strongly endorsed.
24. Specific topics that should be considered in the ES under a section dealing with construction impacts on existing communities (e.g. Catalan Bay) should include:
  - Potential disturbance through construction noise
  - Potential impacts on use of the beach areas for recreation and leisure
  - Potential impacts of traffic generation.
  - Potential impacts on access to Catalan Bay village, Caleta Hotel and areas further south.
25. **Employment:** The assessment should include projections of the numbers of jobs to be created both in purpose built facilities (e.g. offices shops, chandleries, marina and cruise liner terminal) and also in domestic services – cleaning/laundry etc.
26. The growth in population and rise in employment should constitute a major benefit to Gibraltar's economy but may also have effects on the existing labour pool and add to pressures on housing stock and other essential services, so it is important that projections of the eventual number of people to be accommodated in the development are made.
27. **Tourism, Recreation and Leisure:** The importance of the proposed development to the tourism and leisure industry is clearly stated in the Draft Scoping Report and reference has been made to three tourism attraction products comprising: hotel accommodation, conference facilities and marina

berthing. It would be helpful to see a clearer statement of the intended market for the 4 star hotel proposed for the Marina site (for example whether it is intended to be run in conjunction with boutique cruises or yacht hire).

28. Assessment of the positive benefits arising from the promotion of new tourism and leisure opportunities should also take account of the changes that the development could have on existing hotel and holiday accommodation within Gibraltar.
29. The ES should consider the extent to which recreational use of the existing beaches could be adversely affected during the early years of development, due to the level of construction activity and associated noise and visual intrusion. Construction disturbance could impact adversely on existing tourist businesses. It is understood that engineering works directly affecting the beaches will only take place outside the main holiday season so use of the beaches themselves should not be affected.
30. Traffic, Noise and Air Quality: The development is likely to generate a substantial amount of construction and permanent traffic which both need to be assessed independently. The principal area of impact is likely to be in Devil's Tower Road and a full traffic impact assessment (TIA) should be undertaken. In the event that significant congestion is predicted on the approach road or local junctions, the ES should explore alternatives that would help to alleviate such pressures.
31. In order to prepare a realistic traffic impact model, judgements will need to be made by the design and assessment teams about the socio-economic profile of the residents attracted to Sovereign Bay. (i.e proportion of retired, economically active, recreational /leisure owners; the balance between permanent and temporary residents and the anticipated number of children to adults).
32. The air quality assessment referred to in section 3.2.8 should consider emissions from cruise liners berthed at the proposed terminal and the scope for reducing sulphur dioxide emissions in line with forthcoming EU requirements on the burning of low sulphur fuel whilst liners are berthed.
33. Landscape and Seascape: Although the Sovereign Bay development would take place against the backdrop of the Rock, its scale and layout will have a marked impact on coastal and seaward views on the East Side of Gibraltar. Landscape and visual impact assessments should be carried out from the prominent public vantage points, including the beaches, Catalan Bay village, and viewing platforms on the Upper Rock. The aim should be to ensure that existing vistas are protected where possible and, where new perspectives are created these are attractive from both within and outside the development.
34. Much of the open space within the development will consist of hard surfaces, but the development proposals present an exciting opportunity to create new public and private spaces of the highest quality surrounded by attractive landscaping. These characteristics should be clearly described in the ES.



35. **Archaeology and Cultural Heritage:** The Draft Environmental Scoping Report highlights the fact that there are archaeological sites on the East coast although these lie outside the development area. The presence of these sites is important as part of Gibraltar's efforts to seek UNESCO World Heritage Status, and the proposal to ensure that the development does not affect coastal processes to the detriment of these sites is welcomed. It is understood that the ES will present the necessary evidence based on modelling tests.
36. **Architecture and Sustainable Development:** The initial concepts for building form are imaginative and exciting but the eventual character of the development will depend on detailed design. The ES should make reference to the design process and the measures that will be taken to ensure a consistent and high quality of design and construction through the life of the project.
37. This major development initiative provides an excellent opportunity to introduce fully sustainable design standards in terms of building orientation, insulation, energy conservation through solar gain, natural ventilation and waste water recovery. These aspects of the design should be clearly described and advice provided in the ES on energy saving and efficiency.
38. **Utility Services and Other Services:** The ES should set out details of electricity, water sewerage and waste disposal requirements likely to be generated by the development and confirm that measures are being put in place to deal with these demands by the utility agencies of the Government of Gibraltar.
39. **Port Operations and Navigation:** The Draft Environmental Scoping Report contains several references to the value of the Sovereign Bay development in helping to separate commercial and leisure shipping activities. It also notes the requirements for both temporary and permanent signals to warn shipping of underwater hazards during construction and permanent operation of the harbour. The ES should contain a section describing measures to be taken to minimise hazards and risk associated with shipping activities which could cause environmental damage
40. **Cumulative Impacts:** The Draft Environmental Scoping report concludes that cumulative impacts (in-combination effects) on sediment transport, currents and flow regime on the east coast of Gibraltar as a result of the proposed Sovereign Bay marina development and beach nourishment and protection plans for Catalan Bay and Eastern beach need to be assessed. Cumulative impacts on water quality also need to be considered. This Scoping Opinion confirms the need for cumulative assessment in these instances, but also points to the need for careful consideration of the linkages between both the natural and human environmental issues throughout the ES.

***List of Consultees, Their Functions, Main Comments and Concerns***

*(Taken from Environmental Scoping Report (Halcrow Group Ltd. December 2004)*

Environmental issue	Consultee	Function	Issues/Concerns
1 Planning aspects	Mr Paul Origo and Mr Paul Naughton-Rumbo	Town planners, in process of preparing new Development Plan and Master Plan for Gibraltar	<p>Sovereign Bay development plan in line with the Gibraltar Government objectives for promoting tourism and leisure</p> <p>East side reclamation has put an end to remedial works on the road due to wave erosion</p> <p>Revetment wall to simulate a “ragged” natural coastline as much as practicable</p> <p>East side development ought to be beneficial to development plans for beaches either side</p> <p>Traffic situation at present cannot handle increased volume of traffic to and from Sovereign Bay</p> <p>In Gibraltar terms, this development is equivalent to a new town and therefore requires the necessary infrastructure</p> <p>New residents will add to already congested road network</p> <p>Will recreation areas be provided for residents?</p> <p>Could the Sovereign Bay development have a ripple effect with regard to promoting future developments along the east side of Gibraltar, and whether Gibraltar can accommodate them?</p> <p>Will sustainable housing (i.e. environmentally friendly buildings and renewable energy be considered in Sovereign Bay development?</p>

Environmental issue	Consultee	Function	Issues/Concerns
2 Marine Conservation and fisheries	Dr Darren Fa	Education and Research Officer for Department of Trade, Industry & Telecommunications, Heritage and Planning Division, Government of Gibraltar	<p>At exact place of development, marine environment is already tampered with, so Sovereign Bay development is not expected to cause a significant deterioration</p> <p>Existing face of rubble tip has no rare or endangered species colonising it</p> <p>If revetment is made of rock, a new hard substrate habitat is created (i.e. an environmental enhancement opportunity)</p> <p>Proposed design comprises two closed basins with likely water quality implications; orientation of marina opening in relation to north-south prevailing currents should be beneficial to water circulation</p> <p>Would expect sedimentation patterns to be affected by presence of development</p> <p>Communities of limpet <i>Patella ferruginea</i> - a species protected on European level- have been found south of Sandy Bay and population studies have already started; species is sensitive to suspended solids, oil pollution of water and any type of physical disturbance</p> <p>Caves further south on the rocky shore are unique examples of marine flora and fauna along the Gibraltar and Spanish coastline and are being protected</p> <p>Impact of sand dredging from offshore borrow pits on coral communities in neighbouring promontories (rock outcrops on the sea bed, marked on the admiralty chart as wrecks)</p> <p>Proposed design will be subject to strong easterly winds and long fetch waves reaching 6m height in near gale force winds.</p>
3 Archaeology and Cultural Heritage	Dr. Clive Finlayson	Museum Curator and Archaeology	<p>Interesting archaeological sites (caves) to the south of Sandy Bay. Gibraltar is seeking World Heritage Status</p> <p>Two memorials near the site of proposed development may need relocation</p> <p>No buildings of cultural heritage in jeopardy from construction traffic vibrations</p>

Environmental issue	Consultee	Function	Issues/Concerns
4 Water quality, air quality, noise, sewerage, solid waste	Mr J Delgado and officers from his department	Chief environmental officer in Environment Agency (EA) Gibraltar	<p>Construction activities must have due regard to the residents of Catalan Bay</p> <p>Water quality impacts from the marina operations, bunkering activities, yachts in general and offshore refuelling station gives EA cause for concern</p>
5 Waste management issues and rock falling incidents	Mr M. Hill	Chief Executive of Technical Services Department	<p>Rock falls occur but arrest measures are in place and plans for more measures and road realignment are in place.</p> <p>Rock falls should not be a problem in the proposed area of development.</p> <p>A new construction waste disposal site is planned further south of Sovereign Bay</p>
6 Tourism issues	Mr R. Garcia	Principal Secretary to the Minister of Tourism and Transport	<p>The proposed development is totally in line with the Government's policy on providing new and improved tourism products in Gibraltar.</p> <p>There is a need for marina spaces in Gibraltar</p> <p>Gibraltar Government wishes to attract larger yachts for over-wintering and boutique-cruiser ships</p>
7 Traffic	Brian Bacou  Roger Saxby	Highways Engineer  Chief Inspector	Devil's Tower Road is heavily congested during summer months; development will add to this problem

Environmental issue	Consultee	Function	Issues/Concerns
8 Navigation issues	Mr James Ferro	Captain of the Port	<p>In principle, in support of the development; no shipping lanes within 600m from the shore</p> <p>Concerned about the proposed accommodation on the outer arm of marina because of very strong winds and high waves, which can last up to 6-7 days. Prevailing levante wind lasting for a week may be of a near gale force wind generating waves of 6m and very strong undercurrent</p> <p>Weather pattern has changed during the last two years with storm events appearing more frequently and lasting longer. In 2000, the Port had to close for 2 days because of storm events</p> <p>Construction activities during winter months may be hindered by rough seas</p> <p>Recreation events: speed boat race organised by the Speed Boat Association of Gibraltar, twice a year on east coast under the auspices of the Royal Yacht Association (UK)</p> <p>Importing of construction material will require clearance from the Port Authority, the Customs and possibly Immigration Department (for foreign flag ships)</p>

Environmental issue	Consultee	Function	Issues/Concerns
9 Weather forecast and database	Mr Jim MacGhee	Manager of Meteorological Office	<p>Developer and architects would need to bear in mind:</p> <ul style="list-style-type: none"> <li>-the strong easterly winds and high waves</li> <li>-the strong winds during south westerly gale</li> <li>-the Rock provides a cushioning effect over a distance of up to a mile offshore (wind from the east begins to rise well before it reaches the shore)</li> <li>-north easterly winds accelerate around the north corner of the Rock, creating turbulence; isolated event</li> <li>-south westerly gales come aloft over the Rock and down on east side creating turbulence; isolated event</li> <li>-south westerly gale will “<i>pick up curtain of water</i>” and can bring violent conditions; does not happen every year but has happened 2-3 times over a year</li> </ul> <p>In general, something new is observed every year but nothing that can be declared as a “drastic” change</p>

Environmental issue	Consultee	Function	Issues/Concerns
10 Nature conservation, marine and terrestrial	John Cortes and Eric Shaw	Non-Government Organisation representatives	<p>The sea bed at the east side of the Rock has not been surveyed but it is known that the seabed is already heavily raked by trawlers</p> <p>Sightings of <i>Murex brandaris</i> a Habitats Directive sp</p> <p>Rocky outcrops on the seabed at the reclamation/proposed marina site and their marine organisms will be lost</p> <p>In 1990 the 1:40 yr storm caused the least damage to the sloping revetment walls; (prevailing levante winds lasted for a long time then)</p> <p>Sediment from the River Guadiaro (Spain) comes down the coast; would expect sand accumulation to the north of the proposed marina</p> <p>Sensitive and protected species (at a European level) are present further south on the coast; <i>Patella ferruginea</i> is sensitive to turbidity and oil pollution; also sensitive to physical disturbance by large debris</p> <p>Concerned over the water quality implications of the marina basin in light of its proximity to Catalan bay beach which will turn to a lagoon-type water body following the underwater reef construction</p>