



**STRATEGIC ENVIRONMENTAL ASSESSMENT OF THE GIBRALTAR
DEVELOPMENT PLAN**

POST ADOPTION STATEMENT

DECEMBER 2009

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1 Introduction

1.1 *Background*

This document is the Post Adoption Strategic Environmental Assessment Statement for the Gibraltar Development Plan, 2009 and has been prepared in accordance with the provisions of section 15 of the Environment Act 2005. The statement must include the following information:

- How environmental considerations have been integrated into the plan or programme;
- How the Environmental Report has been taken into account;
- How opinions expressed in relation to the consultations on the plan or programme and Environmental Report have been taken into account;
- How the results of any transboundary consultations have been taken into account;
- The measures that are to be taken to monitor the significant environmental effects of the implementation of the plan or programme.

This report details how the aspects of the environment have been integrated into the GDP and how the requirements of the SEA Directive have been met.

The GDP was approved by the Chief Minister of Gibraltar, as required by statute, in September 2009.

1.2 Strategic Environmental Assessment process

Strategic Environmental assessment (SEA) is a statutory assessment process under the Environment Act 2005 that requires formal SEA of plans and programmes likely to have significant effects on the environment.

SEA is intended to ensure that environmental considerations are integrated into the planning and decision making process. It is an iterative process thereby informing and influencing each successive stage of the plan making process.

The SEA has been undertaken by independent consultants, Land Use Consultants, on behalf of the Development and Planning Commission through the offices of the Gibraltar Government's Town Planning Division.

1.3 Availability of documents

The Gibraltar Development Plan (GDP), together with the Final Environmental Report, are available for public inspection at the offices of the Town Planning Division during normal working hours. The documents can also be viewed at www.gibdevplan.giv.gi

2 Integration of environmental considerations

2.1 *How environmental considerations have been integrated into the plan.*

The GDP sets out a holistic approach to the future planning of Gibraltar. It covers a wide variety of topics related to land use planning including environmental matters.

The GDP has been prepared in close consultation with other bodies and subjected to SEA assessment at various stages. This has ensured that environmental considerations have been taken into account from an early stage of the plan-making process.

The SEA process has aimed to ensure the integration of environmental considerations into the GDP by:

- ▶ Undertaking the SEA process in parallel with the drafting of the GDP with the involvement of bodies with environmental responsibilities, and by providing information on environmental implications to influence the eventual content of the GDP;
- ▶ Distributing the SEA Scoping Report to a wide range of consultees inviting comments on key environmental issues and the scope of the SEA;

- ▶ Recording an assessment of the environmental effects of the Consultation Draft of the GDP in the Draft Environmental Report (2007) and making recommendations for how the Consultation Draft GDP could be amended to reduce adverse environmental effects or enhance positive effects.

The SEA process has involved the consideration of a wide range of environmental issues as evidenced by the key issues identified at the Scoping stage:

- ▶ Quality of life;
- ▶ Housing need;
- ▶ Transport and access;
- ▶ Commercial development;
- ▶ Employment;
- ▶ Urban renewal;
- ▶ Environmental quality;
- ▶ Nature conservation and biodiversity;
- ▶ Leisure, recreation and tourism;
- ▶ Trans-frontier issues; and
- ▶ Land reclamation.

In addition to considering each of the above in the drafting of the Plan, the SEA process also assessed the plan's strategic objectives against the following sustainability objectives:

- ▶ Biodiversity;
- ▶ Landscape;
- ▶ Pollution;

- ▶ Resources;
- ▶ Waste;
- ▶ Health;
- ▶ Education;
- ▶ Culture, heritage and tourism;
- ▶ Housing;
- ▶ Democracy;
- ▶ Safety;
- ▶ Transport;
- ▶ Economy; and
- ▶ Work

The above assessment highlighted where areas of tension existed between the Plan's objectives and the sustainability objectives, and these were addressed wherever possible.

In the final analysis, the evidence of how environmental issues have been integrated is shown by the text of the Plan itself that contains relevant sections on environment, biodiversity, heritage and other related sections.

2.2 *How the Environmental Report has been taken into account*

The SEA process commenced at an early stage of the preparation of the GDP with an initial draft Environmental Report being prepared in 2005 based on an early internal working draft of the Plan. The findings of this initial report were considered and led to various changes being made to subsequent working drafts. These changes were reflected in the Consultation Draft GDP published in 2007. The earlier SEA work was revised and updated to take account of the full set of policies and proposals contained in the Consultation Draft GDP and resulted in the publication of the Draft Environmental Report that was made available in parallel with the Consultation Draft Plan.

The contents of the Draft Environmental Report were fully considered by the Development and Planning Commission in 2008 at the same time that it considered comments received from consultees and the public on the Consultation Draft GDP.

Many of the comments contained in the Draft Environmental Report were accepted and led directly to the alteration of policy wording or the inclusion of new policies. These were incorporated into the Proposed Amendments to the Consultation Draft GDP that were published in April 2009 and made available for public comment.

The table in Appendix 1 summarises the comments made in the Draft Environmental Report in relation to the policies of the Plan and includes the Development and Planning Commission's assessment indicating how the comments were addressed.

A Final Environmental Report has been published in parallel with the publication of the GDP. This Report summarises the SEA response to the various changes made

since the Consultation Draft GDP and Draft Environmental Report were published in 2007.

As a result of the SEA process the Plan is now more strongly founded on environmental and sustainability principles than it was at the outset.

3 Integration of consultation responses

Consultation has taken place with stakeholders during the preparation of the GDP and as part of the SEA process.

At the start of the plan-making process initial consultation was undertaken with various stakeholders. Consultation was also undertaken at the Scoping stage of the Initial Draft Environmental Report. This involved a number of meetings with groups of stakeholders in September 2004 followed by an invitation to comment on a draft Scoping Report in November/December 2004. The comments received were taken into account in the preparation of the initial Draft Environmental Report in January 2005.

The Consultation Draft GDP and Draft Environmental Report were published in August 2007 and subjected to a two month public consultation period. Many comments were received from both the general public and consultees on the Consultation Draft GDP but no comments were received specifically on the Draft Environmental Report. All comments were fully considered by the Development and Planning Commission and changes made as appropriate. This resulted in the publication of the Proposed Amendments to the draft Plan in April 2009 and which were subject to a three week public consultation period. Only a limited number of comments were received to the Proposed Amendments and these were fully

considered but no further changes were made prior to forwarding the amended Plan to the Chief Minister for approval as required by statute.

4 Reasons for choosing the Plan as adopted

Throughout the plan-making process a range of alternative locations for 'footloose' types of development have been considered although since most of the land area of Gibraltar is either fully developed or has existing land uses there are few practical options in most cases.

One of the most difficult spatial planning issues in Gibraltar relates to the need to provide for a full range of infrastructure within its own territory. This reduces the scope for synergies and economy of scale in linking with neighbouring settlements. Given Gibraltar's history there is seen to be a clear political imperative to maintain control over all services and this restricts the scope for alternatives to those considered in the Plan.

5 Transboundary Consultations

Consultations with other Member States were not undertaken as it was not considered that the Plan was likely to have significant effects on the environment of another Member State.

6 Monitoring

The Environment Act 2005 requires at section 16, that:

- (1) The responsible authority shall monitor the significant environmental effects of the implementation of each plan or programme with the purpose of identifying unforeseen adverse effects at an early stage and being able to undertake appropriate remedial action.*
- (2) The responsible authority's monitoring arrangements may comprise or include arrangements established otherwise than for the express purpose of complying with paragraph (1).*

The purpose of monitoring is to measure the environmental effects of a plan, as well as to measure the success of the Plan's objectives. Existing monitoring arrangements will be used wherever possible and where none exist these will need to be introduced. As a starting point the GDP includes schedules of actions and responsibilities for monitoring aspects of the Plan. However, the intention is to build on this by developing a series of indicators to assist in measuring and monitoring the performance of the Plan.

Appendix 1 - Response to SEA Draft Environmental Report of Consultation Draft GDP – Assessment of comments

Policy No	SEA comment	Assessment
General design & standards		
GDS3 – Public Realm	Consider whether the 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 integrated whole but this issue is of key importance and should be clearly flagged to designers and developers.	The reason for the comment is noted. The references to public open space and ground floor uses in large developments has been made in the context of the public realm. The open spaces are intended to ensure that the public realm is an attractive environment that is open and capable of being enjoyed by the general public in comfort. It is aimed at avoiding creating an environment that is dark and windy and therefore not a space that can be enjoyed. Similarly, the reference to locating activity-generating uses at ground floor is intended to encourage the creation of 'defensible' spaces where the space is easily observable by occupants of the building and the active ground floor uses sets up the movement of people. This contributes towards a safer environment. On balance it is considered that these criteria should remain in Policy GDS3 due to their specific relevance to the policy subject matter, i.e. public realm. No change.
GDS4 – Loss of Open Space	Supporting text (para 2.13) refers to the Commission actively encouraging the creation of new open spaces, particularly green areas. Recommended that this should be added as a policy in its own right and included in the monitoring programme.	Accept. However, the policy is one of encouragement rather than direct action and therefore it is not considered necessary to include this in the Implementation and table. New policy added on “Creation of new open space”
GDS5 – Landscaping Schemes	May be appropriate to emphasise need for drought resistant landscaping schemes – combat climate change and reduce energy and water consumption.	Agreed. Policy and text amended accordingly.
GDS11 – Green Roofs	Need for 'green roofs' to utilise grass, succulents or other plant species which are drought resistant to avoid total desiccation in drought conditions.	Text amended accordingly.
Environment		
ENV2 – Biodiversity	Potential conflict between provision of public access to natural areas (B) and the aim of protecting and enhancing existing areas of high biodiversity	Policy wording amended accordingly.

(cont...)	(A). Modify policy to state that in cases of doubt, protection and enhancement should take precedence over access.	
ENV2 – Biodiversity	The section on ‘Biodiversity’ has been separated from parts dealing with the natural environment (Policies ENV 9-13 relating to trees, green areas, sites of ecological value and bats and swifts). Flow of reasoning would be improved if the latter sections followed on immediately from the introduction of biodiversity.	Agreed. Biodiversity section grouped under Natural Environment.
Para 3.6 Biodiversity	EC Habitats Directive and Natura 2000 Network – the Plan should itself be screened for possible conflicts between plan policies and protection of Natura 2000 sites.	Text amended to refer to the need for Appropriate Assessment and to report on the fact that a screening exercise was undertaken.
General	Include policy on landscape character and undertake detailed landscape character assessment of Gibraltar. Study could inform future strategic land use allocations and assist in determining future building heights through 3D modelling.	New text and policy added on Landscape Character.
Housing		
H1 – Home Ownership	The plan does not provide targets or commitments to specific development programmes to demonstrate how the policy objective will be met. No indication of proportion of housing that will fall within ‘affordable’ category. Recommended that Government investigates future housing need.	Para 1.28 highlights the general difficulty with data collection and forecasting. The Commission undertakes to review data collection and forecasting with the relevant departments. Housing need will be one of those areas that will need to be reviewed. No change.
H3 – Effective Use Of Existing Residential Stock	Onus for re-housing placed on developer – could be open to abuse. Full survey of residential accommodation should be undertaken to provide a basis for forward projections of need.	In practice the Commission already operates this policy. The developer must satisfy the Commission that re-housing has been satisfactorily addressed. Housing needs survey is addressed above. No change.
H7 – Development For The Elderly – Car Parking Standards	Development for the elderly should be close to public transport.	New policy added.
H8 – Off-Street Car Parking in Residential Estates	Should not support increase in car parking provision	This is a pragmatic approach to the serious lack of parking in many residential estates. It is aimed at improving the existing situation which often contributes towards traffic congestion through double parking and parking on narrow streets. No change.
Employment		

E1	Consider environmental consequences of plan and effect on quality of life.	Other policies in plan should be sufficient to ensure that this policy does not result in unacceptable impacts. No change.
E3/E5	Rationalise parking provision and access particularly for employees.	The policy allows sufficient flexibility to enable the Commission to use its discretion in applying parking requirements dependent on the particular circumstances of the application. No change.
E3/E5	Explore shared parking provision or introduce parking time limits	Sites that do have parking provision within their area are invariably fenced off and employers would not be willing to sacrifice security for parking. Sites where parking is not physically fenced off would be used for parking outside of business hours in any case. No change.
Tourism		
T1 – Carrying Capacity	The policy does not commit the authorities to any formal Visitor Management activities. Recommend that a Visitor Management Plan is introduced as a formal requirement of the Plan.	The DPC can only encourage the Government to do this. No change.
Retail		
R2 – Superstores and Other Large Retail Outlets	Potential for significantly damaging environmental, social and economic impacts if scale of 'superstore' were to draw away market share from small traders in the local or Old Town; and/or attract large flows of traffic across the land frontier. Recommend additional conditions to safeguard against these potential adverse effects.	Noted. Impact on local traders – commercial reality means that any superstore is likely to impact on small scale local traders and there is an argument that the planning system should not interfere with the open market. However, where the impact is so great as to jeopardise the vitality and viability of the Old Town centre, then it is justified for the planning system to intervene. Vitality and viability are essential for the Old Town centre to grow and prosper with consequent knock-on benefits to the economy, both direct and indirect. A condition could therefore be included aimed at protecting the Old Town's viability and vitality. Cross-border traffic – the policy already refers to the need for any site to be accessible by various means including public transport. When taken together with other proposals in the Plan for the introduction of Park and Ride facilities, it is not considered necessary to make any further changes to the policy in relation to this issue. Policy amended accordingly.
Transport		
TR1 – Promotion Of Alternative Means Of Transport	Policy is first step towards addressing concerns highlighted in SEA, but there is a contradiction between the policy and the strategic objective 'to cater for the needs of private transport – but to encourage and facilitate alternative means of transport'. Unsustainable to give higher priority to private transport than other transport modes.	The Plan generally encourages alternative means of transport throughout its various policies. However, the current situation is that there are high volumes of vehicles in Gibraltar that contribute to traffic congestion under certain circumstances and additionally, car parking spaces in certain areas are limited resulting in difficulties, particularly, for local residents. The Plan needs to address these issues in a programmatic way. Whilst the merits of promotion of alternative means of transport are fully supported, as evidenced by the inclusion of this in many of the Plan's policies, it is considered that a balanced approach needs to be taken at this stage whereby accommodation of private transport is also addressed. Hence, the Plan includes provision for new road schemes and parking facilities. The shift from private transport to alternative means of transport requires a step change in thinking and requires a policy response that is not limited to planning. However, what the Plan aims to do is to start laying the foundation for

		<p>this change in thinking and hopefully in the longer term this will be able to be developed further. The SEA comment relating to the relative emphasis in the strategic principle between private transport versus alternative modes is noted and accepted. Indeed in formulating the Plan alternative means of transport have been promoted wherever possible and amending the order of wording of the strategic principle would merely reflect the approach adopted.</p> <p>Amend strategic principle on transport accordingly.</p>
TR2 – Highway Considerations	Too much emphasis given to car parking and road layout.	<p>This policy aims to highlight those highway-related factors that need to be considered in new developments. Car parking provision will be necessary although the policy does indicate that the Commission can relax these. Road layout is required to be designed to provide safe conditions for ALL users and not just vehicles. Notwithstanding the above, reversing the policy may assist in highlighting the need for applicants to give serious consideration to other users of the highway and not just the traditional motorised vehicle user.</p> <p>Policy amended accordingly.</p>
TR4 – Car Parking	This policy fails to meet a number of key sustainability objectives and needs to be reviewed. There have been previous proposals for (in earlier drafts) for a comprehensive transport study which could assess where best to accommodate parking and how to transfer visitors most effectively from cars to public transport, cycling and walking routes. Could also consider traffic management options such as special permits for residents, differential charging policies and zoning.	<p>It is agreed that a comprehensive transport study could assist in a coordinated and holistic approach to the issue. Recommend that Government gives an undertaking to carry out such a study.</p> <p>Amend text accordingly.</p>
Social & Community		
S1	Further detailed consideration should be given to school capacities and ability to accommodate increases in population.	<p>Information is not readily available. Policy as currently worded would achieve the same result if the requirements are kept under review.</p> <p>No change.</p>
General	Additional issues that could be addressed – health problems associated with noise/air pollution and safety/fear of crime.	<p>Not considered that specific policies are required.</p> <p>No change.</p>
Leisure & Recreation		
LR4 – Sporting Organisations Premises	Principles of policy supported but the evaluation should also take into account the social costs and benefits and sustainability issues in terms of accessibility by ‘green’ transport options.	Text amended accordingly.
LR5 – Youth Facilities	Plan needs to forecast likely population and demand for such facilities (youth clubs)	<p>In the absence of such data current wording is considered sufficient.</p> <p>No change.</p>
Utilities and waste		

UW4 – Renewable Energy Schemes	Policy is supported but direct reference should also be made to solar and photo-voltaic energy opportunities in para 11.15.	Text amended accordingly.
UW6 – Recycling Facilities	Policy should be revisited. 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 para 11.20.	The policy as worded is considered to provide a satisfactory framework for consideration of applications that come forward during the Plan period. However, it is considered that additional supporting information should be included in the Plan to indicate the Government’s intention to provide a recycling collection facility. Identification of a suitable site for this purpose is likely to take place during the early part of the Plan period. New text and policy added.
Area specific policies		
Zone 2 – Bayside/Westside		
Z2.4 – north Mole Industrial Area	Policy keeps open option for additional two floors and creation of car parking. SEA considers car parking should be related to a long-term transport Plan.	The policy highlights the potential for two additional floors should they be needed. Car parking could be an appropriate use although the SEA comments are noted. No change.
Z2.5 – Existing Sites Of Desalination Plant/Generating Station	Rationale for precise mix is hard to assess in absence of existing data or forward projections on specific categories of economic demand.	Noted. The need for improved data collection and forecasting has been highlighted in the Plan. The proposed mix of uses is considered to be a rational proposal based on discussions with various Government departments. No change.
Z2.6 – Mid-Harbour Reclamation	No justification of the housing demand or business case or social/economic justification to support the intended mix of uses proposed.	Noted. The policy reflects Government’s intentions. No change.
Z2.7 – Naval Grounds No 1 and 2 - Redevelopment	Absence of data on existing or estimated needs for car parking means that the importance of this site cannot be evaluated against other options. Proposals for car parking should be related to a long term transport plan.	Noted. No change.
Z2.10 – Coaling Island	Requirements for waterfront promenade and cycle route are supported. Uncertainty on demand for additional land areas and scale of potential reclamation make it impossible for SEA to judge how far these proposals will benefit Gibraltar as a whole. Strong evidence base lacking.	Comment on uncertainty of demand is noted. The reference in the Plan to possible future reclamation in the area of Coaling Island is no more than a ‘marker’. The proximity of the area to the town centre and existing facilities, relative accessibility, protected situation within the harbour and relatively shallow waters means that the area is likely to be included in any assessment for future reclamation sites that may be required to meet future demand. No change.

Zone 3 – Port and Harbour		
Z3.3 – Port Operation Requirements	Should be a comprehensive feasibility study that considers overall scope for reclamation within port area and assesses competing demands for new land, including residential, commercial, recreational and transport needs.	The policy as worded is considered to be sufficient. It is recognised however, that the policy is dependent on other parties (the Port Authority) to ensure that a system is in place to review requirements. The Plan already highlights the need for relevant departments to improve on data collection and forecasting and it is hoped that this will result in improved data being available for future reviews of the Plan. No change.
Zone 4 - Eastside		
Z4.4 – Both Worlds Car Park	Scale of development should be carefully regulated to avoid increasing traffic to the area. Alternative means of transport should also be considered.	Agreed. This proposal merely reflects an existing permission that was granted to specifically address the parking shortage for residents of this area. The Government already provides a dedicated bus service to this area during the beach season. No change.
Zone 5 – North Front		
Z5. 1 - Airport	Redevelopment of air terminal provides a potential opportunity to achieve more comprehensive improvements to the frontier area.	Noted. No change.
Z5.2 – New Airport/Frontier Access Road	As part of this initiative critical questions of access and road transport including imaginative ideas for incorporating park and ride facilities and improved public transport services need to be addressed. This recommendation is closely aligned with recommendation for a comprehensive transport and parking study.	Noted. Policy Z6.5 already encourages provision of park and ride facilities along Devil’s Tower Road. Response to recommendation for transport study is considered under policy TR4. No change.
Z5.3 – Western Beach - Reclamation	Scheme should be justified with detailed business case to demonstrate both the costs and benefits of planned scheme.	The supporting text to this policy outlines the reasons why the area is under consideration. It also highlights the need to give consideration to potential impacts on Western Beach, the airport and biodiversity. Whilst it is considered that the policy has been reasonably justified it may be useful to expand the justification slightly to explain the locational criteria. Text amended accordingly.
Zone 6 – North district		
Z6.1, 6.2,6.3,6.4,6.5 – Devil’s Tower Road	Opportunity should be taken to plan comprehensively with a new master plan for this area, rather than allocating land on a piecemeal basis. SEA considers this to be one of the best opportunities for dealing with Gibraltar’s long term transport needs.	The urgent requirement for road improvements to be implemented and its intrinsic relationship with the expansion of the air terminal and at a political level the implementation of the Cordoba Agreement means that the Plan has had to take a programmatic approach to policy formulation for this area. No change.
Zone 7 - Europa		
Z7.1 – Europa Point	Supportive of policy. Emphasise the need to develop and manage the new waste water treatment works to avoid any adverse environmental impacts	Noted and agreed. No change.

Environmental Improvement	on the public tourism and recreation areas.	
Z7.2 – Waste Water Treatment Works Z7.3 – Waste Incinerator	Both projects should be subject to EIAs. Will be important to ensure that ancillary activities, including the movement and unloading of waste vehicles, is well managed and all mitigating measures put into effect.	Supporting text for both policies indicates the need for EIAs. Matters raised would be addressed through EIA process. No change.
Zone 8 – South District		
Z8.3 – Grand Parade	Principle of residents parking is supported with caveat as previously in relation to all parking proposals being subject to a review of transport and parking needs.	Noted. Response to recommendation for transport study is considered under policy TR4. No change.
Zone 9 – Upper Rock		
Z9.1 – Upper Rock Nature Reserve Boundary	Principle of keeping boundary under review is supported, but care needed to ensure policy is not misinterpreted.	Noted. No change.
Z9.2 – Non-Residential Development In The Upper Rock Nature Reserve	Principle supported but care required to ensure policy is not misinterpreted. In its present form SEA authors are concerned that inappropriate forms of development may be proposed. E.g. 'small-scale hotel use' - small scale is not defined.	The term 'small-scale' will need to be seen in the context of the restrictive policy regime of the Nature Reserve. Much will be dependent on the particular circumstances of the site and factors that will need to be considered include size, scale, massing and height of buildings and likely traffic movements. Notwithstanding this it may be helpful to give an indication of the kind of scale that is being considered here. No change.
Z9.3 – New Dwellings Within The Nature Reserve	Policy offers scope for enlargement of existing properties by 20% and notwithstanding the other safeguards may result in adverse environmental effects within the Nature Reserve.	The figure of 20% is derived from a similar policy contained within the 1991 Plan. The purpose is to provide some flexibility to allow some limited extension/alteration to existing dwellings. It is a matter of judgement as to whether this is an appropriate percentage. Policy wording amended to ensure that concession to permit limited enlargements is not abused. Similar amendment to Z9.4.