

Strategic Environmental Assessment of the Gibraltar Development Plan

Final Environmental Report

**Prepared for Government of Gibraltar
(Department of Enterprise & Development)**

by

Land Use Consultants

2009



**STRATEGIC ENVIRONMENTAL
ASSESSMENT**

of the

**GIBRALTAR DEVELOPMENT
PLAN**

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by
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NON TECHNICAL SUMMARY

Introduction

This summary introduces the main content and findings of the Environmental Report prepared in accordance with the 'SEA' EU Directive and the Environment Act 2005 of the Government of Gibraltar in relation to the Gibraltar Development Plan. The report has been written by Land Use Consultants, an environmental practice in the UK.

Strategic Environmental Assessment (SEA) of Land Use Plans and Programmes was introduced by the European Commission in 2004 as a way of integrating environmental considerations into the preparation and adoption of plans and programmes. The Government of Gibraltar decided to apply SEA to its emerging Development Plan in the same year. A scoping study was undertaken and a stakeholders' meeting was held in 2004. An initial draft Environmental Report was subsequently prepared in 2005, based on an early draft of the Development Plan. This earlier work was revised and updated in 2007 to take account of the full set of proposals and policies described in the Consultation Draft. A further review has been undertaken in 2009 to consider changes that have been introduced in the Plan in response to the consultation process. The conclusions of this latest review are set out in Chapter 6.

The methodology used for this SEA has been adapted from UK Guidance published by the former Office of the Deputy Prime Minister in the UK (ODPM Nov.2005) Five stages are involved:

Stage A	Establishing the context and environmental baseline;
Stage B	Reviewing key issues and options;
Stage C	Predicting likely significant effects of plan policies;
Stage D	Consulting on the Draft Plan and Environmental Report;
Stage E	Monitoring the effects of the Plan.

The Environmental Report contains the outputs of Stages A-D. The report also contains recommendations on the approach to monitoring that will be required once the Plan is adopted.

Context and Baseline

The Environmental Report discusses the current characteristics of Gibraltar in terms of quality of life, housing need, transport and access, health, employment, urban renewal, environmental quality, leisure, recreation and tourism, infrastructure, trans-frontier issues, and land reclamation. This review highlights the pressures that arise from limited space and the resulting intensive pattern of land use.

Key Issues and Options

Each of the baseline statements generates a number of issues and options that need to be addressed by the Plan. A key concern that emerged in both the Draft Plan and the Draft Environmental Report was absence of sufficient data against which to make forecasts in relation to housing need, pollution and the quantity of parking required. Despite its small size and dense habitation, the environmental qualities of Gibraltar remain high but there are

significant pressures from development. Tourism and the international finance sector play an important role in Gibraltar's economy. Policies for continued economic growth are supported by land reclamation and development schemes which increase demands for infrastructure and resources. As a result of its special historic and geographic circumstances Gibraltar seeks to maintain full control over most, if not all, of its services and utilities, which results in a high level of self-sufficiency but at a cost and using technology that may not always be the most environmentally sustainable option.

Predicting Likely Significant Effects

The process of testing a plan's proposals and policies to assess any likely environmental consequences involves two steps; firstly comparing the plan objectives with sustainability and environmental objectives and, secondly, examining the plan policies against these same objectives. In this report a set of 14 sustainability objectives were used, derived from similar work in South West England.

The review of plan objectives has indicated a good balance with sustainability objectives overall – but transport, employment, housing provision and tourism pose some potential areas of conflict with environmental protection and wider sustainability goals.

Analysis of the policies in the Consultation Draft and subsequent changes in the Plan show that earlier recommendations from the Initial Draft Environmental Report have largely been taken into account in redrafting the current policies. Overall, the sustainability of the Plan has been strengthened and the process strongly endorses the value of the SEA European Directive.

Monitoring

The SEA concludes that greater emphasis should be given in future to mechanisms for ensuring delivery of individual planning policies, especially in the light of the fact that success will often depend on the coordinated actions of a number of Government departments, rather than decisions of the Development and Planning Commission.

The Plan concludes that better data for forecasting future trends in population, and demand for employment and housing land should be developed, and this is strongly supported by the SEA.

I. PURPOSE OF THE SEA

INTRODUCTION

- I.1. Land Use Consultants was commissioned by the Gibraltar Government in 2004 to undertake a Strategic Environmental Assessment or SEA of the emerging Development Plan which aims to guide land use and related decisions over the next 10 years (See **Appendix A**). The work has been carried out in three stages with an initial review of work in progress on the Draft Development Plan in 2005 and an appraisal of the Consultation Draft Development Plan undertaken in May 2007. A further review has been made of changes in the Plan introduced in response to the consultation phase in 2009.
- I.2. The Development Plan has been approved by the Chief Minister of Gibraltar. The SEA Environmental Report will accompany the published Development Plan.

PURPOSE OF THE SEA

- I.3. The purpose of the SEA, the findings of which are discussed in this report, has been to review the social, economic and environmental effects of the Development Plan and to help assess the extent to which the Plan is moving towards land use planning in a sustainable manner in accordance with the European Directive (See **Appendix B**). The SEA aims to define a clear and justifiable path explaining why the decisions on which the Plan is based have been made. The SEA is based on a standard methodology informed by a review of baseline data from which sustainability objectives were developed and used to assess and predict the potential impacts of the Plan. This process raised some key issues about the vision and future direction for planning in Gibraltar.
- I.4. Both the Plan and the SEA have been treated as evolving documents which were based on the best information available at the time of preparation. As a result, this Environmental Report represents a digest of all earlier phases of work

APPRAISAL METHODOLOGY

- I.5. The SEA of the Draft Plan was based on the stages outlined in Box I.1 below, which was adapted from the UK Government's guidance for undertaking Sustainability Appraisals and SEA of Regional Spatial Strategies and Local Development Frameworks (September 2004)¹. As an independent state planning authority, Gibraltar is entitled to formulate its own approach to SEA in accordance with the EC Directive, but has followed guidance prepared by the UK Government since there are close similarities between the Gibraltar Town Planning Act, 1999 and English Land Use Planning systems. An SEA is formally required under the EC Directive.
- I.6. The full SEA document comprises this report and a scoping report which was circulated in November 2004 to a number of Government Departments, agencies and statutory consultees for comment.

¹ This guidance was subsequently refined and republished in November 2005

Box I.1 Method of Approach

Stage A

- Establishing the context and environmental baseline for the Plan, identifying key sustainability objectives, and testing the plan against those objectives

Stage B

- Reviewing key issues and options

Stage C

- Predicting the likely significant effects of specific plan policies and considering alternatives on environmental, social and economic conditions
- Proposing mitigation measures to reduce any adverse effects of plan policies
- Outlining monitoring requirements, and
- Preparing a draft environmental report

Stage D

- Consulting on the Draft Plan and Environmental Report
- Communicating with decision-makers

Stage E

- Monitoring the effects of the Plan

MEETING THE DIRECTIVE REQUIREMENTS

- 1.7. Annex I of the Directive sets out a schedule of information that is required under Article 5(1) and related articles. The required information is listed below together with reference to where the response to each of the ten clauses (a-j) is contained:

(a) An outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;

This information is contained in the introduction to Chapter 2.

(b) Relevant aspects of the current state of the environment and the likely evolution thereof without implementation of the plan or programme;

This information is contained in Chapter 2.

(c) The environmental characteristics of areas likely to be significantly affected;

This information is contained in Chapter 2

(d) Any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;

This information is discussed throughout the report, where relevant. The sensitive areas are described in paragraphs 3.20 to 3.23.

(e) The environmental protection objectives established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any other considerations have been taken into account during its preparation;

This information is discussed throughout the report, where relevant, and particularly in relation to individual policies.

(f) The likely significant effects on the environment, including such issues as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage, including architectural and archaeological heritage, landscape, and the interrelationships between the above factors;

These issues are discussed in Chapters 3-7

(g) The measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;

Recommendations for strengthening mitigating measures already included in the Plan are set out in Chapters 5, 6 and 7

(h) An outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;

Options and alternatives are discussed in Chapter 3 while the methodology is summarised in this Chapter and in Appendix A. In terms of technical difficulties and lack of know-how it is relevant to state that the introduction of SEA to the Gibraltar planning system has exposed the absence of information which can be used for observing past trends and predicting future events on a number of planning issues. This information relates primarily to air quality (although three monitoring stations have been established since the SEA began), traffic flows and parking requirements and some aspects of housing need.

The SEA has also identified a number of cross-border issues relating to housing and journeys to work where greater cooperation and sharing of information between Gibraltar and Spain would be beneficial to support future reviews of the Plan

(i) A description of the measures envisaged concerning monitoring in accordance with Article 10;

Recommendations on monitoring are contained in Chapter 7.

(j) A non technical summary of the information provided under the above headings.

The Non Technical Summary is the opening chapter of this report

STRUCTURE OF THIS REPORT

- I.8. This report outlines the main findings and conclusions from the appraisal of the plan. The following chapters are structured as follows:

Chapter 2	Context (The Baseline)
Chapter 3	Sustainability Appraisal Framework
Chapter 4	Key Issues and options
Chapter 5	Testing the Plan's policies
Chapter 6	Review of Changes to the Plan
Chapter 7	Conclusions and Recommendations

2. CONTEXT (THE BASELINE)

INTRODUCTION

- 2.1. All aspects of life in Gibraltar are linked ultimately to its finite size and requirements for self-sufficiency and autonomy. This creates both benefits and disadvantages for Gibraltar in terms of its future sustainability. These issues are explored in this chapter. First, however a brief introduction is given to the Gibraltar Development Plan.

THE ROLE OF THE DEVELOPMENT PLAN AND RELATED PLANS

- 2.2. Former planning policies were contained in the 1991 Development Plan for Gibraltar and those policies were used to allocate land, protect the environment and, in particular help to preserve the historic, cultural and architectural qualities of the Old Town. Although the existing plan served Gibraltar well, a new Plan was clearly required to take account of changes and to manage continuing growth.
- 2.3. The Gibraltar Development Plan has been adopted by the Government, as a Planning Scheme under section 5 of the Town Planning Act 1999. It comprises a number of documents: Parts I and II (Part I – general policies and Part II – area-specific policies and proposals); The Old Town Plan (an area plan); and the Old Town Design Guide. The contents of the Old Town Plan have been examined as part of the SEA but are not formally commented on in this report. Other area plans will be prepared as and when this is considered appropriate.
- 2.4. The Plan makes reference to a number of European Directives including the EC Habitat Directive and Water Framework Directive (2000/60/EC). These and other directives are reviewed in **Appendix D**.
- 2.5. **Appendix D** provides a summary table covering the most relevant International and EU Directives, which were taken into consideration when advising the Government of Gibraltar on the drafting of the Plan. However, the table itself should not be regarded as a comprehensive analysis of every policy plan or programme to which planning in Gibraltar should have regard in future because the list is constantly changing.

ADMINISTRATION

- 2.6. Based on size and population, Gibraltar could be compared with many other peninsulas or small islands found round the coastline of Europe, but here the similarities end. Gibraltar is a separate jurisdiction with full powers of government, with the exception of foreign policy and defence, which are exercised on its behalf by the United Kingdom. In most settlements that are the size of Gibraltar, planning for health, education, and infrastructure would form part of national and regional strategies, with most of the key decisions being reserved to higher authorities. However, In Gibraltar, a single government administration with an elected parliament

and almost 4000 employees covers every aspect of the economy, social welfare and the environment.

NATURAL ENVIRONMENT

- 2.7. The Rock of Gibraltar is one of the most remarkable physical features in the Mediterranean, comprising a mass of limestone rising 425 metres above sea level, and separated by a narrow isthmus from Spain. The entire territory occupies an area of only 640 hectares and the straits between it and North Africa are just 16 kilometres wide. Despite intensive development on most of the lower slopes and western coastline, the Upper Rock is clothed in Mediterranean scrub and low laurel/olive woodland, which is of international importance for nature conservation. The surrounding sea is heavily used by shipping (cruise liners, oil tankers and naval vessels) but is also rich in marine life.

HUMAN ENVIRONMENT

- 2.8. Gibraltar has a remarkable heritage; being occupied since Neolithic times and enshrined in classical mythology as one of the Pillars of Hercules. The Rock has been centre-stage in the military and commercial history of the western Mediterranean for over 1300 years. It has withstood both naval and economic siege on more than one occasion, each lasting months, if not years.
- 2.9. The presence of historic fortifications dominates most of the urban area and the Upper Rock. One of the great tourist attractions lies in the tunnels and batteries hewn into the Rock itself over the last 300 years. Less well known is the extent of the underground bunkers and storage chambers hollowed out below ground, which have a surface area the size of a substantial town.
- 2.10. Gibraltar has a multi-racial population, bilingual in Spanish and English, with Moroccan and other languages spoken by some resident groups. The census has shown a stable population over the last twenty years with some 28000 residents recorded in 2001.

THE ECONOMY

- 2.11. The economy is strong and Gibraltar is recognised as a significant international finance centre in its own right. Reclamation work over the last twenty years has provided, and continues to provide land for the creation of a new commercial and residential zone, with an impressive marina and many high-rise buildings, some of which are of high quality design. These provide the heart of Gibraltar's new finance sector, although many professional services in banking and law remain in restored period property in the Old Town.

STATE OF THE ENVIRONMENT

- 2.12. While dramatic progress has been made in the new reclamation areas, and in restoration of parts of the Old Town, exemplified by the pedestrianisation of Main Street and Casemates, much of the urban fabric in the Upper Town is in need of

renovation and sheer numbers of people (both tourists and residents) are damaging the special qualities of the Upper Rock Nature Reserve. Gibraltar also suffers from severe traffic congestion from time to time while vehicle exhaust fumes become very apparent when traffic queues build up in the heart of residential areas.

INFRASTRUCTURE

- 2.13. Borne out of experience, successive governments have ensured that Gibraltar can rely at all times on its own resources and has its own port, airfield, power stations, waterworks and other essential services. This means that the economies of scale, which would apply if it were part of a wider region, are not available. As a result, some infrastructure requirements like electricity and water are significantly more expensive than in neighbouring Spain. On the other hand, the special status of Gibraltar with its exemptions from the European Customs Union and VAT application offers commercial opportunities including lower fuel costs.

LAND OWNERSHIP

- 2.14. An important factor influencing planning in Gibraltar is the ongoing process of land rationalisation as the Ministry of Defence (MoD) redefines its needs in the light of changing world security and the changed roles of the armed services. GoG and MoD have recently reached agreement on further land transfers but the situation affecting land ownership and availability of specific sites, whether owned by GoG or MoD is extremely complex, due to the fact that Gibraltar continues to play a vital role as a strategic military base.

CURRENT TRENDS AND PROSPECTS

- 2.15. The pace of development in Gibraltar has accelerated in recent years, as entirely new residential and commercial quarters have been established on reclamation sites around Europort, and further growth is planned on the less populated eastern side of the Rock, with a major new mixed use scheme including a yacht marina. Historic buildings, like the Royal Naval Hospital are due to be redeveloped and given a new lease of life, as are some of the former barracks in the heart of the Old Town. However, some of the new development schemes are planned at very high densities, leaving only limited areas of public space, while other prime site accommodation attracts an expatriate section of society as well as locals.
- 2.16. While economic progress and growth may be welcomed for its own sake, and can also serve as a catalyst for social and environmental improvements, rapid expansion can impose pressures on urban living, including traffic generation, pollution, and strains on support services. These are visible throughout Gibraltar and represent major challenges for the future. In particular, they beg the question,
- What represents the ultimate capacity of Gibraltar to absorb continuing demand for growth? and
 - Over what timescale is this capacity likely to be reached?

- 2.17. Some of the answers to this question need to be found within the 10-year horizon of the new Development Plan, while others may not be reached for some decades but constraints on physical expansion mean that answers cannot be delayed indefinitely.
- 2.18. It is sometimes said that governments only take decisions based on expediency and related to what can be achieved during their term of office. However, in Gibraltar, strategic planning has always been a key to its survival. It is argued in the remainder of this report that the time has now been reached when bold decisions need to be made to establish the future direction for development, with a purpose and a vision that will last 50 years. Failure to establish that overall vision will not prevent individual developments from succeeding but it could foreclose on the opportunities to make Gibraltar a truly sustainable entity, with a prosperous economy, outstanding environment and high quality of life for all.

3. KEY ISSUES AND OPTIONS

INTRODUCTION

3.1. The following analysis was first prepared in 2005 and has been revised and updated to take account of new information, although the essential messages remain unaltered. The preliminary review of the issues and options raised by work on the Development Plan highlighted the following topics for consideration:

- Quality of Life
- Housing Need
- Transport and Access
- Health
- Employment
- Urban Renewal
- Environmental Quality
- Nature Conservation and Biodiversity
- Leisure, Recreation and Tourism
- Trans-frontier Issues
- Land Reclamation

Many of these topics are inter-related, and indeed, the first is a surrogate for the rest. However, the discussion that follows seeks to explore each topic in turn, with a concluding section to demonstrate the links. It should be noted that the Plan contains some statistical information that has been updated since the following text was prepared but the differences are not judged to have been sufficiently great to warrant amendment to these sections.

QUALITY OF LIFE

3.2. Peoples' well-being and enjoyment of life is governed by many factors, not least of which are their own attitudes and response to the circumstances in which they find themselves. But good planning is also vitally important in ensuring that everyone has access to the basic necessities of life including shelter, food, water, transport, heat, light, education and health care. In Gibraltar, as elsewhere, there are marked disparities between different sections of society, especially with regard to housing and transport. There are, of course, a number of complicated factors that give rise to this situation and some are unique to Gibraltar so the analysis that follows is inevitably an over-simplification.

HOUSING NEED

- 3.3. Housing is the major concern, and the process of identifying housing need is complicated by the absence of insufficient data. As discussed in stakeholder meetings while preparing the Initial Draft Environmental Report (2005) it appears that there has been a return in recent years to a degree of overcrowding. Many young people are staying longer with their parents because they are unable to afford a place of their own. In addition, extended families including grandparents, parents and children are reported to be sharing properties within the older quarters of the town.
- 3.4. A number of Gibraltarians now live part of the time in neighbouring areas of Spain. Housing statistics are complicated by the fact that some property is used on a part time basis or as an 'accommodation' address by members of the same family to retain the advantages of residential status. Weekend and daily commuting plays an important part in many Gibraltarians' lives and adds to the traffic congestion and resultant pollution on the main thoroughfare.
- 3.5. The presence of high net worth earners who require accommodation addresses in Gibraltar has prompted a major building programme of luxury apartments. These premises have low occupancy rates in some cases. In addition to taking up new development land, their existence has encouraged price rises and expectations of property owners elsewhere. Of course, these issues are a feature of many other urban areas in Europe, and especially the United Kingdom, but they are exacerbated in the confined space of Gibraltar.
- 3.6. In some cases, the dispersal of Gibraltarians into Spain is partly a response to the rapid rise in house prices in Gibraltar, where property is now more expensive than in parts of London, but it also reflects lifestyle choices and attitudes towards the relaxation of border controls. However, in planning terms it raises some fundamental questions:
- What is the level of demand for housing amongst Gibraltarians in low income groups, who cannot afford to commute?
 - What level of overcrowding actually exists in terms of people who have no choice as to where they live?
 - What are the current levels of occupation of different types of accommodation in different areas of Gibraltar?
 - How much property in the older quarters (e.g the Upper Town) is available for redevelopment and refurbishment and what increase in housing provision could be delivered, at what cost?
 - What balance should be struck between the provision of new housing for Gibraltarians, inward investors, and the leisure market in second and holiday homes?
- 3.7. The quality of housing is one of the most important factors influencing how people judge their own status and wellbeing, so this needs to play a central part in planning policy in ensuring that the right number of housing units is built in the right timescale and the appropriate price ranges.

TRANSPORT AND ACCESS

- 3.8. All Gibraltarians aspire to ownership of their own vehicle, and it has been said that many young people, living at home, spend their disposable income on a motorbike or car. In the last two years, major progress has been made to strengthen public transport and school children and people over 70 now have free access to the bus service, while people over 65 benefit from reduced fares. This may be the start of a long-term change in attitudes to use of public transport. However, the present situation in terms of traffic flows verges at times on gridlock, especially in the morning and evening rush-hours and particularly where these coincide with aircraft movements at the airport involving the closure of the cross-runway road. The presence of air pollutants becomes readily apparent through the presence of both odour and smoke emissions under these conditions. The existence of lower fuel prices than in Spain exacerbates the number of vehicles crossing the border and adds to the daily commuter flow. In summer, cars occupy every section of the road network, and in August, access to the Upper Rock Nature Reserve by private car is barred until 15.00 hours. However at other times, the enjoyment of this great resource is marred by the progression of cars, taxis and buses winding their way to the summit.
- 3.9. The high use of private transport aggravates demands on limited land resources, with the need to provide garage and car parking space, which is a particular planning problem. It is of course, easy to point to the drawbacks of the private car and to ignore the fact that for many Gibraltarians it is an essential support to their freedom to travel, and a way of compensating for the confined nature of living in Gibraltar. Politically, it is difficult to legislate for change, as demonstrated by the length of debate over the idea of congestion charging in London. However, if there is one subject that needs to be tackled in order to achieve a sustainable future for Gibraltar it is the subject of transport.
- 3.10. This is not to argue for the banning of the car or unreasonable restrictions on the rights of individuals, but to suggest that priorities need to be changed to give equal consideration to walkers and cyclists and to design and build effective transfer facilities between cars and public transport. To summarise issues for transport there is a need for a clearer understanding of how the existing network is used and how greater efficiencies could be built in. Questions that need to be answered include:
- What is the nature of most journeys taken in Gibraltar (i.e. where do trips originate and what are the routes used and ultimate destinations)?
 - What are the constraints discouraging people from using public transport, and how can these be rectified?
 - What is the carrying capacity of the road network, and how easy would it be to improve its utility?

HEALTH

- 3.11. Statistics for Gibraltar show that the health of the resident population is not atypical of that in Europe as a whole. The Census shows that people are living longer and health is improving.
- 3.12. A new state of the art hospital, St Bernard's, was opened in 2005 and all Gibraltarians have access to its facilities. In planning terms, the design and staffing of a hospital to serve the resident population of 28,000 is complicated by the need to size all units to meet 'worse case' scenarios – such as an influenza epidemic. This may lead to some spare capacity at other times and raises the question of whether or not the hospital could serve a wider area.

EMPLOYMENT

- 3.13. According to the 2001 Census there have been significant shifts in the pattern of employment in Gibraltar over the last twenty years, with a decline in the construction industry in the ten years from 1991, a rise in shipbuilding and repairs, decline in public administration and defence, reflecting the reduction in MoD personnel, and increases in education. The flux in relative importance of particular sectors continues and, since the census, employment in construction and the finance sectors has increased. In 2001 the census shows that 14,260 people were in employment, of whom 2054 are described as Frontier Workers (normally resident in Spain but working in Gibraltar). However, the latter figure did not include Gibraltarians classed as locally based employees who had a Spanish as well as Gibraltar address. Over half of the frontier workers were Spanish (1376) with an additional 410 Moroccans; the remainder were either from the UK, EU or Gibraltar. By 2005 the total number of employees had risen to 16,874 (Employment Survey report, Statistics office 2005) with growth in almost all sectors of the economy. A slight fall was recorded in shipbuilding and public administration and defence also declined, although it remains a major employer.
- 3.14. Traditionally, Frontier Workers have provided most of the labour for unskilled or lower skilled employment, ensuring that essential services can be maintained. When Spain closed the border in 1969, this labour source was cut off and replaced temporarily by Moroccan and other labour. Census data shows that the number of Moroccans in Gibraltar has steadily declined since that year. This trend has continued very slowly between 2002 (781 Moroccan workers) and 2005 (762 Moroccan workers) while the number of Spanish workers has increased from 1706 in 2002 to 2408 in 2005.
- 3.15. In planning terms, the need to provide sufficient low cost housing to retain key workers (e.g. hospital porters, nurses and teachers) is a critical issue. As long as affordable housing is available in La Linea and other Spanish towns close to Gibraltar, reliance can be placed on attracting cross-frontier workers, but there is a need to consider the long term employment trends on both sides of the border, and to ensure sufficient affordable housing in Gibraltar itself.

URBAN RENEWAL

- 3.16. Following completion of the basic land reclamation works in the northern port area, there has been a period of continuous development of residential and commercial property in this area. Much of the initial development was aimed at low cost residential development for sale supported by Government home ownership schemes, together with open market schemes, both of which helped in easing housing pressures. The land reclamation has led to expansion and re-provision of public buildings, commercial enterprise and recreational facilities.
- 3.17. In the last five years, attention has switched to renovation and refurbishment of properties in the Old Town. This is having a beneficial impact on the physical appearance of the centre.
- 3.18. Although the Old Town and parts of the urban area to the south have seen major new investment, the Upper Town has not enjoyed the same benefit. This area tends to attract a higher level of social problems with larger family units living in poorer quality accommodation and poorer accessibility. There is a need to breathe new life into this quarter.

ENVIRONMENTAL QUALITY

- 3.19. Gibraltar, as already noted in the introduction, is fortunate to have an exceptional physical setting with the sea having a benign effect on the climate, and the Rock increasing precipitation on the upper slopes, which in turn supports a diverse vegetation cover. However, this environment is under threat in a number of areas from the high levels of human activity as noted in studies undertaken in conjunction with the emerging Management Plan for the Upper Rock.

Nature Conservation and Biodiversity

- 3.20. Virtually the entire land surface of Gibraltar has been modified by human activity over the centuries, and even the seabed has been significantly affected by dredging, naval bombardment, and maritime shipping activity. Nevertheless, the relative inaccessibility of some parts of the Upper Rock and restriction of public access while under military control has allowed a unique vegetation cover to become re-established. Under the Nature Protection Act 1991, the Upper Rock has been designated as a Nature Reserve. There has been pressure from conservation bodies for this status to be strengthened by declaration of the reserve as a Biosphere Reserve.
- 3.21. The level of research conducted on the Upper Rock Nature Reserve is most impressive and clearly documents its international importance, but it is also apparent that pressures from traffic, uncontrolled and inappropriate tourism activity, pollution and neglect of basic requirements threaten this precious resource. These issues are explored in a draft Management Plan for the Upper Rock.

- 3.22. For many people the fact that the Rock 'has always been there' and that it has recovered from past periods of despoliation including the impacts of the Great Siege, mean that its protection and enhancement is not a high priority. But this view neglects the fundamental changes that are occurring in attitudes to nature conservation and tourism worldwide. As discussed below in relation to Tourism, the status of 'The Rock' is probably the single biggest attractor for visitors to Gibraltar and the Upper Rock Nature Reserve is a major contributor to both the direct and indirect economic returns from tourism. Failure to preserve the inherent qualities of the Rock could have serious economic implications, as well as prejudicing the quality of life of most Gibraltarians.
- 3.23. The shoreline of Gibraltar has been heavily altered by development and military activity and the sea bed has been affected by both fishing and naval activity, but the marine environment is very rich, especially on the eastern shoreline, and has only been studied in limited areas. Existing research needs to be consolidated and new work commissioned before these assets are affected by new development.

Landscape and Townscape

- 3.24. Landscape and townscape issues can be considered at two levels: local concerns relating to the physical form and appearance of individual neighbourhoods and buildings and more strategic interest in how Gibraltar is viewed as an entity.
- 3.25. In terms of physical form, Gibraltar has a highly distinctive townscape, resulting from its 1300 year history as a naval garrison. There are only a few buildings surviving from the period before the Great Siege, including the Moorish Castle's Tower of Homage, and a town house, but there is a rich heritage in terms of defensive walls, bastions, gun emplacements, barrack blocks and official residences. Recent programmes for renovating individual properties have done much to restore the visual appeal of some of the streets and small public spaces, but much remains to be done, especially in relation to vacant sites, temporary car parks, and other modern development, which detracts from the character of individual areas. There is, for example no visual cohesion or sense of design in the appearance of the southern residential areas at Europa Point, at Lathbury barracks, or at the approaches to Casemates from Winston Churchill Avenue. Similarly, while attention has been paid to the architectural detail of individual buildings in Europort, the streets, walkways and intervening spaces in these extensive residential and commercial districts show little or no evidence of landscape or townscape design. Existing circulatory routes for pedestrians and cyclists are very restricted.
- 3.26. It is good to note that detailed urban design statements for the different sections of the Town are being developed which should help to set new standards for renovation and design.
- 3.27. At the more strategic level it is self evident that the natural and human heritage of Gibraltar is crowned by the Rock which is one of the most

striking landforms in the world, comparable with Cape Town and Table Mountain (1086m) in South Africa and Rio de Janeiro and Sugar Loaf Mountain (396m) in Brazil. Throughout history, the Rock has dominated its surroundings and formed the backdrop to the town. However, in the last two decades, the relationship between built development and this natural phenomenon has started to change. Growth in the upper town and on the reclamation sites has expanded the development footprint but, more significantly, the increase in building height, especially in the reclamation area has started to 'shrink the Rock'. To date, the changes have been subtle and have not prompted major debate, but advances in building technology open the way for new development in Gibraltar that could increase present maximum building heights of around 10 storeys to 30 storeys or higher.

- 3.28. Building upwards offers a long-term option to expand the accommodation base of Gibraltar and its population size – but it also raises major issues in terms of the space available to support all other aspects of urban life, including recreation, and the sense of personal space. Cities in South East Asia, like Hong Kong have a vibrant lifestyle and are greatly enjoyed by their residents but westerners can experience a significant culture shock on their arrival. Is the concept of building tower blocks and skyscrapers one that would be supported by Gibraltarians? It is a question that needs to be thought about seriously because the only alternatives are to consider an ultimate limit to growth or further expansion through coastal reclamation.
- 3.29. Assessment of the significance of this change inevitably involves personal values and a degree of subjectivity but the process of visual impact assessment has become very much more sophisticated in recent years and it is now possible to produce three dimensional 'virtual reality' computer images of potential building skylines and the way in which views will be affected. There would be real merit in carrying out a townscape and landscape character assessment to provide the strategic framework within which future decisions on building applications can be determined. Given the Rock's position in Gibraltar Bay, this assessment should have an international dimension.

LEISURE, RECREATION AND TOURISM

Sport and Formal Recreation

- 3.30. Gibraltar offers a surprising range of opportunities for leisure and recreation, given its confined area, in addition to sailing, swimming, diving and other water sports; basket ball and hockey are key sports at which Gibraltar excels as well as shooting and athletics. The sports stadium, which has been expanded has superb astro-turf playing fields and a running track of international standard. However, while most Gibraltarians are not constrained in terms of access to sport and leisure opportunities, there are less favoured sectors, including the Upper Town where children, in particular, have few outlets to play except in yards and on the open streets. All school children are taken to the main sports centre once a week for organised games, but there is a need to provide more for children and young adults in

other areas of the Rock. The King's Bastion Leisure Centre when completed will provide additional facilities including a skating rink, bowling alleys, cinemas, bars, cafes and restaurants.

Informal Recreation

- 3.31. Gibraltarians also take advantage of the promontories round the coast and the beaches on the east side, although much of the rest of the shoreline is inaccessible to the public. The development of Europort allowed for the creation of the Harbour Views Promenade which is a valuable asset but other opportunities for creating more public access were unfortunately missed. This is due to be addressed in part by reclamation and development of the beaches to the south of the airport. The Rock itself, also acts as a major recreation resource, although there is a conflict between protection of its natural habitats and the way in which it is currently used for recreation.

Tourism

- 3.32. Reference has already been made to the importance of tourism to Gibraltar. Over 8 million visitors arrive by air, road and sea each year. By far the largest proportion is made up of day visitors who cross into Gibraltar from Spain primarily to take advantage of low prices on alcohol, fuel and luxury goods, although the cost of food and clothing is not significantly lower than in Spain. Gibraltar is also a magnet to many Spanish residents of British origin who have settled along the southern coast, and are attracted by the range of UK stores in the Main Street.
- 3.33. Over 200 cruise liners call at Gibraltar annually, and there are regularly two or three berthed in the Port, midweek, especially in the summer months. Most cruises spend less than a day in Gibraltar, so passengers need to disembark and board again in only a few hours. The average number of passengers on a typical cruise is steadily increasing and some of the larger vessels already accommodate over 4000. A major industry exists in shuttling visitors into the town and round the principal tourist attractions by taxi and small coaches. Apart from the shopping and sight seeing attractions in the Old Town, visitors are taken to the Cable car base, Europa Point, and on a circular route leading to the Upper Rock, St Michaels Cave, the Great Siege Tunnels, the Moorish Castle Tower of Homage and the 100 ton gun.
- 3.34. In 2005 the entry fee paid by all visitors to the Upper Rock was £7.50. This represents a valuable source of revenue for Gibraltar, exceeding £2 million a year. The component parts of a visit to the Rock offer good value for money, but enjoyment can be reduced by slow progress of vehicles on the round trip, congestion at 'honey-pots, and lack of respect for the environment, itself. One of the key attractions for visitors are the resident Barbary 'apes' or macaques. There are reported to be six packs of these apes which are fed on a fruit diet by the Gibraltar Ornithological and Natural History Society (GONHS) under a government contract. Unfortunately many visitors and residents ignore the warnings of prosecution for feeding and teasing these animals. This may be a contributory factor which has resulted in some males becoming aggressive with reported attacks on unsuspecting passers-by.

- 3.35. The lack of sensitive visitor management on the Upper Rock, and the prospect of discouraging tourism is potentially a threat to Gibraltar's economy. A major study has been undertaken by GONHS to assess the options for creating a nature reserve and biosphere of international status, and for providing visitors with an outstanding experience, using the resources, which already exist. This report is being studied by the Ministry for the Environment to assess the scope for action. For this to become a reality, however, the Upper Rock Nature Reserve needs proper investment to create a separate biosphere for its rarer habitats and to manage visitor pressures. A rational approach to access needs to be developed and the Government took a positive step in 2005 of introducing an incentive of a significantly discounted entry fee for those visitors who walked within the reserve. In future it is recommended that fewer motor vehicles of all types should be admitted and innovative approaches should be adopted towards the provision of some form of public transport service.
- 3.36. It is sometimes said that any attempt to regulate traffic movements would be condemned by the coach operators and taxi association, which play an important role in the economic and political life of Gibraltar. However, if it is recognised that it is in the common interest of transport operators, visitors and residents to sustain the tourism attractions of the Rock, ways can surely be found to improve on the present position.
- 3.37. Tourism facilities have been improved recently with the construction of a protective arm, which includes 19 new houses, to Queensway Quay marina, and the upgrading and consolidation of the Sheppard's and Marina Bay marinas as part of the Ocean Village development.
- 3.38. Within the timescale of this SEA proposals were put forward for the construction of a tourist funicular railway, linking a base station in the vicinity of Casemates to an upper station above the Great Siege Tunnels. Whilst this scheme was refused it is likely that other options will be put forward in future for capitalising on the tourism potential of the Rock. In this respect, it is important that any plans for the Upper Rock should be thoroughly investigated and subject to Environmental Impact Assessment. However, the issues raised earlier in this section about visitor management, pedestrian and vehicular circulation and the form of management to be adopted throughout the whole of the Nature Reserve are equally critical, especially with regard to the operations of the existing cable car and tourist routes to the summit.
- 3.39. Currently, a major development is being planned for the eastern reclamation site. This will consist of a mixed use development comprising residential, commercial, tourism, recreational and leisure uses including a yacht marina. Detailed plans are being developed, and the full scheme will be subject to an EIA which should address the issues of how the site will connect to the Old Town, and what levels of traffic are likely to be generated. Proximity to the airport also needs to be addressed.

INFRASTRUCTURE

Roads

- 3.40. The coastal areas of the Rock are highly developed and well served by local roads, although rock-falls are a threat on the eastern side, and a fatality several years ago led to the closure of the southern road, linking Catalan Bay to Europa Point. This greatly reduces the scope for developing more sustainable traffic management schemes on the peninsula. Plans exist for reopening the road, by providing a covered section in the area most exposed to rock fall. Interestingly, military roadways have been excavated within the Rock itself which traverse the entire peninsula. Several of these are large enough to take 3 ton trucks. These routes should be investigated as part of a Gibraltar-wide traffic management plan, to see whether they could offer scope for one way vehicle, or full pedestrian and cycling use.
- 3.41. One of the major infrastructure development opportunities for Gibraltar in the last three years has arisen following the referendum on the constitution and the Cordoba Agreement. One consequence of the trilateral ministerial meetings is that civilian flights to Gibraltar Airport have been normalised allowing an increase in aircraft movements and destinations. Plans were announced by the Government of Gibraltar on 14 May 2007 for a new Air Terminal and reconstruction of the surrounding road network. The new Air Terminal will occupy space right up to the frontier fence allowing for passenger access from both sides of the frontier. It is anticipated that pedestrians from Gibraltar will continue to access the terminal on foot by walking across the runway, but vehicles will be diverted on a new road.
- 3.42. In parallel with construction of the new terminal, existing roads will be aligned underneath the building. A multi-storey car park for 220 cars will be constructed between Winston Churchill Avenue and the new terminal for the use of passengers. Winston Churchill Avenue will connect to a new road from the frontier to be built along the northern perimeter of the airport which will then pass in a tunnel under the eastern end of the runway. This means that all vehicles will pass along a new dual carriageway (four lane) road routed parallel to the Eastern beach Road through the Aerial Farm to a roundabout on Devil's Tower Road. The development of a number of car parks on Devil's Tower Road will enlarge the current availability of parking in the area by around 270 spaces. The increase in parking provision and avoidance of queuing and delays for vehicles currently caused by closure of the main road to allow aircraft movements will bring major benefits to Gibraltar in reducing congestion and easing pollution. However, increased ease of access and additional parking may also lead to continuing growth in transport demand and all of these issues would benefit from more detailed study.

Water Supply

- 3.43. The history of water supply is part of Gibraltar's heritage and demonstrates the resourcefulness of its engineers and 'artificers'. Large surface catchments were created in the 19th /early 20th centuries by clearing vegetation from the

steeply inclined slopes of the eastern Rock, filling crevices in the limestone with concrete, and directing the natural run-off from rainfall via channels and tunnels into underground reservoirs. These sources of water sufficed until the last century, when population growth and demand outstripped supply. In addition to drinking water Gibraltar has, for many years, operated a dual water supply system by pumping seawater into high level reservoirs and using this for flushing purposes and for fire fighting. Today, the dual water system is retained but all treated water in Gibraltar is now provided by two seawater desalination plants, an older multi-flash plant built at the northern end of the port, and a new reverse osmosis plant installed in a former MoD subterranean bunker at the southern end of the Peninsula.

Electricity

- 3.44. Gibraltar has three electricity Generating Stations, a Government-owned one at Waterport, a private station (OESCO) near the old Dockyard which supplements the Government facility and a separate MOD station within the dockyard. Supplies from the public and private sources are inadequate to meet the Rock's future needs and there are now plans to build a new power station.

Renewable Energy

- 3.45. Gibraltar relies entirely on fossil fuels imported in the form of crude oil. There is the prospect of importing bio-fuels and other forms of renewable energy are worthy of consideration including solar and photo-voltaic power and wave energy. Wind energy is another potential source of electrical power, but the importance of Gibraltar for migratory birds could severely restrict opportunities for locating wind turbines.

Waste Disposal

- 3.46. Previous efforts to meet the need for waste disposal within Gibraltar by building an incinerator at the southern end of the Rock were not successful, for a variety of reasons. The incinerator was designed and built by a foreign contractor and sized to accommodate municipal waste from the adjacent communities in Spain as well as in Gibraltar. The volume of feedstock did not materialise, and the plant functioned inefficiently resulting in a major boiler failure. It was therefore closed down, and municipal waste has since been subjected to partial screening and sorting. Inert fill has been disposed of at the eastern reclamation site, while putrescible and small quantities of hazardous or clinical waste have been exported to Spain.
- 3.47. Plans are currently at an advanced stage to develop a new incinerator on the same site, while construction has already commenced on a clinical waste incinerator and crematorium at Governors Cottage.
- 3.48. International and EU regulations on waste management call for increasing emphasis on waste reduction, waste reuse and waste recycling and disposal as the last resort. This presents a relatively small community like Gibraltar with difficult choices because, the more successful recycling becomes, the less combustible material is available to sustain the required flue gas

temperatures. The present incinerator's location presents particular difficulties in dispersing flue gases and this will require special attention in designing a new plant.

Emergency Services

- 3.49. Gibraltar has its own police, fire and ambulance service, and is equipped to deal with all states of emergency including port and airport-related accidents. Although there is no formal reciprocal arrangement in place with Spain, services from both countries will support their neighbours should the need arise.

TRANS FRONTIER ISSUES

- 3.50. Many of the topics raised in the preceding sections, including transport, trade, health, housing, water supply and waste disposal and use of emergency services are technically more difficult to resolve and, consequently more expensive, because the solutions need to be self-contained and under the full control of the Government of Gibraltar.
- 3.51. This situation has come about as a result of the long history of confrontation over the status of Gibraltar, and the periodic exercise of sanctions, including total closure of the frontier. Most Gibraltarians remain sceptical about the scope for a full rapprochement with Spain, notwithstanding the progress that has been made in recent years.
- 3.52. Under these circumstances it is understandable that all infrastructure projects are designed to operate independently. However, from the standpoint of developing a sustainable future for Gibraltar, there could be very substantial benefits in developing dual systems. These would take advantage of the opportunities for operating cheaper schemes to the mutual advantage of neighbouring communities in Spain and Gibraltar, while providing back up in the unlikely event that services were threatened by economic or political blockade. The possibilities of such collaboration have improved following the Joint Communique on 16 December 2004 between the Governments of Spain, the United Kingdom and Gibraltar, and the work of the Ministers Trilateral Forum. The latter, in a communiqué dated 18 September 2006, has referred to improvements in access to the Airport and telecommunications, local development cooperation and opportunities for collaboration between adjacent port authorities.
- 3.53. Two examples are presented of what dual systems might mean in practice. The first would entail connecting Gibraltar's water storage system to the Spanish water grid. Full engineering studies would be needed on the routing of a pipeline and pumping facilities, but the option is reported to be technically feasible, and costs of supply would be less than half that of desalination. If this system were put in place, the existing desalination plant could be held in reserve to cover any disruption in supply, and in the event that any disagreement could not be resolved, new plant could be added. (Even in a worst-case scenario, water could be tankered to Gibraltar in the

short term and part of any feasibility study should assess what the relative cost of this method of supply might be).

- 3.54. Other examples of infrastructure planning, where the costs of a trans-frontier system could be substantially cheaper than a Gibraltar-alone solution, might include waste disposal and power generation.
- 3.55. By raising these possibilities, it must be stressed that the authors of this report are raising questions, rather than answers, and that any of the options being suggested would need to be carefully examined by appropriate experts.

LAND RECLAMATION

- 3.56. In this report, the future carrying capacity of Gibraltar has been raised at various points. Space is currently available for building on surplus land no longer required for military purposes, and on the eastern reclamation site, but there are invariably competing uses for the different sites, and choices tend to be made on economic or technical rather than planning grounds. The development requirements of the present plan period of ten years can probably be covered by the land resources available, but what of the longer-term?
- 3.57. This question has been raised in various meetings with senior Government staff, and a view has emerged that further reclamation could be contemplated in the northern port area. It has been reported by representatives of GONHS, however, that the last reclamation scheme which closed the tidal gap in the north mole has reduced water quality and harmed the marine environment within the port. This problem is reported to have been aggravated by dumping of rubble against the scouring tunnel under the southern mole. The naval history of the area also gives rise to marine archaeological interest, which would need to be carefully examined.
- 3.58. Any proposal for further dredging and reclamation would need careful scientific appraisal and a full environmental impact assessment, but this may be regarded as a valid alternative to increasing building heights within the existing urban area. It should be considered, at least in outline before decisions are taken on a range of proposed initiatives in the northern port area, including redevelopment of the existing water desalination plant, and improvements or alterations to the cruise liner berths.
- 3.59. The alternative to both options of raising building heights, or seeking to reclaim more land, would be to accept that the present size and extent of Gibraltar represents an acceptable final threshold to its expansion.

CONCLUDING REMARKS

- 3.60. Many of the issues that have been raised in this chapter have been discussed individually before, but there has been no single context within which a judgement on the overall direction and vision for Gibraltar's future could be taken. It is hoped that discussion on the full range of issues (and others that

have undoubtedly been missed) will allow a consensus to emerge on what actions need to be taken in the short-term and what course might be set for the future. Of course, many factors will influence the eventual outcome, and discussion alone will not remove areas of disagreement, but hopefully it will help to ensure that inappropriate decisions are not taken, simply because the questions were never asked.

- 3.61. In the remainder of this report, an explanation is given of the way in which the Development Plan has been appraised, drawing partly on this analysis, but also using matrices (tables) to compare the plan objectives with each other and with broader sustainability objectives. The aim has been to assist the plan-drafters by indicating opportunities to improve the sustainability and environmental acceptability of the various development options. In the final analysis, however, SEA serves only to outline choices and their consequences. It is for the public at large to express their views on the draft plan, and for the Commission and Government to determine its ultimate form, having weighed all the issues.

4. TESTING THE PLAN OBJECTIVES

INTRODUCTION

- 4.1. A key part of Strategic Environmental Assessment is to test the extent to which a **development plan's objectives** are in line with the **principles of sustainable development** as well as safeguarding the environment. The Draft Plan was subjected to this test in 2005 and the findings are reported below. There has been only a minor change to the Plan Objectives in the intervening period, relating to Transport.
- 4.2. The Draft Plan objectives are set out below and, as a first step; the individual objectives are compared with each other. This process exposes potential conflicts and the aim is to reduce these inconsistencies as far as possible by redrafting one or other of the plan objectives.
- 4.3. A second step in appraising the sustainability of the plan involves comparing the plan objectives with a separate list of sustainability objectives, which in this case have been adopted from those used in South West England. The choice of sustainability objectives reflects the fact that those for South West England have already been used in a number of SEAs and Sustainability Appraisals (SAs) of development plans at regional and local level. (In future, it would be appropriate for Gibraltar to develop and adopt its own sustainability objectives, criteria and indicators).

STEP ONE INTERNAL COMPARISON OF PLAN OBJECTIVES

The Plan Objectives

- 4.4. The following strategic principles have been adopted to guide the preparation of the Development Plan
 - 1) **Environment** – to recognise the special character of Gibraltar's natural, built and cultural environmental and to ensure that this is not adversely affected by new development.
 - 2) **Employment** – to encourage and provide opportunities for the creation of new employment and the expansion of existing employment.
 - 3) **Population and Housing** – to ensure that Gibraltar's population remains stable and that sufficient housing opportunities to meet the different housing requirements and expectations of the community are met.
 - 4) **Quality of life** – to enhance the social, community, recreational and cultural facilities for the benefit of the local population and visitors.
 - 5) **Transport** – to facilitate and encourage alternative means of transport while catering for the needs of private transport where appropriate.

- 6) **Tourism** – to ensure that tourist infrastructure and facilities are enhanced, and to ensure that the unique tourist attractions are protected and developed sensitively, so as to enhance Gibraltar’s attraction as a tourist destination.
- 7) **Shopping** – to ensure the provision of a quality shopping environment for the benefit of the local population and to enhance Gibraltar’s role as an important shopping centre in the wider area.

Assessing the compatibility of Plan Objectives

- 4.5. In **Matrix I** below, each of the seven plan objectives is compared and contrasted with the others. A **tick (✓)** indicates that the objectives are regarded as fully compatible. A **cross (✗)** implies that there is the potential for the objectives to work against each other. Presence of both symbols (**✓✗**) suggests that the objectives may either support or conflict with each other, depending upon local circumstances. A question mark (?) indicates that the outcome is uncertain.

Matrix I COMPATIBILITY OF PLAN OBJECTIVES

	Environment	Employment	Popn & Housing	Quality Of Life	Transport	Tourism	Shopping
Environment		x	?✓x	✓	?✓x	?✓x	✓
Employment			x	?✓x	?✓x	✓	✓
Population and Housing				✓	✓	?✓x	✓
Quality of Life					?✓x	?✓x	?✓x
Transport						?✓x	?✓x
Tourism							✓
Shopping							

- 4.6. The information contained in the matrix above should be largely self-explanatory, but the reasoning is summarised in **Appendix C** for readers who wish to follow up specific scores.

STEP TWO COMPARISON OF PLAN OBJECTIVES AND SUSTAINABILITY OBJECTIVES

Sustainability Objectives

- 4.7. The list of sustainability objectives, derived from comparable assessments in South West England is reproduced below.
1. **Biodiversity:** to safeguard and enhance biodiversity, flora and fauna.
 2. **Landscape:** to protect and enhance the visual quality of the natural and built environment.
 3. **Pollution:** To minimise the risk of pollution to water, air and land.
 4. **Resources:** To maximise use of renewable, and minimise use of non-renewable, resources.
 5. **Waste:** To reduce the amount of waste arising, maximise recycling and dispose of unavoidable wastes in the most acceptable and feasible manner practicable.
 6. **Health:** To promote the health and well being of residents and visitors.
 7. **Education:** To improve education and skills.
 8. **Culture, Heritage and Tourism:** To promote and enhance use of leisure, sporting and cultural resources.
 9. **Housing:** To ensure all have access to good quality housing.
 10. **Democracy:** To provide all citizens with a voice and involvement in their own futures and that of their community.
 11. **Safety:** To create a safe environment.
 12. **Transport:** To improve public services and minimise the need to travel by private car, and improve accessibility for all in environmental sustainable ways.
 13. **Economy:** To promote business and employment, encourage ethical investment and sustainable forms of development.
 14. **Work:** To ensure that there is a variety of work opportunities available to meet all levels of skill.
- 4.8. **Matrix 2** contrasts the seven plan objectives with the fourteen sustainability objectives described in the previous paragraph. One of the plan objectives, that of enhancing **quality of life**, is entirely compatible with the sustainability objectives, which is hardly surprising. The **environmental aims** of the plan are also compatible with sustainability objectives, with the exception of transport where the concept of promoting greater accessibility for all could result in increased pressures on sensitive habitats.

- 4.9. **Employment** goals in the plan accord closely with increased skills training (education), promotion of the economy and the creation of wide ranging work opportunities. However, a strong focus on employment creation could impose pressures on biodiversity and landscape resources, generate increased pollution and waste and require higher use of resources. These interactions are all scored as either positive or negative, since the outcome will depend on the way in which the policies are introduced. The same considerations would apply to overuse of culture and leisure facilities, pressure on safety provisions and increased transport demands.
- 4.10. Plans to maintain a **stable population** strongly support sustainability goals, but the rider about developing housing to meet the needs and expectations of the community is capable of being interpreted in different ways. Taken to its ultimate conclusion, **new housing** could, like employment goals, impose pressures on biodiversity and landscape resources, generate increased pollution and waste, require higher use of resources and generate more transport demands.
- 4.11. There is, in general, an inherent contradiction between a number of the plan aims and stable population levels – since the present population level is only viable as a result of some overcrowding, and the fact that an indeterminate number of Gibraltarians live in Spain for much of the time. With the trend towards smaller household sizes, changes in social structure and the fact that people are living longer, there is more likely to be growth in population rather than either stability or a decline.
- 4.12. **Transport objectives** in the plan initially placed emphasis on catering for private transport. The SEA of the Consultation Draft noted that these objectives were not sustainable. It was argued that it is not practicable to ‘cater for the needs of private transport, while also facilitating and encouraging alternative means of transport’. The priority needed to be reversed with the emphasis being placed on facilitating and encouraging public transport and non-motorised means of travel including walking and cycling. Policies on use of private transport should seek to accommodate need where this is compatible with ensuring quality of life for all. One of the most significant changes in the final Plan is the acceptance of this view and redefinition of the priorities. (It should be noted that Matrix 2 continues to present the score for Transport based on the original wording to maintain consistency in the presentation.)
- 4.13. **Tourism**, if appropriately designed and managed is capable of meeting most sustainability objectives, but it can also damage the environment, exploit natural resources including energy, and create competing pressures for the use of land if the wrong sort of tourism is encouraged. The assessment of environmental, social and economic impact needs to be made on a policy by policy basis.
- 4.14. **Shopping**, like tourism, is a form of enterprise that can be very beneficial to the economy, but if individual schemes are poorly planned, or are too large for their immediate catchment area, this activity can create heavy demands for materials and transport, while generating substantial waste.

Matrix 2 PLAN OBJECTIVES ASSESSED AGAINST SUSTAINABILITY OBJECTIVES

Matrix for Comparing the Development Plan Objective against the Sustainability Appraisal Objectives														
Headline Sustainability Objectives in the adjacent columns	Sustainability Appraisal Objectives													
	Biodiversity	Landscape	Pollution	Resources	Waste	Health	Education	Culture, Heritage and Leisure	Housing	Democracy	Safety	Transport	Economy	Work
Development Plan Objectives listed in the rows below														
1) Environment – to recognise the special character of Gibraltar’s natural, built and cultural environmental and to ensure that this is not adversely affected by new development.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓x	✓	✓
2) Employment – to encourage and provide opportunities for the creation of new employment and the expansion of existing employment.	✓x	✓x	✓x	✓x	✓x	✓	✓	✓x	✓	✓	✓x	✓x	✓	✓
3) Population and Housing – to ensure that Gibraltar’s population remains stable and that sufficient housing opportunities to meet the different housing requirements and expectations of the community are met.	✓x	✓x	✓x	✓x	✓x	✓	✓	✓	✓	✓	✓	✓x	✓	✓
4) Quality of life – to enhance the social, community, recreational and cultural facilities for the benefit of the local population and visitors.	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓	✓
5) Transport – to cater for the needs of private transport but to facilitate and encourage alternative means of transport.	✓x	✓x	✓x	✓x	✓x	✓x	0	✓x	✓	✓	✓x	✓x	✓	✓x
6) Tourism – to ensure that tourist infrastructure and facilities are enhanced, and to ensure that the unique tourist attractions are protected and developed sensitively, so as to enhance Gibraltar’s attraction as a tourist destination.	✓x	✓x	✓x	✓x	✓x	0	0	✓	✓x	✓	✓	✓x	✓	✓
7) Shopping – to ensure the provision of a quality shopping environment for the benefit of the local population and to enhance Gibraltar’s role as an important shopping centre in the wider area.	✓x	✓x	✓x	✓x	✓x	0	0	✓x	0	✓	✓	✓	✓	✓

5. TESTING THE PLAN'S POLICIES

INTRODUCTION

- 5.1. A key part of the SEA has been to test the extent to which the Development Plan policies are in line with the principles of sustainable development including those objectives defined in the SEA Directive. The first steps have entailed comparing the Plan's objectives against the sustainability objectives and considering alternative options. This initial review highlighted where potential tensions lay and it has been the function of this chapter to focus in further detail on areas of potential tension, considering the types of impacts which may result.
- 5.2. The next steps in the appraisal process involved:
- an internal review of plan policies. Due to the number of policies in the plan, this process was simplified into three sections covering a detailed review of core policies and a more rapid appraisal of the Plan's Area Specific policies and Old Town Policies; and
 - an appraisal of Plan policies against the sustainability objectives. This appraisal focused on the main areas of tension and suggested ways in which policies could be altered.
- 5.3. The text of this chapter has remained unaltered from the Draft SEA which accompanied the Consultation Draft Plan in 2007 as a baseline against which subsequent changes in the final Plan can be assessed. These later revisions to the Plan are commented on in Chapter 6 of this Environmental Report.

GENERAL OBSERVATIONS

- 5.4. The appraisal process set out in this chapter was carried out in two stages; firstly in relation to draft plan policies in 2005 in the initial draft Environmental Report (2005) and then in relation to modified or new policies set out in the Consultation Draft Plan. It is clear by comparing the two sets of analysis that significant changes had been made to the Draft Plan and, in general, these represented improvements and a positive response to the earlier SEA appraisal.
- 5.5. The introduction to the Plan now provides some useful background information by way of context and stresses, in paragraph 1.10, that all policies and proposals are interrelated. (This was a key message in the initial draft Environmental Report (2005)). The introduction also emphasises that previous practice and precedence will no longer be accepted as grounds for approving planning applications which conflict with the approved policies. This is a welcome development, as is the addition of a statement that any actions taken in contravention of the Adopted Plan will be subject to enforcement (paragraph 2.47 of the Plan).
- 5.6. Another key message in the introduction to the Plan is the recognition that the absence of baseline information in the past has hampered analysis of trends and forecasting. The Plan proposes that 'steps are taken to implement additional systems

and procedures that will enable such data and forecasting to be used in future reviews of the Plan, and in the general long term planning of Gibraltar. The Development and Planning Commission will therefore work with relevant Government departments and agencies to review data collection and forecasting systems and to take the necessary steps to improve and refine these further’.

- 5.7. This emphasis on the role of the Commission is highly desirable because it should give teeth to the monitoring and review process which is an essential part of the new approach to development plans. It is noticeable that the wording of many policies in the Plan now places the onus for initial decisions and delivery of policy on the Commission rather than Government. This is, no doubt, appropriate in procedural terms but it is also clear that many of the key policies will depend upon Government commitment and the willingness of other agencies to deliver the Plan objectives.
- 5.8. The issue of timetables, actions and responsibility for delivery of policies has become an important part of the test for soundness of development plans in the UK, which is administered by the Planning Inspectorate (as a body independent of both Government and the Planning Authorities). It is good to see that the Plan contains an outline Monitoring Framework under section 22 Implementation, Monitoring and Review with a clear statement that the Development and Planning Commission intends to develop a series of indicators to assess the performance of the Plan. However, from the standpoint of the SEA there is a concern that this places too much store on establishing procedures after the Plan is adopted. The SEA recommends that in addition to identifying the organisations responsible for execution of given plan policies an additional column should be added to the monitoring table setting out timescales for action that will be signed up to by the responsible bodies before the plan is adopted.

COMPATIBILITY TEST OF THE PLAN’S INTERNAL POLICIES

- 5.9. Individual policies were compared and contrasted against each other using the method of approach described in Chapter 4. A summary of the findings from a review of core, area specific and Old Town policies is detailed under the headings below. Where the text is set in *italics* the wording relates to the 2005 draft of the relevant policy while normal text refers to the current 2007 draft. This distinction is important because it helps to identify where a policy has been modified in response to the SEA process:

Plan’s Internal Core Policies

General Design and Standards:

- GDSI Applications :

This policy should include identification of important flora and fauna where recognisable.

The revised policy includes specific reference to flora and fauna (h) and also requires the submission of design statements and energy efficiency measures for major development. These additions all strengthen the sustainability of this policy.

- GDS2 Design:

Consideration should be given in design to archaeological, historic and cultural features.

The revised policy contains specific reference to these criteria (c).

- GDS3 Public Realm :

This policy should also consider opportunities to create activity generating uses on roof tops.

This suggestion of the initial draft Environmental Report (2005) has not been included although it is not a major issue. On reviewing the policy the question arises as to whether or not reference to public space and ground floor uses in large development would be better placed under GDS2 (it is appreciated that all policies are expected to be read as an interrelated whole – but this issue is of key importance and should be clearly flagged to designers and developers).

- GDS4 Loss of Open Space:

This policy or the supplementary text should recognise that open space is not only important for its contribution to the built environment but also to enhancing the setting of the natural environment, providing a backdrop and generating vistas. In addition, the policy refers to specific characteristics when it may cover all criteria. We recommend that the wording of this policy is altered changing or to and. This policy could potentially constrain future development opportunities depending on the nature, size and scale of development in question.

The policy has not been reworded but there is additional text describing the need for an assessment of all open spaces to cover the above points. It is stated that the Commission will also actively encourage the creation of new open spaces, particularly green areas. It is recommended that this should be added as a policy in its own right and included in the monitoring programme.

- GDS5 Landscaping Schemes:

No comment was made on this policy in the initial draft Environmental Report (2005) but it is important and should be supported. It may be appropriate to emphasise the need for landscaping schemes to be drought resistant in relation to future management and maintenance – in order to reduce increased commitment to watering schemes. This may be necessary both to combat climate change and also to reduce energy and water consumption.

- GDS6 (Old GDS7) Energy Efficient Design:

The plan now contains an up to date and highly relevant discussion of the need for energy efficiency, building on the Government's Environmental Charter (2006).

- GDS7 Review of the Building regulations:

This is a new policy which should be given the highest priority from the standpoint of the SEA. Gibraltar's building stock does not generally represent a high standard of energy efficiency and improvement of the regulations could have a major impact in reducing future energy demand.

- GDS8 Micro-Renewable Energy Proposals:
- GDS9 Practical Evaluation of Micro-Renewables:
- GDS10 Government Projects – Energy Efficiency/Micro-Renewable Technology:

These three new policies are closely linked and seek to promote use of renewable energy at the level of individual premises. Most parts of Gibraltar benefit from high levels of solar gain offering opportunities to reduce electrical energy demand from public sources by constructing water heating solar systems and photo-voltaic power generation within offices, public buildings and private properties. These policies are strongly supported by the SEA.

- GDS11 (Old GDS8) Green Roofs:

Whilst it is important that green roofs are considered where development is in close proximity to the natural environment, it is also important to consider the opportunities such spaces could create for informal or formal recreation. A detailed survey needs to be undertaken of the proximity of households to recreational facilities and assessment of what these facilities cover; ensuring that local need and demand are satisfied.

The specific reference to alternative uses outlined above has not been incorporated into the policy but the discussion does highlight the importance of achieving the policy objectives in areas close to the Rock. One cautionary remark relates to the need for 'green' roofs to utilise grass, succulents or other plant species which are drought resistant to avoid total desiccation in drought conditions.

- GDS12 Tall Buildings:

This is a new policy which picks up on concerns addressed in the SEA (see paragraphs 3.28-3.29). Both the policy and written justification are strongly supported by the SEA.

- GDS13 (Old GDS6) Disabled Access:

This policy should not only consider access and egress from buildings but also ease of access in the public realm, considering pedestrian flows/desire lines, road junctions and crossing points. Proposed changes required under this policy may be difficult to achieve in relation to important historic buildings.

These concerns are acknowledged in the preamble to the policy.

- GDS14 Shopfronts

No comment was made on this policy in the initial draft Environmental Report (2005) but the principles are fully in line with overall plan objectives and sustainability principles.

- GDS15 Timber Windows and Shutters:

This is a new policy which takes a pragmatic stance in relation to the need to replace traditional timber windows and doors.

- GDS16 Advertising Signs:

No comment was made on this policy in the initial draft Environmental Report (2005) but the principles are fully in line with overall plan objectives and sustainability principles.

- GDS17 (Old GDS 12) Illumination of Buildings:

Potential conflicts exist between illumination of buildings and energy consumption. Research into illumination schemes should consider opportunities to utilise renewable energy sources e.g. solar panels.

The wording of the supporting text and the policy itself emphasise the need for minimising energy consumption.

Environment:

Natural Environment

A number of detailed comments on the Environment section of the previous Draft plan are set out below. As an opening statement this Environmental Report acknowledges the substantial revision and improvement of the text and policies in the current draft of the Plan which should greatly strengthen the level of protection afforded to Gibraltar's environment. As such the new policies and emphasis is greatly welcomed.

- ENVI Affect on the Environment:

There is the potential for this policy to be challenged in terms of the wording, with developers querying how much weight should be given to environmental issues in determining applications against economic and social effects.

This policy has been reworded and makes clear that effects of development on the environment will be a prime consideration in determining planning applications.

- ENV2 Biodiversity:

Greater recognition should be given in the plan to the importance of marine and terrestrial habitats.

This issue has been addressed with the inclusion of a new section on biodiversity which stresses the diverse nature of Gibraltar's biodiversity and its importance in relation to international obligations. The supporting text and overall thrust of the

policy are strongly supported by the SEA. However, there is a potential conflict between provision of public access to natural areas (B) and the aim of protecting and enhancing existing areas of high biodiversity (A) which is fully recognised by the Development and Planning Commission. It might be helpful to modify the policy to state that in cases of doubt, protection and enhancement should take precedence over access.

The introduction of new sections of text and additional policies to the Environment section has resulted in the separation of the section on Biodiversity from parts dealing with the natural environment (Policies ENV 9-13 relating to trees, green areas, sites of ecological value and bats and swifts). It would help the flow of reasoning if the latter sections followed on immediately from the introduction on biodiversity.

Reference to the EC Habitats Directive and Natura 2000 Network raises an issue that has not been addressed directly in the Draft Plan which is the need for the Plan itself to be screened for possible conflicts between plan policies and protection of Natura 2000 sites. (The Draft Plan does discuss the need for development which could have a significant effect on sites already notified to the EU and accepted as potential Special Areas of Conservation (SAC) to be subject to Appropriate Assessment).

- *An additional policy should be included within the Plan recognising the setting of Gibraltar, its visual importance from sea as well as land and relationship of built development to the natural form. This Policy should consider limits on building heights, changes to the sea edge and visual relationship of the Rock to the built form.*

These issues have been addressed in other sections of the latest Draft Plan.

- Policy ENV3 – Environmental Impact Assessments

This policy meets the requirements of the European Directive and is strongly supported by the SEA.

- *No reference is made in the Plan to soil quality/contaminated land, unstable land or land at risk of flooding. Soil quality is an issue which required consideration under the SEA Directive and as such a policy should be included within the Plan seeking to ensure that soil quality is retained or improved. Where land has become contaminated, remediation work needs to take place with potential contaminants safely disposed of to agreed sites either in Gibraltar or elsewhere. This policy should also state that development should not take place on unstable land or land prone to flood risk.*

Each of the concerns raised above has been addressed in the following new policies

- Policy ENV4 – Soil
- Policy ENV5 – Contaminated land
- Policy ENV6 – Land Stability
- Policy ENV7 – Development and Flood Risk

- Policy ENV8 – Air and Water Quality:
- *The Plan does not include any policies seeking to reduce air pollution and improve water quality. Given the potential risks of a number of activities relating to shipbuilding, waste processing and disposal, power generation and high levels of traffic within such a confined area it is imperative that the addition of such policies are considered.*

An additional policy has been added on air and water quality to ensure that new development conforms to EU standards and this is a welcome addition to the suite of environmental policies.

- Policy ENV9 - Trees
- Policy Env10- Tree Preservation Orders

Both of the above policies emphasise the importance of trees in contributing to the appearance of Gibraltar and enhancing biodiversity. They are supported by the SEA.

- Policy ENV11 – Sites of Ecological Value
- Policy ENV12 – Special Areas of Conservation
- Policy ENV13 - Bats and Swifts

These three policies seek to protect areas of high ecological value, designated sites under European legislation and protected species. As such they are all in accordance with environmental sustainability objectives and accord with policy ENVI. It is likely that conflicts will arise from time to time between protection of these prime assets and other social and economic objectives in the Plan since the SAC covers the Upper Rock, Windmill Hill and part of the Southern Coastline. Nevertheless the safeguarding of these environmental assets will benefit Gibraltar and its people far more than any material development taking a long term view of the meaning of sustainability and the requirement to ensure that quality of life is secured for future generations.

Built and Historic Environment

Three policies are designed to protect and enhance the quality of the built environment, and particularly areas warranting designation as conservation areas. These are:

- Policy ENV14 (old ENV6) - Environmental Improvement Schemes
- Policy ENV15 (old ENV7) – Designation of Conservation Areas
- Policy ENV16 – (old ENV8) - Development within Conservation Areas

Each of these policies accords with the sustainability objectives of the SEA.

In addition, there are a number of other new policies relating to the historic environment, covering protected monuments, buildings and properties. These are:

- Policy ENV17 - Designation of protected Monuments, Building and Properties
- Policy ENV18 - Alterations, Extensions and Change of Use of Protected Monuments, Buildings and Properties
- Policy ENV19 –Setting of Protected Monuments, ETC
- Policy ENV20 – Demolition of Protected Monuments, Buildings and Properties.

Taken collectively these policies provide strong safeguards for the protection of key heritage sites and their settings and are a welcome addition to the Plan.

- *An additional policy should be considered in relation to new development proposals ensuring that appropriate provision is made for archaeological investigation and subsequent recording during construction.*
- *Reference to important marine archaeological remains should be included in the Plan and an additional policy considered.*
- Policy ENV21 – Archaeological Sites

These recommendations are addressed by the above policy which refers, in the accompanying text, to both land based and marine sites.

- *Consideration should also be given to inclusion of a policy covering landscape character with a recommendation that a detailed landscape character assessment is undertaken not just relating to the Old Town but to the remainder of Gibraltar. This study can be used to inform future strategic land use allocations and could assist in determining future building heights through 3D modelling.*

This specific reference to the preparation of a landscape character assessment does not appear to be included in any of the policies, although a number of heritage studies may encompass the concept.

Housing:

The Initial Draft Environmental Report (2005) noted that:

“It would be beneficial for the Plan to ascertain the quantity of Government and private rented housing currently available, housing under private ownership and the approximate number of houses which could be located on MOD land, when it becomes available. In addition, this section should seek to forecast future trends in population figures, which can then be used to determine where there may be future demands on existing services (schools, health and recreational facilities)”.

The current Draft Plan acknowledges this shortfall in information and makes proposals for filling the gaps for subsequent reviews of the Plan. It is, however, unable to make any clear predictions about the range or number of housing units required. This concern is relevant to the majority of the housing policies listed below.

- Policy HI – Home Ownership:

It would be beneficial if the supplementary text supporting this policy clarified how the local population will be targeted, discusses whether there be some form of criteria for assessing their suitability and how Government can ensure that new development will have a percentage of housing which is suitable both for controlled and open markets. Further information is required on the proportion of local people who own homes and future demand. In addition the question is raised as to whether or not there should be some mechanism to control the number of dwellings being purchased by people who do not reside in Gibraltar full time, potentially reducing the impact of high house prices and improving affordability.

Further new development should ensure that a proportion of affordable housing is allocated. This figure/percentage should be defined within the Plan.

The issues described above are debated in the supporting text to policy H1 which remains unchanged from the earlier draft. From the standpoint of the SEA it is not possible to conclude whether the policy will deliver the required objectives because there are no targets or commitments to specific development programmes in the Draft Plan. The Plan states that 'for those on lower incomes, the Government will continue to make provision for 'affordable housing'. There is, however, no indication of the proportion of new housing which will fall into this category'. Given the dependence of the Gibraltar economy on maintaining a full range of housing stock to cater for people in all income brackets it is recommended that the Government investigates future housing needs.

- Policy H2 – Housing Range:

Given improvements in health and a stabilisation of the population, the demand for accommodation for the elderly will increase in the future. It would be useful for the Plan to consider the proportion of development required and ensure that development is in close proximity of local services and the public transport network.

The Draft Plan has taken note of the Initial Draft Environmental Report (2005) recommendations in relation to the requirements of the elderly.

- Policy H3 – Effective Use of Existing Residential Stock

This policy places the onus on developers to determine how parties affected by loss of accommodation will be re-housed and this, in theory, should provide a safety net – but the process could be open to abuse. It would be helpful if a full survey of residential accommodation were to be undertaken to provide a basis for forward projections of need.

- Policy H4 – Conversion of Residential Buildings

This policy permits the conversion of larger residential units into smaller ones, or the amalgamation of smaller units into larger ones. As such it is an open-ended policy which will depend heavily on the judgement of the Planning Officer and the Development and Planning Commission for its effectiveness. Conversion of individual properties is seldom an issue, but it is possible for cumulative impacts to arise if a number of properties are converted and the character of a neighbourhood changes as a result.

Policy H5 – Redevelopment of Residential Accommodation

The principles underlying the policy for review of redevelopment proposals are designed to ensure the continued sustainability and viability of individual housing areas and are supported by the SEA.

- Policy H6 (old H5) – Increase in Height

Encouraging an increase in building height is a potentially sensitive issue and one which will impact on the appearance of Gibraltar for future years. The Plan needs to consider maximum heights of such buildings, their visual impact on the skyline and in particular their relationship with the waterfront.

Issues relating to impacts on the skyline and effects on the waterfront (and other areas) are addressed in the policy on tall buildings. This policy concentrates on the raising of existing properties and provides a number of clear safeguards to protect local character and environment. For these reasons it is in conformity with the overall SEA objectives.

- Policy H7 – Development for the Elderly – Car Parking Standards

Policies supporting development for the elderly should be in close proximity to public transport. Planners should consider defining a threshold or distance to nearest facilities in order to prevent the siting of development in less accessible locations.

This policy is concerned only with the number of parking spaces required with new residential development for the elderly. The issue of access by visitors and proximity to public transport has not been addressed.

- Policy H8 – Off-street Car Parking in Residential Estates

This policy should not be supporting an increase in car parking provision, but rather a rationalisation of parking and ideally a reduction in spaces to overcome traffic congestion and improve quality of life. This policy needs to link directly to policies promoting alternative modes of transport, in particular cycling and walking routes and the public transport system.

These concerns raised in the Initial Draft Environmental Report (2005) remain valid.

- Beautification of Residential Estates

Reference is made in paragraph 4.23 of the Draft Plan to the Government's programme for improving the physical environment of the estates, but there is no related policy. From the perspective of the SEA it would be desirable to introduce such a policy.

This objective is now covered by Policy ENV14 – Environmental Improvement Schemes.

Employment:

The introduction to the Draft Plan highlights changes that have occurred in Gibraltar's economy and employment structure since 1990. After a period of decline associated with downsizing of the Ministry of Defence presence which reached a total of just over 12,700 jobs in 1995, numbers have increased to 15419 in 2003 and 16874 in 2005 (sources quoted in the Draft Plan). This growth in employment reflects the reopening of the land frontier with Spain, the expansion of tourism and promotion of Gibraltar as an international finance centre.

These statistics highlight the interdependency of all areas of spatial planning, since the increase in jobs leads to increased demand for services, housing and infrastructure. It also stimulates greater daily movement between Spain and Gibraltar (the daily movement increased from 2860 in 2003 to 3922 in 2005 according to the Employment Survey October 2005).

The previous draft of the Environmental Report noted that *'The Plan needs to consider what proportion of land should be allocated as employment land and the percentage of different types of development. Future economic growth reflected in Policies E1-5 could lead to environmental degradation.'*

- Policy E1 – Economic Development

This policy supports the maintenance, strengthening and diversification of Gibraltar's economic base.

The Initial Draft Environmental Report 2005 noted that 'Due consideration should also be given to the environmental consequences of driving this policy forward and the impact on communities' quality of life. This policy needs to be referred back to other policies in the Plan.'

These conclusions remain valid in relation to the current Draft Plan.

- Policy E2 – Office Development

This policy relates to small scale office development and is compatible with the full range of sustainability criteria.

- Policy E3 – Light Industrial and Storage

See observations under Policy E5.

- Policy E4 – Relocation of Industrial/Storage Uses

This policy seeks to rationalise land use by encouraging the re-siting of industrial and storage uses which are currently in built-up residential areas to more appropriate locations and is supported by the assessment of sustainability criteria.

- Policy E5 – New, Redeveloped or Extended Industrial Buildings

E3 and E5 should consider rationalising car parking provision and access in particular for employees. Opportunities should be explored under this section of sharing parking provision

or introducing parking time limits for particular activities e.g. 6pm to 9am for residential and 9am to 6pm for commercial.

The issues relating to parking provision apply to all land uses and will become increasingly critical as employment and numbers of cars increase unless more radical solutions are taken to traffic management.

Tourism:

General Comments: Given the size of Gibraltar, it would be helpful to explore the peninsula's carrying capacity for visitor numbers at any one time. This relates to accommodation provision, transport loading and pressure on sensitive environmental sites. A visitor management plan should be in place to militate against the impact of tourism on the environment and resident communities.

These recommendations of the SEA have been accepted and incorporated in the section of the Plan dealing with Tourism with specific reference to a Visitor Management Plan.

- Policy T1 – Carrying Capacity

This new policy encourages the relevant Government departments to monitor visitor numbers, but does not commit the authorities to any formal visitor management activities. It remains desirable that a Visitor Management Plan is introduced as a formal requirement of the Plan.

- Policy T2 –Protection of Tourist Attractions

This policy is accepted as fully appropriate in terms of the SEA objectives.

- Policy T3 – Major Tourist Development

This policy states specifically that major tourist development will be granted permission so long as car parking requirements can be satisfied. However this is contrary to sustainable principles and whilst some car parking provision should be available, due to the limited availability of space Gibraltar should be considering alternative modes of transport and advocating a greener approach to tourism. Opportunities should be explored to promote shuttle buses, and park and ride facilities in order to reduce the number of tourists travelling to Gibraltar by car.

The wording of Policy T3 has been amended to include a new condition that such development must be accessible on foot and/or by public transport; that there are no significant adverse effects in terms of traffic generation, and that car parking requirement, if appropriate, can be satisfied. In this respect the earlier concerns of the SEA have largely been met.

- Policy T4 – Hotels

It is generally recognised that Gibraltar is underprovided in terms of the range of hotel accommodation on offer, and the Draft Plan refers to a number of active and potential development opportunities. This policy which seeks to keep the demand

for hotels and suitable sites under review is considered appropriate from the standpoint of the SEA.

- Policy T5 – Tourist Accommodation

This policy is linked to Policy T4 and is also considered appropriate for the same reasons.

- *All applications should undertake some level of assessment to determine their demand of existing resources, in particular water and energy conservation and consumption and waste disposal.*

This SEA recommendation has not been picked up under the heading of tourism although the proposals for a review of the Building Regulations and other policies on renewable energy do address some of the key issues.

Retailing:

- Policy R1 – Maintenance of Role of Old Town

The introduction to this section of the Draft Plan emphasises the interrelationship between the character and environmental qualities of the Old Town and its retailing function. This policy is designed to deliver the overall plan and SEA objectives and should be supported strongly.

- Policy R2 – Superstores and Other Large Retail Outlets

This policy seeks to promote car parking provision at retail facilities. Such provision needs to be carefully balanced with opportunities to promote access by other modes including on foot, by bike and public transport considering the opening hours of adjacent land uses.

These comments have been addressed in revised wording within Policy R1. However, on further reflection it is clear that implementation of this policy could potentially have significantly damaging environmental, social and economic impacts if the scale of the 'Superstore' were to draw away market share from small traders in local areas or the Old Town; and/or the development were to attract large flows of traffic across the land frontier. The principle of 'Out of Town shopping malls' has been challenged in many parts of the UK for these reasons. It is recommended that further consideration is given to the aims of this policy and additional conditions are introduced to guard against these potential adverse effects.

- Policy R3 – Local Shopping Centres

The concept of providing for local shopping centres within residential areas is strongly supported in terms of encouraging sustainable shopping patterns.

- Policy R4 – Take-Aways

This policy is supported by the SEA in that it seeks to avoid local nuisance, adverse impacts on the environment and unacceptable traffic generation.

- Policy R5 – Retail Use in Industrial Estates

The principle of mixed use activities in industrial estates is clearly set out in this policy and adequate safeguards are included to protect the environment and local amenities. It is interesting that this policy for 'limited' retail use contains a condition (D) to ensure that 'there is no significant detrimental effect on the vitality and viability of the Old Town as a primary shopping area'. This condition should also be inserted in Policy R1 if it is to be retained.

Transport:

The initial draft Environmental Report (2005) recommended that:

'Radical steps need to be taken to resolve the high level of cars travelling into Gibraltar on a daily basis, the demand for limited spaces and traffic congestion in addition to parking taking up valuable space which could be utilised for housing or employment'.

- Policy TR1 – Promotion of Alternative Means of Transport

This policy represents a first step towards addressing the concerns highlighted in the SEA, but the SEA authors see a fundamental contradiction between the policy and the Plan's stated strategic principle in relation to transport which is 'to cater for the needs of private transport – but to encourage and facilitate alternative means of transport.' (Paragraph 8.4). The SEA takes the view that it is unsustainable for a compact and densely populated centre like Gibraltar to continue to give higher priority to private transport than other transport modes for all the reasons that are clearly listed in Paragraph 8.1 of the introduction to the Transport section.

- Policy TR2 – Highway Considerations

The initial draft Environmental Report (2005) argued that this policy should be revised to ensure that:

'new development proposals are also considered against their potential impact to the environment and quality of life. In promoting new development opportunities it is important that adequate cycle lanes and footpath provisions are provided with safe, suitable crossing points. Office developments providing more than 20 work places should be required to provide cycle racks, showers and clothes storage facilities'.

This observation from the initial draft Environmental Report is considered to remain valid. However, Policy TR9 does now include a reference to new office developments being required to provide adequate cycle parking facilities. The SEA concludes that TR2 continues to give too much emphasis to car parking and road layout requirements.

- Policy TR3 – Construction Activities

This is a new policy which is designed to address the temporary impacts on the highway network caused by major construction activities. As such it is supported by the SEA.

- Policy TR4– Car Parking

The scale of the problem caused by the daily influx of cars (4900 a day in 2005 according to the Tourist Survey Report) is clearly set out in paragraph 8.9. but Policy TR4 only proposes that the provision of public car parking should be kept under review. The SEA concludes that this component of the Plan fails to meet a number of key sustainability objectives and urgently needs review.

There have previously been proposals for a comprehensive transport study which could assess where best to accommodate parking and how to transfer visitors most effectively from their cars to public transport, cycling and walking routes throughout Gibraltar. Other concepts that could be considered include traffic management options such as special permits for residents, differential charging policies and zoning.

- Policy TR5 – Loss of Public On-street Car Parking
- Policy TR6 – Public Parking Provision for Disabled Persons
- Policy TR7 – Parking Provision for Disabled Persons in New Development

Each of these policies has a legitimate objective, given the constraints on parking that have already been referred to and are supported by the SEA.

- Policy TR8 – Cycling Routes
- Policy TR9 – Cycle Parking Facilities

Information contained in the 2001 census that less than 1% of people travelled to work by bicycle highlights the need for a radical review of transport policies to make cycling in Gibraltar safer and more attractive. These two policies are strongly supported by the SEA which argues that more should be done to designate safe cycling routes by reversing the priorities given to cyclists and private cars.

- Policy TR10 – Coach Park

Effective use of the Coach Park developed in 2000 is an important contributor to sustainable transport initiatives in Gibraltar and this policy is strongly supported by the SEA.

- Policy TR11 – Gibraltar Airport

This new policy sets out clear and necessary guidance on development in the vicinity of the airport which could adversely affect its safe operation and is strongly supported by the SEA.

Social and Community:

- Policy S1 – Social and Community Uses

This policy states that land requirements for social and community uses shall be kept under review in order to take account of changes in numbers and distribution of the population.

The Initial Draft Environmental Report (2005) suggested that:

‘Further detailed consideration should be given to the capacity of existing schools to take an increase in population in the future. The Plan should consider what the likely number of children and their respective ages will be at the end of the Plan period and if there will be a demand for new facilities. Additional issues which may/should be considered under this section relate to health problems associated with noise/air pollution and safety/fear of crime’.

The Draft Plan acknowledges that there is insufficient data on population trends and in the circumstances it is not possible to provide a more definitive policy, but this highlights the importance of gathering and processing data in future.

Leisure and recreation:

The Draft Plan stresses four key planning principles for leisure and recreation which are supported by the SEA. These are:

- Making better use of existing facilities, including the joint use of facilities,
 - Securing leisure and recreation facilities within new housing developments,
 - Attracting private investment into new leisure and recreational developments, and
 - Protecting existing leisure and recreational facilities.
-
- Policy LR1 – Maximisation of Facilities

This policy is fully supported by the SEA.

- Policy LR2 – Leisure and Recreational Facilities in New Developments

Given the limited availability of public space, consideration should be given to sharing proposed facilities associated with new developments with neighbouring communities.

This recommendation from the initial draft Environmental Report (2005) has been incorporated in full within the revised policy.

- Policy LR3 – Protection of Parks Etc.

This policy or associated supplementary text needs to ensure that a thorough assessment of existing and future needs and demand for parks, playgrounds and informal open space is undertaken identifying and targeting where there are potential gaps in provision.

The assessment referred to in the Initial Draft Environmental Report (2005) has been undertaken of all play areas in Gibraltar and this recommendation has therefore been fully satisfied.

- Policy LR4 (old LR5) – Sporting Organisations Premises

This policy recognises the shortcomings of existing information on demand and the adverse effects which ad hoc decisions have had in the past leading to random distribution of leisure facilities. It proposes a review with the aim of providing centralised facilities. The principles of the policy are supported by the SEA but the evaluation should take into account not only the potential financial benefits of rationalisation and release of premises for income-generating activity, but also the social costs and benefits and sustainability issues in terms of accessibility by ‘green’ transport options.

- Policy LR5 (old LR6)– Youth Facilities

Like many other policies, uncertainty exists over future demand of such facilities and the Plan needs to predict or forecast likely population numbers and profile for the future in order to determine whether additional facilities are required.

This recommendation from the initial draft Environmental Report (2005) remains valid.

- Policy LR6 (old LR7) – Public Beaches

This policy should consider the potential impacts on the marine environment in relation to new public beaches, changes in tidal flows and potential pollutants from land reclamation schemes.

The concerns raised in the initial draft Environmental Report (2005) are picked up and discussed in full in new supporting text to the policy contained in paragraphs 10.14-10.16.

- Policy LR8 – Waterfront Access

This policy requires developers to create essential links between existing stretches of public access to the waterfront. Policies LR7, Z2.7 and Z2.11 all promote similar objectives and are supported by the SEA.

Utilities and waste:

The Draft Plan gives increased recognition to the need to plan development of utilities and waste facilities of all sizes with due regard for protection of the environment and this is welcomed.

- Policy UW1 – New Utility Services

The policy remains unchanged and is fully supported by the SEA.

- Policy UW2 – Water Conservation

The preamble to this policy covers a wide range of issues including the arrangements for water treatment by desalination, storage and distribution, the use of sea water and disposal of foul and surface water. Details on specific facilities are provided in Part II of the Plan. In this respect it should be borne in mind that the initial draft Environmental Report (2005) made the following recommendation:

UW6/Z8.2: Both sites identified for foul water treatment works and municipal waste should be subject to an environmental assessment to determine the potential effects. Consideration should be given to tidal flows and relationship of sites with the desalinisation plants.

The initial draft Environmental Report (2005) also recommended an addition to the policy to ensure that consideration is also be given to reducing water consumption in relation to refurbishment or building conversions. This is included in the supporting statement to the policy.

- Previous draft policy on Electricity Generation

Proposals for the establishment of a new electricity generation station at Lathbury Barracks are now covered in Part II of the Plan. The following comments raised in the initial draft Environmental Report (2005) are regarded as still valid:

Old UW3: A shared facility with MOD is potentially advantageous, however consideration should be given to the safety implications associated with this proposal and the need to ensure that opportunities to use renewable energy is still explored.

- Policy UW3 (old UW4) – Telecommunication Development

The siting of new telecommunications equipment, and masts in particular, can have adverse visual impacts which this policy seeks to minimise. The policy is fully supported by the SEA.

- Policy UW4 (old UW5) – Renewable Energy Schemes

This policy is welcomed and strongly supported by the SEA. However, it is suggested that direct reference should also be made to solar and photo-voltaic energy opportunities in paragraph 11.15.

- Policy UW5 (old UW6) – Construction Waste

The initial draft Environmental Report (2005) made the following recommendation in relation to construction waste.

Policies need to ensure that construction waste used for land reclamation is “clean” and is not leading to the contamination of the marine environment and deterioration of water quality.

This concern is recognised in paragraph 11.22 of the supporting text. The preamble also sets out more detailed information on arrangements for dealing with municipal waste and for reducing the amount of construction waste that has to be disposed of through the introduction of rock-crushing facilities which have recently been granted planning permission.

- Policy UW6 (old UW7) – Recycling Facilities

The supporting text relating to the policy on recycling notes that there are no recycling facilities available in Gibraltar and states that Gibraltar’s small size makes it difficult for such an operation to be viable. However, there are many settlements across Europe with fewer than 1000 inhabitants which make a full contribution to recycling by separating reusable materials from ‘waste’ at source. This policy should be revisited and the issue of recycling and refuse storage should be addressed in a common approach to the problem along with plans for incineration of municipal waste referred to in paragraph 11.20.

- Policy UW7 (old UW8) – Refuse Storage

The principles behind this policy are supported by the SEA but for the reasons outlined in relation to the previous policy on recycling it is strongly recommended

that the solutions to waste storage are investigated in parallel with creation of a new incineration facility.

Part II Area Specific Policies

Zone 1 The Old Town:

- Z1.1:

This strategic policy is supported by the SEA.

Zone 2: Bayside/Westside

- Z2.1: Car Park Bayside Sports Complex

The plan policy confirms the principles of a planning decision that has already been made and no further comment is appropriate.

- Z2.2: Marina Bay

This policy supports continuing mixed uses within the area and does not raise any specific issues from the standpoint of the SEA.

- Z2.3: South of St Annes

This policy confirms the principles of an outline planning permission and no further comment is required.

- Z2.4: North Mole Industrial Area

This policy keeps open the option for the provision of additional floors and the creation of additional car parking. Proposals for new car parking should, in the view of the SEA, be related to a long term transport plan as recommended under Transport Policy TR4.

- Z2.5: Existing Sites of Desalination Plant/Generating Station

The case for redevelopment of the existing sites is clearly made in the text supporting this policy, but the rationale for the precise mixes is hard to assess in the absence of existing data or forward projections on specific categories of economic demand.

- Z2.6: Mid-Harbour Reclamation

This is a major development opportunity providing scope to create a substantial amount of rented accommodation in a central location and, at face value, the scheme could support wider sustainability objectives. However, there is no justification of the housing demand or business case or social/economic justification to support the intended mix of uses proposed which restricts scope for any further comment on the nature of the planned development.

- Z2.7: Naval Grounds No 1 and 2 – Redevelopment

The supporting text clearly emphasises the sensitivity of this key site and puts forward a balanced range of uses with strong justification for an underground car park. However, absence of any data in the Consultation Draft Plan about existing or estimated needs for car parking means that the importance of this site cannot be evaluated against other options. Proposals for new car parking should, in the view of the SEA, be related to a long term transport plan as recommended under Transport Policy TR4.

- Z2.8: Queensway Quay

This policy consolidates existing uses and no further comment is appropriate.

- Z2.9: Gun Wharf

This policy seeks to protect the character and appearance of existing stone buildings and is strongly supported by the SEA.

- Z2.10: Coaling Island

The specific policy proposals for Coaling Island, including a waterfront promenade and cycle route, are strongly supported by the SEA, but the uncertainties attached to demand for additional land areas and the scale of potential reclamation make it impossible to judge how far these proposals will benefit Gibraltar as a whole. Forward planning requires a strong evidence base and this is lacking in relation to this and other related reclamation proposals.

- Z2.11: Command Education Centre

This policy involves reuse of the existing buildings by Government and no further comment is required.

Zone 3: Port and Harbour

- Z3.1: Port Uses

This policy is strongly supported by the SEA

- Z3.2: Potential Impact on North Mole Road

This policy supports the design and environmental policies of the Draft Plan and is endorsed by the SEA.

- Z3.3: Port Operation Requirements

There is a clear need for port operations to be kept under review and to ensure that sufficient land is available to handle cargo needs. These potential demands should be assessed through a comprehensive feasibility study that considers the overall scope for reclamation within the port area and assesses competing demands for new land, including residential, commercial, recreational and transport needs.

- Z3.4: Extension of Cruise Liner Terminal

This policy ensures the continued operation of a vital economic activity and is strongly supported by the SEA.

- Z3.5: Ship Repair Yard

This policy ensures the continued operation of an important economic activity and is strongly supported by the SEA.

Zone 4: Eastside

- Policy Z4.1: The Eastside project

The initial draft Environmental Report (2005) noted that it is important that this policy considers alternative modes of parking and in particular public transport facilities, cycle routes and pedestrian walkways as part of the infrastructure works, not merely concentrating on a waterfront promenade. These requirements have been built into the policy which is supported in principle by the SEA.

- Policy Z4.2: Eastern Beach Environmental Improvement
- Policy Z4.3: Eastern Beach – Commercial Development

Both policies are linked with the Eastside project and as such should be progressed in parallel with that development.

- Policy Z4.4: Both Worlds Car Park

This policy is a necessary reaction to the shortage of car parking provision associated with the original development, but the scale of development should be very carefully regulated to avoid increasing traffic to this area of the Peninsula. Alternative means of transport should be considered at the same time.

- Policy Z4.5: The Water Catchments

This policy is designed to allow the former water catchments area to regenerate as an important new habitat. The policy is strongly endorsed by the SEA.

Zone 5: North Front

- Policy Z5.1: Airport

Redevelopment of the Airport Terminal and associated buildings will have a number of marked benefits both for Gibraltar and neighbouring areas in Spain. The SEA would hope that this redevelopment provides a potential opportunity to achieve more comprehensive improvements to the frontier area.

- Policy Z5.2: New Airport/Frontier Access Road

Realignment of the frontier access road offers significant benefits for everyone with needs to travel between Spain and Gibraltar. The SEA authors consider that every effort should be made as part of this initiative to address the critical questions of

access and road transport including imaginative ideas for incorporating park and ride facilities and improved public transport services. This recommendation is aligned closely with the recommendation to undertake a comprehensive transport and parking study.

- Policy Z5.3: Western Beach

This potential reclamation scheme should be justified with a detailed business case to demonstrate both the costs and benefits of the planned initiative. In the absence of such evidence it is not possible to comment further on the scheme.

- Policy Z5.4: The Aerial Farm

The wording of this policy reflects the views already expressed in this report on a number of other reclamation and redevelopment schemes. It is a fair reflection of current uncertainties and is supported by the SEA. Reference in the supporting text to features of ecological importance clearly needs to be addressed as part of any future development plan for the site.

Zone 6: North District

- Policy Z6.1: Development Fronting Devil's Tower Road
- Policy Z6.2: Industrial Storage Use
- Policy Z6.3: Road Improvement
- Policy Z6.4: Devil's Tower Road Car Park
- Policy Z6.5: Devil's Tower Road Park and Ride

All of these policies offer the opportunity to improve environmental conditions and development opportunities along Devil's Tower Road, but they share in common the fact that this route will become the main road access to Gibraltar if policy Z5.2 is executed. As noted above, there is an opportunity to plan comprehensively with a new master plan for this area, rather than allocating land in piecemeal fashion. The SEA authors consider this is one of the best opportunities for dealing with Gibraltar's long term transport needs.

- Policy Z6.6: Extension to Cemetery
- Policy Z6.7: Cemetery Management Plan

Both of the above policies are supported by the SEA.

Zone 7: Europa

- Policy Z7.1: Europa Point Environmental Improvement

There is a clear need for environmental improvements at this location given its importance as a tourism destination. The SEA strongly supports the underlying aims of this policy and emphasises the importance of developing and managing the new

waste water treatment works to avoid any adverse environmental impacts on the public tourism and recreation areas.

- Policy Z7.2: Waste Water Treatment Works
- Policy Z7.3: Waste Incinerator

Both the waste water treatment works and waste incinerator represent major infrastructure developments and should be subject to EIA. There are clear synergies between the intended functions of these facilities (and also the existing clinical waste incinerator) and it is logical for the development to take place in close proximity to each other. It will be important to ensure that ancillary activities, including the movement and unloading of waste vehicles, is well managed and all mitigating measures identified through the respective EIAs are put into effect.

- Policy Z7.4: Lathbury Barracks – Industrial Estate

This policy confirms the existing pattern of land use on this site. No further comment is necessary.

- Policy Z7.5: Lathbury Barracks Guardroom Complex

This location is considered suitable for the intended uses from the standpoint of the SEA.

- Policy Z7.6: Retrenchment Block

The intended uses and safeguards written into this policy to protect the historic character and setting of the building are strongly supported by the SEA

- Policy Z7.7: Proposals affecting HMP

This policy relates to maintaining security at the prison and is a logical response to the decision to re-site the prison at this location.

- Policy Z7.8: Windmill Hill Road

The safeguarding of this route is supported by the SEA.

- Policy Z7.9: Parade Ground

The safeguards written into this policy to protect the environment and setting of the Upper Rock are strongly supported by the SEA.

- Policy Z7.10: Lathbury – Natural Linkages

This policy is strongly supported by the SEA.

Zone 8: South District

- Policy Z8.1: Alameda Gardens
- Policy Z8.2: Proposals in the vicinity of Alameda Gardens

The SEA strongly supports both of the above policies relating to the Alameda Gardens.

- Policy Z8.3: Grand Parade

The principles of this proposal to serve the needs of residents for car parking are supported but with the important caveat that has been applied to all parking proposals in the Draft Plan that a comprehensive review of transport and parking needs should be undertaken by the Commission in association with the relevant Government Departments.

- Policy Z8.4: Rosia Bay

This policy is fully supported by the SEA.

- Policy Z8.5: Environmental Improvement for Little Bay
- Policy Z8.6: Camp Bay/Little Bay

Both of the above policies are strongly supported by the SEA in furtherance of the aims of environmental improvement and increasing residential and tourist use of Gibraltar's important waterfront and coastal areas.

- Policy Z8.7: The Casino Site Europa Road

Redevelopment of the Casino Site will be a major undertaking, but subject to the safeguards outlined in this policy, the proposed use is supported by the SEA.

- Policy Z8.8: Maida Vale

The safeguards set out in this policy are supported by the SEA.

- Policy Z8.9: King George V Hospital

This policy is supported by the SEA.

- Policy Z8.10: North Gorge

The safeguards set out in this policy are supported by the SEA.

- Policy Z8.11: The Mount

The safeguards set out in this policy are supported by the SEA.

- Policy Z8.12: Conversion/Development of Royal Naval Hospital

The safeguards set out in this policy are supported by the SEA.

Zone 9: *The Upper Rock*

- Policy Z9.1: Upper Rock Nature Reserve Boundary

The principle of keeping the boundary under review for the benefit of nature conservation interests is strongly supported by the SEA, but care should be taken to ensure that the policy is not misinterpreted.

- Policy Z9.2: Non-Residential Development in the Upper Rock Nature Reserve

The principle of restricting all forms of development except that required to support the purposes of designation as a Nature Reserve is strongly supported by the SEA, but care should be taken to ensure that the policy is not misinterpreted. In its present form the SEA authors would be concerned that inappropriate forms of development may be proposed.

- Policy Z9.3: New Dwellings within the Nature Reserve

This policy (as with all policies in the plan) is clearly a matter on which only the Government can take a decision. However, it offers scope for enlargement of existing properties by 20% and notwithstanding the other safeguards contained within the policy, may result in adverse environmental effects within the existing Nature Reserve.

- Policy Z9.4: –Extensions, Alterations or Improvements to Dwellings within the Nature Reserve.

This policy is subject to the same cautionary remarks as Policy Z9.3.

- Policy Z9.5: Utility Development within the Nature Reserve

This policy is strongly supported by the SEA.

- Policy Z9.6: Protection of Ridgeline

This policy is strongly supported by the SEA.

- Policy Z9.7: Development Adjacent to the Nature Reserve

This policy is strongly supported by the SEA.

COMPATIBILITY OF PLAN POLICIES AGAINST SA OBJECTIVES

- 5.10. In the initial draft Environmental Report 2005, a review of the key plan policies was undertaken in order to predict and assess the significance of the effect of these policies. The assessment considered the probability, duration, frequency and reversibility of the effect using the following criteria.
- **Timescale:** are the potential effects short, medium or long term and are they permanent or temporary?
 - **Magnitude, scale and likelihood of occurrence:** what is the scale of the effect (minor, moderate or major) considering the geographical area and size of population likely to be affected and will it occur?
 - **Significance:** will the effect of the policy have positive, negative, uncertain or insignificant effects?
 - **Cumulative/secondary and synergistic effects:** Is it likely that there will be potential cumulative, secondary and synergistic effects through implementing development following the policies of the plan?
 - **Mitigation:** What is the scope to avoid, lessen or compensate for certain predicted effects through imposition of planning conditions or changes in the way in which the policy is implemented? Measures should consider alternatives, the refinement of the policy, additional policies or policy criteria to reduce the impact and/or supplementary planning guidance.
- 5.11. The analysis undertaken in 2005 has been revisited to determine to what extent revisions to the Draft Plan have altered the earlier conclusions. This review deals only with the core policies of the plan.

Overview

- 5.12. Reappraisal of the Draft Plan has confirmed that the majority of the SEA's recommendations on specific policies made in the initial draft Environmental Report (2005) have been given serious consideration and have largely been incorporated in the text or policies of the 2007 Draft Plan. This is both gratifying and a strong endorsement of the value of the SEA European Directive. As a result of the interaction the sustainability of individual plan policies has been strongly enhanced.
- 5.13. However, taking a broader view of the direction in which the Plan is leading, questions remain to be answered in terms of long term sustainability and these issues are raised in the following sections.

General Design and Standards

- 5.14. Policies under this chapter heading generally are compatible with the agreed sustainability objectives and therefore these policies have not been subjected to further review.

The Environment

- 5.15. The Environment policies in the Consultation Draft of the Gibraltar Development Plan have been revised and strengthened since an earlier draft was reviewed in the Initial Draft Environmental Report in 2005. In particular, the sections on protection of biodiversity have received stronger emphasis which will increase the effectiveness of the Plan. However, while all the environmental policies are generally compatible with sustainability objectives the Development and Planning Commission will need to be vigilant in reviewing all planning applications and ensuring that they meet the relevant conditions.
- 5.16. The Consultation Draft of the Gibraltar Development Plan gives increased emphasis to protection of the environment. In addition to policies on the landward areas and the importance of the marine environment, the Draft Plan also recognises the importance of ensuring that all development respects the natural, cultural historic and architectural qualities of Gibraltar.
- 5.17. Whilst all the policies are generally compatible with sustainability objectives it has to be recognised that strong tensions exist between the protection of the environment, and inappropriate development and housing. This condition is exacerbated by the restricted size of the peninsula and the demand for further growth. It is important that the Plan counteracts a widely held view that the environment of the Rock is robust and can continue to withstand the same levels of disturbance and intrusion from development as it has in the past. As Gibraltar continues to develop, the remaining open spaces for nature conservation and for public access will become increasingly precious and should be accorded the highest possible levels of protection. The enhanced status given to environmental policies will increase quality of life on Gibraltar and will also help to strengthen the economy through the contribution that the Rock already makes to tourism.
- 5.18. While the overall response of the SEA to environmental policies is positive it is clear that there are a number of major projects which are under active consideration at the present time. These include development proposals such as mixed use, large reclamation schemes, new waste treatment works and waste processing plans for municipal waste. These will have varying degrees of environmental impact depending upon their nature and location. Some impacts will be negative short term associated with the construction phase of developments e.g. dust and noise pollution from land reclamation schemes whilst others will have longer lasting negative effects e.g. potential air pollution from waste incineration. It is important that these larger scale projects are subjected to full environmental impact assessment (EIA) in order to ameliorate or mitigate any potential adverse effects.
- 5.19. The SEA review highlights that for certain developments, cumulative effects may be generated. This is associated with the siting of more “unfriendly” land uses in close

proximity to each other. Limited availability of space and prevailing winds may result in cumulative impacts associated with such developments including potential deterioration in air quality. These types of project will need particularly careful scrutiny.

- 5.20. Other issues that will need to be carefully assessed when implementing the Gibraltar Development Plan relate to the potential scale of future development both through extent and increases in building height which could have negative repercussions on landscape character, a particular example is the potential change to the existing fine grain character of the eastern side of the peninsula. Future proposals could have a long term effect and set a precedent for further development, changing the skyline and potentially obscuring the strong visual relationship between the Old Town and the waterfront.
- 5.21. The planning policies now exist in the Consultation Draft for interpreting and assessing these effects, but the test will be how they are put into effect. A major challenge for the future will lie in balancing policies for economic growth with environmental protection and achievement of quality of life for all.

Housing

- 5.22. The detailed policies and site allocations contained in the Consultation Draft of the Gibraltar Development Plan provide for an increase in rented accommodation and measures for controlling the conversion of existing residential property which should benefit local people. These elements of the Plan are positive and support the principles of sustainability. There remains, however, insufficient data to judge how much accommodation is needed to meet the needs of people on lower incomes, and to what extent provision of such housing might help Gibraltarians to find permanent homes in Gibraltar, rather than in neighbouring Spanish communities. This would help to relieve, in part the traffic congestion arising from daily commuting.
- 5.23. Policies supporting an increase in height of existing residential housing offer one route to providing more accommodation, although this needs to be balanced with the provision of more play space and access to facilities. In addition, it introduces the question of what should be the ultimate height of buildings given the potential visual impact on the waterfront and on the Rock, itself.
- 5.24. It is considered important that the Plan should seek to define some indicative targets in terms of the ultimate size and composition of the population over the next 10 year period in order to ensure that the infrastructure and associated housing is available to meet these conditions. At the present time, opportunities remain for refurbishment and conversion of existing property and construction of new housing on coastal reclamation sites to increase the number of available dwelling units. Once this stage has been exploited the only alternatives will be either to build in areas of sensitive landscape, biodiversity and archaeology which is contrary to both international and Gibraltar planning policies or to increase building heights. Both options could have a detrimental effect on Gibraltar and could have potential negative consequences for the environment, local economy, a large proportion of which is supported by tourism as well as the community's quality of life. It is not for this SEA to recommend which approach is taken, but it is important for decision makers to set

targets, determine which direction they wish to move forward, how potential impacts will be resolved and plan now for such a change.

Employment

- 5.25. Generally, the employment policies are compatible with sustainability objectives; however some tensions exist between promoting growth, ensuring that it is targeted to the local population and at the same time ensuring that such workers can afford to live in Gibraltar. The policy aim of continuing to encourage Gibraltar's economic base reflects this dilemma in that whilst it meets the agreed sustainable objectives to support and diversify the economy, it may generate long term negative impacts associated with environmental degradation including encouraging more frontier workers and increasing levels of congestion. One of the principal challenges that will need to be addressed during the life of the Plan will be to ensure that there is adequate housing stock to meet a growth in the economy and the potential for new employees to be based in Gibraltar.
- 5.26. There are cross links between the policies on employment and those on transport due to the emphasis on ensuring that new development provides adequate parking which then encourages employees to travel by car. These policies have the potential to increase car use and add to the negative environmental effects of traffic congestion and air pollution. Short term effects are likely to be offset by the plans for the new Airport terminal, access road and additional parking which are all welcome developments and will ease short term pressures but in the opinion of the SEA authors there is a growing interdependency between achievement of economic goals and the resolution of the environmental impacts of increased car usage, and these need to be addressed by the Plan under the section on transport.

Tourism

- 5.27. The tourism section of the Draft Plan has been strengthened to take account of the issues raised in the Initial Draft Environmental Report, 2005, including the specific need to monitor visitor numbers and activities. However, the policy on implementation of a visitor management plan could benefit from stronger wording and a commitment to action.
- 5.28. Tourism policies are supportive of economic growth, but in the process there is a need to ensure that wider social interests are protected by ensuring that all proposed developments will be considered in the light of their potential effect on communities. There are potential conflicts between promotion of tourism and the need to bring private and public transport under more effective control.

Retailing

- 5.29. Policies under this chapter heading are generally compatible with sustainability objectives, but the retail policies continue to encourage use of private cars through requiring car parking provision for all facilities. It is recommended that this issue is addressed through the traffic management study proposed in the next section of this report. One policy which does give rise to concerns in terms of sustainability is that relating to the siting of large retail stores.

Transport

- 5.30. One of the main issues facing Gibraltar is high car ownership and an expectation by most people that they can use their car to travel to work, shops or leisure/sports facilities despite the close proximity of all facilities. These trends contribute to traffic congestion during peak periods, pockets of high air pollution and illegal parking. Substantial steps have been made to encourage a modal shift by improving the public transport service but its cost and frequency remain an issue. The SEA is critical of the fact that transport policies in the Plan reflect this dilemma but are unlikely to bring about a reduction in use of private cars and particularly their use for short journeys.
- 5.31. With redevelopment of the Airport and realignment of the trans-frontier road there are major opportunities opening up for encouraging greater use of park and ride by visitors and residents. The SEA recommends that these opportunities, including the scope for building more car parks and reclaiming land should be considered in a holistic manner through the preparation of a Transport Plan

Social and community

- 5.32. Policies under this chapter are compatible with sustainability objectives. However as in the case of policies relating to housing and employment it is important that deficiencies in data are resolved in order to provide a basis for clearer prediction of the future demographic profile.

Leisure and recreation

- 5.33. These policies are generally compatible with sustainability objectives. A key requirement of the plan is to ensure that there is sufficient provision for informal and formal recreational facilities within the separate community areas. It is good to note that a survey has been undertaken for this purpose. Observations made in the initial draft Environmental Report, 2005 have been given careful consideration in redrafting of policies, especially in relation to use of the coastal areas.

Utilities and waste

- 5.34. A number of more detailed comments were made in the initial draft Environmental Report, 2005, concerning the potential for utilities and waste management to have adverse environmental effects. These have been taken into consideration in redrafting the relevant sections of the Consultation Draft. However, the issue of waste disposal and recycling has become more prominent generally in Europe over the last 2-3 years and it is recommended that further attention is given in the respective policies to the opportunities for residents and commercial operators to do more to help themselves and for Government to take a lead in introducing a new culture on waste management and recycling activities.

6. REVIEW OF CHANGES TO THE PLAN

INTRODUCTION

- 6.1. A small number of changes have been made to the Final Plan in the light of comments received during the consultation phase. The changes and any implications they might have for the findings of the SEA have been carefully considered and a formal response is set out in the two tables included in this chapter (Tables 6.1 and 6.2). It should be noted that the review is concerned only with actual changes to the wording of policies or supporting text. Changes in background information, layout, spelling and punctuation are not included where these have been judged to be insignificant.
- 6.2. In the interests of providing a simple guide to the changes and their implications. The two tables follow the same format.

The first column contains the paragraph reference and/or policy number used in the Final Plan.

The second column gives a brief statement about the nature of the change in wording. This statement only paraphrases the change and the original text should be consulted if more in-depth examination is required.

The third column notes whether or not the change is supportive, neutral or contrary to the SEA findings, finally,

The fourth column uses symbols to summarise the findings of the review. Symbols are used as follows:

NS = The change of no significance to the SEA review

⊕ = positive enhancement; ✓ = strong; ✓✓+ very strong

▶ = neutral impact on environment / sustainability

■ = adverse impact; x = strong; xx= very strong

- 6.3. The SEA review confirms that in almost all cases the changes that have been made to the Plan either positively enhance it in terms of protection of the environment and commitment to sustainable forms of development or are neutral. Only in two instances have marginal concerns been noted and both are capable of being resolved with only very minor adjustment to two paragraphs.
- 6.4. The SEA of the Consultation Draft Plan concluded that certain areas of policy could be further refined to deliver SEA and sustainability objectives. These included a reassessment of future transport requirements including encouraging greater use of public transport, reducing dependency on private cars, exploring opportunities for potentially closer cooperation with Spain in terms of the provision of infrastructure and services and recycling of potential waste.

- 6.5. It is gratifying to note that the Development and Planning Commission has strengthened its policy on alternative forms of transport (to the private car) and has introduced a specific proposal for domestic recycling linked with waste recovery in Spain. However, Government policy on self sufficiency for infrastructure, waste treatment and power supplies remains unchanged for understandable reasons.
- 6.6. The SEA authors note that the Development and Planning Commission intends to develop a series of indicators to assess the performance of the plan and strongly advocate that these indicators should be used on an annual basis to check what progress has been made in delivering implementation targets set out in the final table of responsibilities for implementation.

Table 6.1 SEA Review of Amendments to Parts I & II of the Plan

PART I			
Reference Number	Description of change in the Plan brought about through the consultation process	Relationship to the Pre-Consultation SEA findings	Significance of the change in terms of Environmental and sustainability objectives
I.12	Population estimate amended	The SEA draws attention to the need for more accurate survey data. This remains a weakness.	▶
I.18	Strengthening emphasis on international importance of military heritage	The SEA draws attention to the importance of heritage.	+✓✓
Strategic Principles	The principle on transport has been altered to give emphasis to the need to facilitate and encourage alternative means of transport (and to cater for the needs of private transport where appropriate).	This change of emphasis was advocated in the SEA and the amendment is strongly welcomed.	+✓✓
Policy GDS2 (G)	This policy on design of new development now includes an additional criterion for control of odour.	The change is positive and supported	+✓
Policy GDS2 (I)	Car parking is now provided “where appropriate” rather than as an absolute requirement.	The change is positive and supported	+✓
Policy GDS6	Emphasis is placed on the possible requirement to submit an area-	The importance of landscape character	+✓

	wide or site-specific detailed landscape character assessment.	in Gibraltar is strongly emphasised in the SEA and this strengthening of policy welcomed	
2.16 and Policy GDS7	The importance of strategic vistas is emphasised	The importance of landscape and townscape is emphasised in the SEA and this strengthening of policy welcomed	+✓
Policy GDS8	Minor changing in wording to clarify and strengthen the impact of the policy on landscaping schemes	The change is positive and supported	+✓
2.21	Energy efficiency and conservation. New reference to Government Environmental Action and Management Plan	The change is positive and supported	+✓
Policy GDS10	Periodic review of building regulations to improve energy efficiency of buildings	This is a key theme in the SEA and the commitment to continuous improvement in construction standards is welcomed	+✓
Policy GDS14	Minor revision to text on green roofs	Recognises that not all roofs can be vegetated	▶
Paragraph 2.35 and Policy GDS15	In addition to planning permission tall building proposals will also require the approval of the Government	The need for clear policy guidance on building heights was stressed in the pre-consultation SEA	+✓✓
Biodiversity	Sections relocated to improve structure	Supported	▶
3.11	Reference to landslips added	Supported	▶
3.14; 3.15	Development and flood risk from sea level rise. Clarification of text	Supported	▶
3.16	Air quality: Wording amended in respect of potentially polluting proposals.	The last sentence of 3.16 implies that an unacceptable short term effect on air quality could be accepted. This is not supported by the SEA.	-X

Policy ENV7	Minor revision in text	Supported	▶
Paras 3.20-3.22, Policy ENV8	New wording to supporting text and policy covering the protection of water quality in the vicinity of sea water intakes.	Supported	+✓
3.23-3.26 Policy ENV9 and ENV10	New wording to supporting text and new policy covering noise and dust nuisance	Supported	+✓
3.36	Inclusion of reference to 'Great Sand Slopes' and clarification of status of SCIs	Supported	▶
3.40	The word 'beautification' replaced with 'environmental improvement'.	Supported	▶
3.43	Strengthening of reference to preparation of a Heritage Management Plan	Supported	▶
4.13 Policy H4	Wording altered on rehousing of occupiers where existing housing stock is redeveloped	Clarifies the factors to be taken into consideration	▶
8.4 Transport Study	Minor rewording but no change in emphasis on the case for a comprehensive transport study	The absence of a commitment to take forward this study is disappointing but this is not within the remit of the plan	▶
8.5	Alternative means of transport	This positive commitment from the Development and Planning Commission is welcomed	+✓✓
Policy TR2	Prominence given to clause on Cycle Parking over car parking	This positive commitment is welcomed	+✓
Policy TR5	Treatment of frontages to car parks and preference for underground parking	Supported	+✓
11.4 onwards to 11.13	Revision of text describing sea water desalination options and sites	The changes do not alter the SEA evaluation of this important topic	▶
11.14 Policy UW2	Inclusion of example of reducing water demand by storing rainwater	Supported	+✓
11.19	Electrical Generation – revision to text dealing with the three existing	Supported	+✓

	power stations		
11.26	Energy from Waste Facility – clarification of details	The changes do not alter the SEA evaluation	▶
11.33 Policy UW7	Proposal to introduce a public collection facility for domestic recycling	Strongly supported	+✓
PART II			
13.6	Waterport Terraces- provision of 400 affordable housing and specialised accommodation for the elderly	Completion of this scheme welcomed	+✓
13.12- 13.13, Policy Z3.3	Reservation of land off North Mole Road for potential desalination plant	Noted and supported	▶
13.17 following	Reclaimed Area text updated	The changes do not alter the previous assessment	▶
16.5-16.7 Policy Z5.3	Discussion on the redevelopment options for the Rotunda Shopping Centre.	The conditions on reuse of this site are noted and supported.	▶
16.9	Use of reclaimed land at Western Beach	The conditions on use of this site are noted and supported.	▶
17.5	A firm commitment has been given to provide a park and ride facility at Devil's Tower Road car park	This is a very positive commitment towards easing traffic congestion and reducing emissions. It is strongly welcomed	+✓✓
18.9	Wastewater treatment works is likely to require an EIA and Appropriate Assessment	These requirements conform with EU Directives	+✓
18.12	Refurbishment of the Energy from Waste Facility is likely to require an EIA and Appropriate Assessment	This commitment should be strengthened in the light of the need to carry out a cumulative assessment of impacts from the Power Station, clinical incinerator and energy from waste plant	-X

18.23	The site of Lathbury Barracks parade ground is confirmed as the location for a new power station which has been the subject of both an EIA and an Appropriate Assessment	Future performance of the power station will have a significant effect on the potential for other uses in the vicinity, for which cumulative impact assessments will be required	▶
19.15 Policy Z8.7	Protection of two saltwater reservoirs	Supported in the interests of resource conservation	+✓
Policy Z9.3	The dimensions and height of any replacement buildings within the Upper Rock Nature Reserve are clarified	Supported	▶
Policy 9.4	The dimensions and height of any extension to an existing building within the Upper Rock Nature Reserve are clarified	Supported	▶

Table 6.2 SEA Review relating to Amendments to the Old Town Plan

Reference Number	Description of change in the Plan brought about through the consultation process	Relationship to the Pre-Consultation SEA findings	Significance of the change in terms of Environmental and sustainability objectives
1.2	Description of Old Town as a prime focus for tourist interest	NS	NS
1.5	Revised description of pedestrian scheme	NS	NS
Policy OTC4	Permission for any demolition will not be granted until a suitable redevelopment scheme has been approved	Strengthens policy	+✓
2.11 and Policy OTC6	In addition to planning permission tall building proposals will also require the approval of the Government	The need for clear policy guidance on building heights was stressed in the pre-consultation SEA	+✓✓
Policy OTBI	Planning permission for the change of first floor premises within the primary and secondary shopping areas for office use may be granted (rather than 'will normally be granted').	Policy gives greater control to the planning authority	+✓

Engineer House 8.12	Reference to protecting and enhancing the large wooded area to the east of the site.	Provides greater clarity on environmental benefits	+✓
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7. CONCLUSIONS AND RECOMMENDATIONS

INTRODUCTION

- 7.1. Based on successive reviews of the text and policies contained in drafts and the final text of the Gibraltar Development Plan it can be confirmed that the findings of the Initial Draft Environmental Report (2005) and the subsequent Draft Environmental Report on the Draft Consultation Plan have been given serious consideration and many of the recommendations have been carried forward into the Plan's final policies. In this respect the Plan complies with both the letter and intent of the European Directive on Environmental Assessment. The SEA of the Gibraltar Development Plan has also helped to assess the extent to which the Plan is moving towards land use planning in a sustainable manner.

COMMENT

- 7.2. The Development Plan sets out specific development goals for individual zones in Part II of the Plan and many of these have long term implications, but as the Plan states 'the nature of development in Gibraltar tends to be very opportunistic largely due to development frequently taking place on redevelopment sites and sites that become surplus to MOD requirements'. The Draft SEA prepared in 2007 recognised the reality of this situation but also suggested that there were areas in which a longer term view needed to be taken – including transport, the provision of infrastructure and recycling. It is good to note that the Plan now contains stronger policies on transport and recycling, although some of the issues relating to infrastructure will not be addressed in the timescale of the current plan.
- 7.3. One of the key findings of the SEA is that greater emphasis should be given to the mechanisms for ensuring delivery of the individual planning policies, since a large proportion depend upon the actions of Government departments or other agencies. It is recommended that the table on implementation should be expanded with the addition of a column setting up specific targets and timetables for delivery of the required actions. These details should be discussed and agreed with each of the bodies responsible for their execution and included in the Adopted Plan.

RECOMMENDATIONS

- 7.4. A commentary has been provided in Chapters 4 and 5 on each of the policies in the Draft Plan. This section should be referred to in order to view the specific recommendations of the Environmental Report, which are too extensive to summarise here.

FUTURE MONITORING

- 7.5. The Plan notes that much of the work of implementation to deliver the plan goals will depend upon public sector activity and 'it is therefore essential that all public sector organisations that have a role to play in the implementation of the Plan ensure that

they fully assess the deliverables expected of them and allocate their resources accordingly’.

- 7.6. This view is fully endorsed by the SEA in view of the formal obligation on the Government of Gibraltar under EC Directive 2001/42/EC which states:

Article 10 Monitoring

- 1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, inter alia, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.*
- 2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.*

- 7.7. It is recommended that a new policy should be inserted in the Plan setting out requirements for a formal Implementation Action Plan to be adopted by Government and revised at five-year intervals. The basis of the Implementation Action Plan should be the Implementation Table appearing at the end of the Plan. However, in addition to identifying responsibility for execution, additional columns should be added to the table covering the timetable for action, targets and indicators, and confirmation of milestones achieved.

APPENDIX A

The Role of Strategic Environmental Assessment (SEA) and Sustainability Appraisal (SA)

INTRODUCTION

- 1 The former Development Plan for Gibraltar was produced in 1991 to cover a ten-year period. The new Gibraltar Development Plan has been prepared over the last five years and was the subject of full public consultation in 2007 and 2009.
- 2 The Government of Gibraltar operates within the framework of European Union legislation and Directive 2001/42/EC (the Strategic Environmental Assessment Directive) will therefore be applied to the new Development Plan.
- 3 The principal benefits of SEA lie in:
 - Facilitating the identification and appraisal of alternative plan strategies,
 - Raising awareness of environmental² impacts of the Plan – helping to clarify the consequences of choices and making specific provision for mitigation measures where necessary,
 - Encouraging the inclusion of measurable targets and indicators that assist in the monitoring and implementation of the plan that will contribute towards subsequent reviews, and
 - Ensuring that the Plan is widely accepted and supported.

UNDERTAKING AN SEA

- 4 The main emphasis of the EU Directive is on the likely effects of the plan on the environment, but ‘environment’ should be interpreted broadly and social and economic effects are also relevant to the assessment. Each Member State is responsible for developing its own regulations for enacting the Directive. Gibraltar is following the guidance prepared by the UK Government since there are close similarities between the Gibraltar Town Planning Act, 1999 and English land use planning systems.
- 5 In the UK, guidance on SEA and Land Use Planning was released by the Office of the Deputy Prime Minister (ODPM) in October 2003. This guidance has been subsumed within a more comprehensive review of SEA and Sustainability Appraisal³. The emphasis on sustainability appraisal is particularly relevant to Gibraltar, because as a

² Environmental refers to the totality of the human environment and is taken in this context to mean not only the biophysical environment, but also the social and economic conditions within which people live.

³ Sustainability Appraisal of Regional Spatial Strategies and Local Development Documents, ODPM, November 2005

small land area largely surrounded by sea it is heavily dependent on its own resources.

THE PROCESS OF SEA

- 6 Five basic steps are entailed in undertaking an SEA. These are to:
 - 1 Establish the context and evaluate the environmental baseline,
 - 2 Define the scope of the SEA and identify alternatives to the development plan proposals,
 - 3 Assess the likely significant environmental effects of the development plan policies and any alternatives and potential mitigation measures,
 - 4 Prepare an Environmental Report (and non-technical summary) to be made available for public consultation in conjunction with the draft development plan, and
 - 5 Establish a method for monitoring significant environmental effects of the plan's implementation,
- 7 In the light of public response to the Development Plan, it is appropriate to:
 - Produce a revised Environmental Report, and
 - Draft a statement showing how environmental considerations have been integrated into the Plan and illustrating how the Environmental Report and opinions expressed on it have been taken into account and the reasons for choosing the Plan as adopted in the light of alternatives.
8. This report constitutes steps 1 to 5 of the SEA process as outlined above.

9. The structure of the Final SEA (Environmental Report) is set out in Box I below.

BOX I

Summary and outcomes	Non-technical summary Statement on the difference the process has made How to comment on the report
Appraisal Methodology	Approach adopted to the SEA When the SEA was carried out Who carried out the SEA Who was consulted, when and how
Background	Purpose of the SEA and the Environmental Report Plan Objectives Compliance with the SEA Directive
Sustainability objectives, baseline and context	Links to other strategies, plans and programmes and sustainability objectives Description of the economic, environmental and social baseline characteristics and the predicted future baseline Difficulties in terms of sustainability data and limitations of the data The SA framework, including objectives, targets and indicators Main sustainability issues and problems
Plan issues and alternatives	Main strategic alternatives considered and how they were identified Comparison of the significant effects of the alternatives How sustainability issues were considered in choosing the preferred alternatives Other alternatives considered, and why these were rejected Proposed mitigation measures
Plan policies and proposals	Significant environmental effects of the preferred policies and proposals How sustainability problems were considered in developing the policies and proposals Proposed mitigation measures Uncertainties and risks
Implementation	Links to other tiers of plans and programmes and the project level (environmental impact assessment, design guidance etc) Proposals for monitoring

APPENDIX B

Text of The SEA Directive

The following information is extracted from the Official Journal of the European Communities (21.7.2001 L 197/30). For legal interpretation, the original text should always be consulted.

**DIRECTIVE 2001/42/EC OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
of 27 June 2001
on the assessment of the effects of certain plans and programmes on the environment**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE
EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 175(1) thereof,
Having regard to the proposal from the Commission ⁽¹⁾, Having regard to the opinion of the Economic and
Social Committee ⁽²⁾, Having regard to the opinion of the Committee of the Regions ⁽³⁾,

Acting in accordance with the procedure laid down in Article 251 of the Treaty ⁽⁴⁾, in the light of the joint text
approved by the Conciliation Committee on 21 March 2001,

Whereas:

(1) Article 174 of the Treaty provides that Community policy on the environment is to contribute to, *inter alia*, the preservation, protection and improvement of the quality of the environment, the protection of human health and the prudent and rational utilisation of natural resources and that it is to be based on the precautionary principle. Article 6 of the Treaty provides that environmental protection requirements are to be integrated into the definition of Community policies and activities, in particular with a view to promoting sustainable development.

(2) The Fifth Environment Action Programme: Towards sustainability — A European Community programme of policy and action in relation to the environment and sustainable development ⁽⁵⁾, supplemented by Council Decision No 2179/98/EC ⁽⁶⁾ on its review, affirms the importance of assessing the likely environmental effects of plans and programmes.

(3) The Convention on Biological Diversity requires Parties to integrate as far as possible and as appropriate the conservation and sustainable use of biological diversity into relevant sectoral or cross-sectoral plans and programmes.

(4) Environmental assessment is an important tool for integrating environmental considerations into the preparation and adoption of certain plans and programmes which are likely to have significant effects on the environment in the Member States, because it ensures that such effects of implementing plans and programmes are taken into account during their preparation and before their adoption.

(5) The adoption of environmental assessment procedures at the planning and programming level should benefit undertakings by providing a more consistent framework in which to operate by the inclusion of the relevant environmental information into decision making. The inclusion of a wider set of factors in decision making should contribute to more sustainable and effective solutions.

(6) The different environmental assessment systems operating within Member States should contain a set of common procedural requirements necessary to contribute to a high level of protection of the environment.

(7) The United Nations/Economic Commission for Europe Convention on Environmental Impact Assessment in a Transboundary Context of 25 February 1991, which applies to both Member States and other States, encourages the parties to the Convention to apply its principles to plans and programmes as well; at the second meeting of the Parties to the Convention in Sofia on 26 and 27 February 2001, it was decided to prepare a legally binding protocol on strategic environmental assessment which would supplement the

existing provisions on environmental impact assessment in a transboundary context, with a view to its possible adoption on the occasion of the 5th Ministerial Conference 'Environment for Europe' at an extraordinary meeting of the Parties to the Convention, scheduled for May 2003 in Kiev, Ukraine. The systems operating within the Community for environmental assessment of plans and programmes should ensure that there are adequate transboundary consultations where the implementation of a plan or programme being prepared in one Member State is likely to have significant effects on the environment of another Member State. The information on plans and programmes having significant effects on the environment of other States should be forwarded on a reciprocal and equivalent basis within an appropriate legal framework between Member States and these other States.

(1) OJ C 129, 25.4.1997, p. 14 and OJ C 83, 25.3.1999, p. 13.

(2) OJ C 287, 22.9.1997, p. 101.

(3) OJ C 64, 27.2.1998, p. 63 and OJ C 374, 23.12.1999, p. 9.

(4) Opinion of the European Parliament of 20 October 1998 (OJ C 341, 9.11.1998, p. 18), confirmed on 16 September 1999 (OJ C 54, 25.2.2000, p. 76), Council Common Position of 30 March 2000 (OJ C 137, 16.5.2000, p. 11) and Decision of the European Parliament of 6 September 2000 (OJ C 135, 7.5.2001, p. 155). Decision of the European Parliament of 31 May 2001 and Decision of the Council of 5 June 2001.

(5) OJ C 138, 17.5.1993, p. 5.

(6) OJ L 275, 10.10.1998, p. 1.

EN Official Journal of the European Communities 21.7.2001 L 197/31

(8) Action is therefore required at Community level to lay down a minimum environmental assessment framework, which would set out the broad principles of the environmental assessment system and leave the details to the Member States, having regard to the principle of subsidiarity. Action by the Community should not go beyond what is necessary to achieve the objectives set out in the Treaty.

(9) This Directive is of a procedural nature, and its requirements should either be integrated into existing procedures in Member States or incorporated in specifically established procedures. With a view to avoiding duplication of the assessment, Member States should take account, where appropriate, of the fact that assessments will be carried out at different levels of a hierarchy of plans and programmes.

(10) All plans and programmes which are prepared for a number of sectors and which set a framework for future development consent of projects listed in Annexes I and II to Council Directive 85/337/EEC of 27 June 1985 on the assessment of the effects of certain public and private projects on the environment ⁽¹⁾, and all plans and programmes which have been determined to require assessment pursuant to Council Directive 92/43/EEC of 21 May 1992 on the conservation of natural habitats and of wild flora and fauna ⁽²⁾, are likely to have significant effects on the environment, and should as a rule be made subject to systematic environmental assessment. When they determine the use of small areas at local level or are minor modifications to the above plans or programmes, they should be assessed only where Member States determine that they are likely to have significant effects on the environment.

(11) Other plans and programmes which set the framework for future development consent of projects may not have significant effects on the environment in all cases and should be assessed only where Member States determine that they are likely to have such effects.

(12) When Member States make such determinations, they should take into account the relevant criteria set out in this Directive.

(13) Some plans or programmes are not subject to this Directive because of their particular characteristics.

(14) Where an assessment is required by this Directive, an environmental report should be prepared containing relevant information as set out in this Directive, identifying, describing and evaluating the likely significant environmental effects of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme; Member States should communicate to the Commission any measures they take concerning the quality of environmental reports.

(15) In order to contribute to more transparent decision making and with the aim of ensuring that the information supplied for the assessment is comprehensive and reliable, it is necessary to provide that authorities with relevant environmental responsibilities and the public are to be consulted during the

assessment of plans and programmes, and that appropriate time frames are set, allowing sufficient time for consultations, including the expression of opinion.

(16) Where the implementation of a plan or programme prepared in one Member State is likely to have a significant effect on the environment of other Member States, provision should be made for the Member States concerned to enter into consultations and for the relevant authorities and the public to be informed and enabled to express their opinion.

(17) The environmental report and the opinions expressed by the relevant authorities and the public, as well as the results of any transboundary consultation, should be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

(18) Member States should ensure that, when a plan or programme is adopted, the relevant authorities and the public are informed and relevant information is made available to them.

(19) Where the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, such as Council Directive 79/409/EEC of 2 April 1979 on the conservation of wild birds ⁽³⁾, Directive 92/43/EEC, or Directive 2000/60/EC of the European Parliament and the Council of 23 October 2000 establishing a framework for Community action in the field of water policy ⁽⁴⁾, in order to avoid duplication of the assessment, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation.

(20) A first report on the application and effectiveness of this Directive should be carried out by the Commission five years after its entry into force, and at seven-year intervals thereafter. With a view to further integrating environmental protection requirements, and taking into account the experience acquired, the first report should, if appropriate, be accompanied by proposals for amendment of this Directive, in particular as regards the possibility of extending its scope to other areas/sectors and other types of plans and programmes,

⁽¹⁾ OJ L 175, 5.7.1985, p. 40. Directive as amended by Directive 97/11/EC (OJ L 73, 14.3.1997, p. 5). ⁽³⁾ OJ L 103, 25.4.1979, p. 1. Directive as last amended by Directive 97/49/EC (OJ L 223, 13.8.1997, p. 9). ⁽²⁾ OJ L 206, 22.7.1992, p. 7. Directive as last amended by Directive 97/62/EC (OJ L 305, 8.11.1997, p. 42). ⁽⁴⁾ OJ L 327, 22.12.2000, p. 1.

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Objectives

The objective of this Directive is to provide for a high level of protection of the environment and to contribute to the integration of environmental considerations into the preparation and adoption of plans and programmes with a view to promoting sustainable development, by ensuring that, in accordance with this Directive, an environmental assessment is carried out of certain plans and programmes which are likely to have significant effects on the environment.

Article 2

Definitions

For the purposes of this Directive.:

(a) 'plans and programmes' shall mean plans and programmes, including those co-financed by the European Community, as well as any modifications to them: — which are subject to preparation and/or adoption by an authority at national, regional or local level or which are prepared by an authority for adoption, through a legislative procedure by Parliament or Government, and — which are required by legislative, regulatory or administrative provisions;

(b) 'environmental assessment' shall mean the preparation of an environmental report, the carrying out of consultations, the taking into account of the environmental report and the results of the consultations in decision-making and the provision of information on the decision in accordance with Articles 4 to 9;

(c) 'environmental report' shall mean the part of the plan or programme documentation containing the information required in Article 5 and Annex I; (d) 'The public' shall mean one or more natural or legal persons and, in accordance with national legislation or practice, their associations, organisations or groups.

Article 3

Scope

1. An environmental assessment, in accordance with Articles 4 to 9, shall be carried out for plans and programmes referred to in paragraphs 2 to 4 which are likely to have significant environmental effects.
2. Subject to paragraph 3, an environmental assessment shall be carried out for all plans and programmes, (a) which are prepared for agriculture, forestry, fisheries, energy, industry, transport, waste management, water management, telecommunications, tourism, town and country planning or land use and which set the framework for future development consent of projects listed in Annexes I and II to Directive 85/337/EEC, or (b) which, in view of the likely effect on sites, have been determined to require an assessment pursuant to Article 6 or 7 of Directive 92/43/EEC.
3. Plans and programmes referred to in paragraph 2 which determine the use of small areas at local level and minor modifications to plans and programmes referred to in paragraph 2 shall require an environmental assessment only where the Member States determine that they are likely to have significant environmental effects.
4. Member States shall determine whether plans and programmes, other than those referred to in paragraph 2, which set the framework for future development consent of projects, are likely to have significant environmental effects.
5. Member States shall determine whether plans or programmes referred to in paragraphs 3 and 4 are likely to have significant environmental effects either through case-by-case examination or by specifying types of plans and programmes or by combining both approaches. For this purpose Member States shall in all cases take into account relevant criteria set out in Annex II, in order to ensure that plans and programmes with likely significant effects on the environment are covered by this Directive.
6. In the case-by-case examination and in specifying types of plans and programmes in accordance with paragraph 5, the authorities referred to in Article 6(3) shall be consulted. 7. Member States shall ensure that their conclusions pursuant to paragraph 5, including the reasons for not requiring an environmental assessment pursuant to Articles 4 to 9, are made available to the public.
8. The following plans and programmes are not subject to this Directive: — plans and programmes the sole purpose of which is to serve national defence or civil emergency, — financial or budget plans and programmes.
9. This Directive does not apply to plans and programmes co-financed under the current respective programming periods ⁽¹⁾ for Council Regulations (EC) No 1260/1999 ⁽²⁾ and (EC) No 1257/1999 ⁽³⁾.
⁽¹⁾ The 2000-2006 programming period for Council Regulation (EC) No 1260/1999 and the 2000-2006 and 2000-2007 programming periods for Council Regulation (EC) No 1257/1999.
⁽²⁾ Council Regulation (EC) No 1260/1999 of 21 June 1999 laying down general provisions on the Structural Funds (OJ L 161, 26.6.1999, p. 1).
⁽³⁾ Council Regulation (EC) No 1257/1999 of 17 May 1999 on support for rural development from the European Agricultural Guidance and Guarantee Fund (EAGGF) and amending and repealing certain regulations (OJ L 160, 26.6.1999, p. 80).

Article 4

General obligations

1. The environmental assessment referred to in Article 3 shall be carried out during the preparation of a plan or programme and before its adoption or submission to the legislative procedure.
2. The requirements of this Directive shall either be integrated into existing procedures in Member States for the adoption of plans and programmes or incorporated in procedures

established to comply with this Directive.

3. Where plans and programmes form part of a hierarchy, Member States shall, with a view to avoiding duplication of the assessment, take into account the fact that the assessment will be carried out, in accordance with this Directive, at different levels of the hierarchy. For the purpose of, *inter alia*, avoiding duplication of assessment, Member States shall apply Article 5(2) and (3).

Article 5

Environmental report

1. Where an environmental assessment is required under Article 3(1), an environmental report shall be prepared in which the likely significant effects on the environment of implementing the plan or programme, and reasonable alternatives taking into account the objectives and the geographical scope of the plan or programme, are identified, described and evaluated. The information to be given for this purpose is referred to in Annex I.

2. The environmental report prepared pursuant to paragraph 1 shall include the information that may reasonably be required taking into account current knowledge and methods of assessment, the contents and level of detail in the plan or programme, its stage in the decision-making process and the extent to which certain matters are more appropriately assessed at different levels in that process in order to avoid duplication of the assessment.

3. Relevant information available on environmental effects of the plans and programmes and obtained at other levels of decision-making or through other Community legislation may be used for providing the information referred to in Annex I.

4. The authorities referred to in Article 6(3) shall be consulted when deciding on the scope and level of detail of the information which must be included in the environmental report.

Article 6

Consultations

1. The draft plan or programme and the environmental report prepared in accordance with Article 5 shall be made available to the authorities referred to in paragraph 3 of this Article and the public.

2. The authorities referred to in paragraph 3 and the public referred to in paragraph 4 shall be given an early and effective opportunity within appropriate time frames to express their opinion on the draft plan or programme and the accompanying environmental report before the adoption of the plan or programme or its submission to the legislative procedure.

3. Member States shall designate the authorities to be consulted which, by reason of their specific environmental responsibilities, are likely to be concerned by the environmental effects of implementing plans and programmes.

4. Member States shall identify the public for the purposes of paragraph 2, including the public affected or likely to be affected by, or having an interest in, the decision-making subject to this Directive, including relevant non-governmental organisations, such as those promoting environmental protection and other organisations concerned.

5. The detailed arrangements for the information and consultation of the authorities and the public shall be determined by the Member States.

Article 7

Transboundary consultations

1. Where a Member State considers that the implementation of a plan or programme being prepared in relation to its territory is likely to have significant effects on the environment in another Member State, or where a Member State likely to be significantly affected so requests, the Member State in whose territory the plan or programme is being prepared shall, before its adoption or submission to the legislative procedure, forward a copy of the draft plan or programme and the relevant environmental report to the other Member State.

2. Where a Member State is sent a copy of a draft plan or programme and an environmental report under paragraph 1, it shall indicate to the other Member State whether it wishes to enter into consultations before the adoption of the plan or programme or its submission to the legislative procedure and, if it so indicates,

the Member States concerned shall enter into consultations concerning the likely transboundary environmental effects of implementing the plan or programme and the measures envisaged to reduce or eliminate such effects. Where such consultations take place, the Member States concerned shall agree on detailed arrangements to ensure that the authorities referred to in Article 6(3) and the public referred to in Article 6(4) in the Member State likely to be significantly affected are informed and given an opportunity to forward their opinion within a reasonable time-frame.

3. Where Member States are required under this Article to enter into consultations, they shall agree, at the beginning of such consultations, on a reasonable timeframe for the duration of the consultations.

Article 8

Decision making

The environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of any transboundary consultations entered into pursuant to Article 7 shall be taken into account during the preparation of the plan or programme and before its adoption or submission to the legislative procedure.

Article 9

Information on the decision

1. Member States shall ensure that, when a plan or programme is adopted, the authorities referred to in Article 6(3), the public and any Member State consulted under Article 7 are informed and the following items are made available to those so informed:

- (a) the plan or programme as adopted;
- (b) a statement summarising how environmental considerations have been integrated into the plan or programme and how the environmental report prepared pursuant to Article 5, the opinions expressed pursuant to Article 6 and the results of consultations entered into pursuant to Article 7 have been taken into account in accordance with Article 8 and the reasons for choosing the plan or programme as adopted, in the light of the other reasonable alternatives dealt with, and
- (c) the measures decided concerning monitoring in accordance with Article 10.

2. The detailed arrangements concerning the information referred to in paragraph 1 shall be determined by the Member States.

Article 10

Monitoring

1. Member States shall monitor the significant environmental effects of the implementation of plans and programmes in order, *inter alia*, to identify at an early stage unforeseen adverse effects, and to be able to undertake appropriate remedial action.

2. In order to comply with paragraph 1, existing monitoring arrangements may be used if appropriate, with a view to avoiding duplication of monitoring.

Article 11

Relationship with other Community legislation

1. An environmental assessment carried out under this Directive shall be without prejudice to any requirements under Directive 85/337/EEC and to any other Community law requirements.

2. For plans and programmes for which the obligation to carry out assessments of the effects on the environment arises simultaneously from this Directive and other Community legislation, Member States may provide for coordinated or joint procedures fulfilling the requirements of the relevant Community legislation in order, *inter alia*, to avoid duplication of assessment.

3. For plans and programmes co-financed by the European Community, the environmental assessment in accordance with this Directive shall be carried out in conformity with the specific provisions in relevant Community legislation.

Article 12

Information, reporting and review

1. Member States and the Commission shall exchange information on the experience gained in applying this Directive.

2. Member States shall ensure that environmental reports are of a sufficient quality to meet the requirements of this Directive and shall communicate to the Commission any measures they take concerning the quality of these reports.

3. Before 21 July 2006 the Commission shall send a first report on the application and effectiveness of this Directive to the European Parliament and to the Council. With a view further to integrating environmental protection requirements, in accordance with Article 6 of the Treaty, and taking into account the experience acquired in the application of this Directive in the Member States, such a report will be accompanied by proposals for amendment of this Directive, if appropriate. In particular, the Commission will consider the possibility of extending the scope of this Directive to other areas/sectors and other types of plans and programmes. A new evaluation report shall follow at seven-year intervals.

4. The Commission shall report on the relationship between this Directive and Regulations (EC) No 1260/1999 and (EC) No 1257/1999 well ahead of the expiry of the programming periods provided for in those Regulations, with a view to ensuring a coherent approach with regard to this Directive and subsequent Community Regulations.

Article 13

Implementation of the Directive

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive before 21 July 2004. They shall forthwith inform the Commission thereof.

2. When Member States adopt the measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such reference shall be laid down by Member States.

3. The obligation referred to in Article 4(1) shall apply to the plans and programmes of which the first formal preparatory act is subsequent to the date referred to in paragraph 1. Plans and programmes of which the first formal preparatory act is before that date and which are adopted or submitted to the legislative procedure more than 24 months thereafter, shall be made subject to the obligation referred to in Article 4(1) unless Member States decide on a case by case basis that this is not feasible and inform the public of their decision.

4. Before 21 July 2004, Member States shall communicate to the Commission, in addition to the measures referred to in paragraph 1, separate information on the types of plans and programmes which, in accordance with Article 3, would be subject to an environmental assessment pursuant to this Directive. The Commission shall make this information available to the Member States. The information will be updated on a regular basis

Article 14

Entry into force

This Directive shall enter into force on the day of its publication in the *Official Journal of the European Communities*.

Article 15

Addressees

This Directive is addressed to the Member States.

Done at Luxembourg, 27 June 2001.

For the European Parliament

The President

N. FONTAINE

For the Council

The President

B. ROSENGREN

EN Official Journal of the European Communities 21.7.2001 L 197/36

ANNEX I

Information referred to in Article 5(1)

The information to be provided under Article 5(1), subject to Article 5(2) and (3), is the following:

- (a) an outline of the contents, main objectives of the plan or programme and relationship with other relevant plans and programmes;
- (b) the relevant aspects of the current state of the environment and the likely evolution thereof without implementation

of the plan or programme;

(c) the environmental characteristics of areas likely to be significantly affected;

(d) any existing environmental problems which are relevant to the plan or programme including, in particular, those relating to any areas of a particular environmental importance, such as areas designated pursuant to Directives 79/409/EEC and 92/43/EEC;

(e) the environmental protection objectives, established at international, Community or Member State level, which are relevant to the plan or programme and the way those objectives and any environmental considerations have been taken into account during its preparation;

(f) the likely significant effects ⁽¹⁾ on the environment, including on issues such as biodiversity, population, human health, fauna, flora, soil, water, air, climatic factors, material assets, cultural heritage including architectural and archaeological heritage, landscape and the interrelationship between the above factors;

(g) the measures envisaged to prevent, reduce and as fully as possible offset any significant adverse effects on the environment of implementing the plan or programme;

(h) an outline of the reasons for selecting the alternatives dealt with, and a description of how the assessment was undertaken including any difficulties (such as technical deficiencies or lack of know-how) encountered in compiling the required information;

(i) a description of the measures envisaged concerning monitoring in accordance with Article 10;

(j) a non-technical summary of the information provided under the above headings.

⁽¹⁾ These effects should include secondary, cumulative, synergistic, short, medium and long-term permanent and temporary, positive and negative effects.

EN Official Journal of the European Communities 21.7.2001 L 197/37

ANNEX II

Criteria for determining the likely significance of effects referred to in Article 3(5)

1. The characteristics of plans and programmes, having regard, in particular, to

- the degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources,
- the degree to which the plan or programme influences other plans and programmes including those in a hierarchy,
- the relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development,
- environmental problems relevant to the plan or programme,
- the relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste-management or water protection).

2. Characteristics of the effects and of the area likely to be affected, having regard, in particular, to

- the probability, duration, frequency and reversibility of the effects,
- the cumulative nature of the effects,
- the transboundary nature of the effects,
- the risks to human health or the environment (e.g. due to accidents),
- the magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected),
- the value and vulnerability of the area likely to be affected due to:
 - special natural characteristics or cultural heritage,
 - exceeded environmental quality standards or limit values,
 - intensive land-use,
 - the effects on areas or landscapes which have a recognised national, Community or international protection status.

APPENDIX C

Analysis of Reasoning Behind Scores In Matrix I (Comparison Of Plan Objectives)

Objectives being Compared	Score	Reason
ENVIRONMENT		
Environment v. Employment	☒	Concentration on employment policies could adversely affect environmental protection and enhancement.
Environment v. Population and Housing	☒✓?	The plan objective of maintaining stable population levels is compatible with environmental objectives, but large scale housing development could have some adverse effects
Environment v. Quality of Life	✓	These plan objectives are mutually supportive
Environment v. Transport	☒✓?	Measures to cater for private transport are likely to run counter to environmental objectives. Promotion of alternative transport modes would be beneficial. Which policy has supremacy?
Environment v. Tourism	✓☒	Sustainable tourism would support the environment. Intensive tourism could damage it.
Environment v. Shopping	✓	These objectives are broadly compatible
EMPLOYMENT		
Employment v. Population and Housing	☒	The creation of major new employment opportunities will work against the objective of stable population.
Employment v. Quality of Life	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
Employment v. Transport	✓☒?	Employment schemes can be designed to improve travel to work, but they may

Objectives being Compared	Score	Reason
		also exacerbate existing congestion levels
Employment v. Tourism	✓	These two objectives are mutually supportive
Employment v. Shopping	✓	These two objectives are mutually supportive
Employment v. Environment	☒	Concentration on employment policies could adversely affect environmental protection and enhancement.
POPULATION & HOUSING		
Popn/housing v. Environment	✓☒?	Stable population will benefit the environment but additional housing may impose new pressures
Popn/housing v. Employment	☒	The creation of major new employment opportunities will work against the objective of stable population.
Popn/housing v. Quality of Life	✓	These objectives are mutually supportive
Popn/housing v. Transport	✓	These objectives are mutually supportive
Popn/housing v. Tourism	✓☒?	Stable population will have no effect on tourism, but the need for housing development could compete for available development sites with tourism projects for visitors
Popn/housing v. Shopping	✓	These two objectives are mutually supportive
QUALITY OF LIFE		
Quality of Life v. Environment	✓	These plan objectives are mutually supportive
Quality of Life v. Employment	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
Quality of Life v. Population & Housing	✓	These objectives are mutually supportive
Quality of Life v. Transport	✓☒?	These two objectives are supportive in their own right, although they may not

Objectives being Compared	Score	Reason
		both be achievable in equal measure
Quality of Life v. Tourism	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
Quality of Life v. Shopping	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
TRANSPORT		
Transport v. Environment	☒✓?	Measures to cater for private transport are likely to run counter to environmental objectives. Promotion of alternative transport modes would be beneficial. Which policy has supremacy?
Transport v. Employment	✓☒?	Employment schemes can be designed to improve travel to work, but they may also exacerbate existing congestion levels
Transport v. Population and Housing	✓	These objectives are mutually supportive
Transport v. Quality of Life	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
Transport v. Tourism	☒✓?	Measures to cater for private transport are likely to run counter to tourism objectives. Promotion of alternative transport modes would be beneficial. Which policy has supremacy?
Transport v. Shopping	☒✓?	Measures to cater for private transport are likely to run counter to shopping objectives. Promotion of alternative transport modes would be beneficial. Which policy has supremacy?
TOURISM		
Tourism v. Environment	✓☒	Sustainable tourism would support the environment. Intensive tourism could damage it.
Tourism v. Employment	✓	These two objectives are mutually

Objectives being Compared	Score	Reason
		supportive
Tourism v. Population and Housing	✓☒?	Stable population will have no effect on tourism, but the need for housing development could compete for available development sites with tourism projects for visitors
Tourism v. Quality of Life	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
Tourism v. Transport	☒✓?	Measures to cater for private transport are likely to run counter to tourism objectives. Promotion of alternative transport modes would be beneficial. Which policy has supremacy?
Tourism v. Shopping	✓	These plan objectives are mutually supportive
SHOPPING		
Shopping v. Environment	✓	These objectives are broadly compatible
Shopping v. Employment	✓	These two objectives are mutually supportive
Shopping v. Population and Housing	✓	These two objectives are mutually supportive
Shopping v. Quality of Life	✓☒?	These two objectives are supportive in their own right, although they may not both be achievable in equal measure
Shopping v. Transport	☒✓?	Measures to cater for private transport are likely to run counter to shopping objectives. Promotion of alternative transport modes would be beneficial. Which policy has supremacy?
Shopping v. Tourism	✓	These plan objectives are mutually supportive

APPENDIX D

Table of Related Plans and Programmes

7.8. A review has been undertaken of plans, programmes and objectives relevant to The Gibraltar Development Plan at an international/European Union level. There is a wide range of international and EU legislation, Directives and action plans relating to commitments to sustainable development and environmental standards. These, when transposed into national legislation, set mandatory standards and place obligations on Member States and, in particular, the requirement for the integration of strategic policies and programmes.

7.9. The general types of documents reviewed were:

- *International law (e.g. Kyoto Protocol, Convention on Biological Diversity)*
- *EU Directives, thematic strategies and action plans*
- *Water Framework Directive 2000/60/EC*
- *Bathing Water Quality Directive 76/1609/EEC*
- *Shellfish Waters Directive 79/1923 / EEC*
- *Shellfish Hygiene Directive 91/492/EEC*
- *Freshwater Fish Directive 78/659/EEC*
- *Groundwater Directive 80/68/EEC*
- *Urban Waste Water Treatment Directive 91/271/EEC*

Consultation Draft of the Gibraltar Development Plan

Other Plans and Programmes

Key objectives relevant to the Plan	Implications for Plan Implementation
INTERNATIONAL POLICIES	
EU Habitats Directive [Directive 92/43/EC]	
<p>Maintain or restore in a favourable condition designated natural habitat types and habitats of designated species listed in Annexes I and II respectively of the Directive. If a project compromising one of these habitats must proceed in spite of negative conservation impacts due to it being in the public interest, compensatory measures must be provided for.</p> <p>Linear structures such as rivers/streams, hedgerows, field boundaries, ponds, etc., that enable movement and migration of species should be preserved.</p>	<p>Accept the primacy of nature conservation objectives, and clearly take note of these designations in setting SEA objectives and defining options in the Plan.</p> <p>Requires compensatory measures for negative conservation impacts if development has to proceed on grounds of human health and safety</p>
Kyoto Protocol on Climate Change	
<p>Achieve a reduction in anthropogenic CO₂ levels to at least 5% below 1990 levels by 2012. Consider afforestation and reforestation as carbon sinks.</p>	<p>Ensure all reasonable opportunities are taken forward to encourage development which is energy efficient and reduces reliance on private cars.</p>
The EC Directive on the Conservation of Wild Birds 79/409/EEC 1979	
<p>Imposes duty on Member States to sustain populations of naturally occurring wild birds by sustaining areas of habitats in order to maintain populations at ecologically and scientifically sound levels.</p>	<p>The SEA considers the effects of local developments on European protected bird species as part of the analysis process.</p>
The Convention on Biological Diversity, Rio de Janeiro 1992	
<p>Article 6a Requires each Contracting Party to develop national strategies, plans</p>	<p>The SEA should consider biodiversity impacts within its objectives. It should take a holistic view of ecosystems rather than a focusing on 'islands' of protected species.</p>

Key objectives relevant to the Plan	Implications for Plan Implementation
or programmes for the conservation and sustainable use of biological diversity.	
Directive 2000/60/EC Establishing a Framework for the Community Action in the Field of Water Policy (The Water Framework Directive)	
Requires all Member States to achieve 'good ecological status' of inland water bodies by 2015, and limits the quantity of groundwater abstraction to that portion of overall recharge not needed by ecology.	Surface water run off from paved surfaces and built up areas can cumulatively pollute watercourses. The SEA should include objectives on water quality/quantity.
Directive 1966/62/EC on Ambient Air Quality and Management	
Establishes mandatory standards for air quality and sets limits and guides values for sulphur and nitrogen dioxide, suspended particulates and lead in air.	The location of new developments should take into account any emissions caused by new transport links (and new 'need' to travel), along with emissions from new industry. The SEA will include objectives for air quality.
The Johannesburg Declaration of Sustainable Development 2002	
Undertake to strengthen and improve governance at all levels, for the effective implementation of Agenda 21.	The Plan should support the sustainability aims of Agenda 21 at the local level.
European Spatial Development Perspective 1999	
European cultural landscapes, cities and towns, as well as a variety of natural and historic monuments are part of the European Heritage. Its fostering should be an important part of modern architecture, urban and landscape planning in all regions of the EU. A big challenge for spatial development policy is to contribute to the objectives, announced by the EU during international conferences concerning the environment and climate, of reducing emissions into the global ecological system.	The Plan can influence the historic environment in several ways, including the ambience of historic structures and features. The SEA should include objectives for Conservation Areas and reducing Carbon Dioxide emissions.
Waste Framework Directive (91/156/EEC)	
Article 4. Member States shall take the necessary measures to ensure that waste is recovered or disposed of without endangering human health and without using processes or methods which could harm the environment, and in particular: - without risk to water, air, soil and plants and animals, - without causing a nuisance through noise or odours, - without adversely affecting the countryside or places of special interest.	The Plan should consider these impacts when deciding on locations for waste disposal or processing. This should feed into SEA objectives for noise, air, landscape, and biodiversity. Surface water run off from paved surfaces and built up areas can cumulatively pollute watercourses. The SEA should include objectives on water quality/quantity.

Key objectives relevant to the Plan

Implications for Plan Implementation

The Directive is to establish a framework for the protection of inland surface waters, transitional waters, coastal waters and groundwater which:

- a) prevent further deterioration and protects and enhances the status of aquatic ecosystems and, with regard to their water needs, terrestrial ecosystems and wetlands directly depending on the aquatic ecosystems
- b) promotes sustainable water use based on a long term protection of available water resources
- c) aims at enhanced protection and improvement of the aquatic environment, inter alia through specific measures for the progressive reduction of discharges, emissions and loss of priority substances and cessation or phasing out of discharges, emissions and losses of the priority hazardous substances
- d) ensures the progressive reduction of pollution of groundwater and prevents its further pollution, and
- e) contributes to mitigating the effects of flood and droughts and thereby contributes to
 - the provision of the sufficient supply of good quality surface water and groundwater as need for sustainable, balanced and equitable water use
 - a significant reduction in pollution of groundwater,
 - the protection of territorial and marine waters, and
 - achieving the objectives of relevant international agreements, including those which aim to prevent and eliminate pollution of the marine environment, by Community action under Article 16 (3) to cease or phase out discharges, emissions and losses of priority hazardous substances, with the ultimate aim of achieving concentrations in the marine environment near background values for naturally occurring substances and close to zero for man made synthetic substances.The UPD should support the protection of adverse

Key objectives relevant to the Plan	Implications for Plan Implementation
effects from waste water discharges	
Bathing Water Directive 76/160/EEC	
This directive concerns the quality of waters used for bathing. This directive sets imperative (mandatory) and guide standards for bathing waters based on various bacterial and chemical indicators. The objective of the directive is to safeguard public health.	The Plan should aid in maintaining bathing water standards through effective planning. Some individual projects could possibly have a cumulative effect on water quality.
Shellfish Water Directive 79/923/EEC	
The European Community (EC) Shellfish Waters Directive (79/923/EEC) aims to protect shellfish populations by setting water quality standards in areas where shellfish grow and reproduce. The Directive requires that certain substances be monitored in the water in which the shellfish live. These substances can threaten the survival of shellfish or inhibit their growth.	The Plan should aid in maintaining quality of water for Shellfish Production. Development in the tidal, intertidal zone may affect shellfish.
Shellfish Hygiene Directive 91/492/EEC	
Shellfish harvesting areas are monitored for the suitability of the shellfish for human consumption under the European Community (EC) Shellfish Hygiene Directive (91/492/EEC). Bivalve production areas are classified according to the level of treatment they require prior to their sale. This information is collected by local authorities and compiled nationally by the Food Standards Agency. Standards are set in terms of concentrations of coliform bacteria and Salmonella. Harvesting sites are classified from A to C, where grade A sites require no pre-treatment and grade C sites require intensive purification.	The Plan should aid in maintaining quality of water for Shellfish Production.
Freshwater Fish Directive 78/659/EEC	
<p>The EC Freshwater Fish Directive (78/659/EEC) was adopted in 1978. It requires that certain designated stretches of water (rivers, lakes or reservoirs) meet quality standards that should enable fish to live or breed in the designated water, although this will also depend on physical conditions.</p> <p>The Directive identifies two categories of water; those suitable for:</p> <p>Salmonid fish (salmon and trout) - these are generally fast flowing</p>	The Plan should maintain water quality for fish species and other aquatic habitats. Developments in freshwater catchments may impact on water quality or cause pollution incidents.

Key objectives relevant to the Plan

Implications for Plan Implementation

stretches of river that have a high oxygen content and a low level of nutrients.
Cyprinid fish (coarse fish - carp, tench, barbel, rudd, roach) - these are slower flowing waters, that often flow through lowlands.
The Directive sets different standards for Salmonid and Cyprinid waters. In exceptional circumstances, such as storms or droughts, derogations (waivers) may be granted for certain substances and the required standards may be exceeded without the stretch failing.

There are two types of standards within each water category:

Imperative (I) values - these are standards that must be met if the stretch is to pass the Directive (for the stretch to be 'compliant'). Values have been set for dissolved oxygen, pH, non-ionised ammonia, total ammonium, total residual chlorine, zinc and (for thermal discharges) temperature.

Guideline (G) values - these are quality standards that should be achieved where possible. Values have been set here for other chemical parameters, such as copper, biochemical oxygen demand and suspended solids.

Groundwater Directive 80/68/EEC

The Groundwater Directive (Protection of Groundwater Against Pollution Caused by Certain Dangerous Substances - 80/68/EEC) prevents pollution of groundwater by controlling discharges and disposals, including accidental loss, of certain dangerous substances where they are not already covered by existing legislation.

The Plan should seek to limit groundwater pollution through effective planning.

Water Framework Directive (2000/60/EC)

The Directive rewrites existing water legislation into a new overarching programme to deliver long-term protection of the water environment and improve the quality of all waters – groundwater and surface waters – and associated wetlands.

Many of the issues associated with implementation of the Directive are not new but there are several important differences with current legislation:

The Plan will need to take into account the various measures outlined in the Directive.

Key objectives relevant to the Plan	Implications for Plan Implementation
<ul style="list-style-type: none"> • all water bodies, including rivers, coasts, estuaries, lakes, man-made structures and groundwater are included; • New objectives will be set to promote the sustainable use of water. These will be defined and assessed using chemical, biological and physical measures; • negative human impacts on the water environment from specific places, such as factories, and from widespread sources, such as road networks, must be identified and a 'Programme of Measures' established to address all types of impacts; • the costs to each sector created by adopting these measures will be subject to a full economic analysis to ensure charges are fairly apportioned and agreed; • River Basin Management Plans bring all the above together so that 'good status' can be achieved in the UK's river basins by 2015; • Public participation is a core requirement of the Directive and is fundamental to the River Basin Management Plans process. 	
<p>Urban Waste Water Treatment Directive 91/271/EEC</p>	
<p>This Directive concerns the collection, treatment and discharge of urban waste water and the treatment and discharge of waste water from certain industrial sectors. The objective of the Directive is to protect from the adverse effects of the above mentioned waste water discharges</p>	<p>The Plan should support the protection of adverse effects from waste water discharges, through effective policy implementation.</p>
<p>Environment 2010: Our Future, Our Choice (EU Sixth Environment Action Programme)</p>	
<p>Recognises that <i>land use planning and management decisions</i> in the Member States can have a major influence on the environment, leading to fragmentation of the countryside and pressures in urban areas and the coast. Also includes objectives on stabilising greenhouse gases, halting biodiversity loss, reducing pollution and resource use. Under the EAP framework, Thematic Strategies are being developed on:</p> <ul style="list-style-type: none"> • Air quality • Soil Protection • Sustainable use of Pesticides 	<p>The Plan should have regard to the thematic strategies outlined in the Action Programme.</p>

Key objectives relevant to the Plan**Implications for Plan Implementation**

- Marine Environment
- Waste Prevention and Recycling
- Sustainable Use of Natural Resources
- Urban Environment