

APPROVED

DPC meeting 7/21
8th July 2021

THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 7th Meeting of 2021 of the Development and Planning Commission held remotely via video conferencing on 8th July 2021.

Present

Mr P Origo (Chairman)
(Town Planner)

The Hon Dr J Garcia
(Deputy Chief Minister)

The Hon Dr J Cortes (MESCE)
(Minister for Environment, Sustainability, Climate Change and Education)

Mr H Montado (HM)
(Chief Technical Officer)

Mr G Matto (GM)
(Technical Services Department)

Mrs C Montado (CAM)
(Gibraltar Heritage Trust)

Dr Keith Farrell (KF)
(Gibraltar Heritage Trust) – substituted for CAM for part of meeting

Mr L De Los Santos (KDS)
(Land Property Services)

Dr K Bensusan (KB)
(Gibraltar Ornithological & Natural History Society)

Mr C Viagas (CV)

Mrs J Howitt (JH)
(Environmental Safety Group)

Mr M Cooper
((Rep Commander British Forces, Gibraltar)

In attendance:

Mr P Naughton-Rumbo (DTP)
(Deputy Town Planner)

Mrs L Mifsud
(Minute Secretary)

354/21-Approval of Minutes

The draft Minutes of the 6th meeting of 2021 held on 17th June 2021 were approved.

Major Developments

355/21-F/16370/19G-Coaling Island Western Quay -- Proposed reclamation of land from the sea with a gross area of approximately 60,00.00 m² adjoining the western quay wall of coaling island and the southern quay wall of the mid-Harbour Small Boats Marina

DTP - Summarised the GOG application and stated that it had been submitted back in August 2019 before the new Town Planning Act had come into effect. The application had been submitted for comments from the Commission and for the issuing of an EIA Certificate.

DTP - explained the proposal was only for the reclamation of land within the area marked on the plans and not for any development on that land.

DTP - then explained that the design ensured that the reclamation minimizes any impact on harbour activities, it would be curved on the south side to allow access for Queensway Quay Marina and Coaling Island Marina providing wave protection to the marinas. The extent of the reclamation does not infringe the 10m depth contour.

DTP - explained that the perimeter structure would be a mix of sloping rock revetment bund covered by rock armour and caissons to the North and South. Approximately 800,000 m³ of waste material from the Eastside Rubble tip would be used as fill.

DTP referred to the Gibraltar Development Plan and to the policy that relates to Coaling Island.

DTP summarised the findings of the ES for each of the environmental topics and the feedback received from consultees. He highlighted:

- the need for a heritage survey of Coaling Island.
- that a navigational assessment had been undertaken.
- That the MOD had no objection to land reclamation to the east of their blue line but maintained their objection to the west of the line pending their full assessment of the wave study.
- The need for relocation of protected limpets.
- Small Boats Marina and ESG were concerned with the flushing/flow conditions.

Two objectors had requested to address the Commission. Mr Dieter Wood (DW) was welcomed to the meeting.

(DW) - stated that the members of the small boats marina did not have an objection to the project but wanted some information with regards to some of the elements that the proposal contained.

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DW – Stated that The current Gibraltar Development Plan 2009 was expected to be a land use guide for 10 years before being replaced by a new up to date Development Plan.

DW- reiterated that unfortunately this has not happened, and Gibraltar has endured large-scale construction in recent years on a, 'there's a space lets fill it' policy, without any consideration given to improving infrastructure.

DW- explained that although Coaling Island was mentioned for residential use in the 2009 GDP, it was only for a much smaller development on the existing 1.2 hectares and that there had been no mention of the additional 6 hectares (60,000 sq m) of land reclamation.

DW- Stated that the scheme was not fully complying with the 2009 Development Plan, he also raised concerns with regards to utilities and was concerned with the impact the construction works would have on the network.

DW- was highly concerned with traffic infrastructure stating that the western side of Gibraltar did not have enough carriageway to deal with such development whilst the eastside possessed an infrastructure with dual carriage way. DW also explained that the transport of the rubble from the east to the area via barge would cause a high amount of pollution for residents near the site.

DW- also explained that Gibraltar had grown considerably since then but the shortcomings of an overloaded sewage system is clearly evident today with sewage visibly seeping from the system and overflowing into Queensway Quay and Mid Harbours. DW stated that the 2009 GDP also mentions the need for a Sewage Treatment Plant in order to comply with EU Regulations and modern living in a sophisticated society.

DW- concluded that the proposal was an example of not the town planning dog wagging its tail but the developer's tail wagging the dog.

DW—Explained that the proposal was premature and Gibraltar would benefit from a new Development Plan so that Town Planning matters be assessed in a holistic manner rather than a piecemeal, disjointed, and uncoordinated development of this type. As an interim an alternative site, **DW** referred to the smaller former Royal Gibraltar Yacht Club/ HMS Rook site on Queensway, which could be used to accommodate residential development until a new Gibraltar Development Plan was introduced.

Mr Collins was then invited to address the Commission.

Mr Collins stated that as the representative of the Small Boats Marina their main concern was concerning the surge tunnel, and requested for accuracy when constructed as it could have significant consequences for the marina.

Mr Collins- referred to one period of storm weather, which the marina endured and stated that the surge tunnel had done its job relatively well. He once again highlighted the fact that the Small Boat Marina does not have any issue with future development within the site.

The Chairman - stated that the process of the EIA would enable all consultees to engage together in order to provide all recommendations to GOG so that they may be acted upon. He also highlighted that the requirements for the EIA would require the engagement of the Small Boats Marina and other stakeholders during the process.

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The Chairman - stated that the Gibraltar Port Authority would assess the marine environment and the wave situation for all the boats and ships. The Chairman explained that the EIA is not a final thing and that it would continue throughout the process of the reclamation and thereafter in order to keep an assessment of how significant effects would be mitigated and readdressed.

DTP –conclude by stating that it would be preferable for a large-scale project like this to be considered in the context of the Development Plan Review, and in that kind of context the medium and long-term strategic growth of Gibraltar could be assessed on a holistic basis.

DTP – recognised the specific circumstances leading to this proposal and noted that the removal of rubble would facilitate the development of the affordable housing scheme on the East side. Town Planning considered that the reclamation would provide sustainable means to deal with some of these short-term issues.

DTP - stated that concerns regarding navigation and wave effects raised by the MOD were still pending and obviously needed to be resolved. Depending on how quickly the MOD responds, it was recommended that an EIA Certificate be issued subject to resolution of the issue either in two stages, if there was going to be a long delay or all together as normal.

DTP – displayed a summary of the recommendations/mitigation that would be required. DTP emphasised the importance of the CEMP that would need to be agreed before works can start

DCM- informed the Commission that there where separate discussions currently being held between the Chief Minister and the Commander of the British Forces to tackle the issues raised by the MOD.

JH- raised concerns with regards to the transportation of rubble and the impact it could have on the road system.

JH- stated that although there were references made to the use of a barge as a means of transporting the rubble, there had still been a mention of the use of some road transport and therefore required further clarification and studies to be made.

KB stated that he was not satisfied with just only receiving assurances, and would require more information on certain aspects within the EIA such as Transport arrangements.

MS Nicky Wood (WD) Agent- confirmed to the DPC that checks would be carried out, on noise, dust and traffic management.

NW- stated that most of the rubble distribution would be done via the use of a barge and that the caissons would be made from concrete and batched on site. This in turn will reduce the amount of materials being transported and therefore have a less effect on the traffic flow, however NW stated that there would be a need to use road transport for some material.

The Chairman - reflected on the transition Gibraltar had had during the years in terms of construction and development, and stated that he would trust that all DPC members would support issuing the Certificate of the EIA process. **The Chairman** emphasised the importance of the ongoing consultation process and highlighted the importance that the new reclamation abided with the proposed mitigations measures to avoid significant environmental effects.

9 votes in favour of the EIA

1 vote against

1 abstention

The issuing of an EIA Certificate was approved.

CAM apologised to the Chairman as she had to leave the meeting and Mr Keith Farrell sat in as her alternate for the remainder of the meeting.

356/21-F/17495/21 North Gorge – Proposed construction of a new eco-sustainable residential development, comprising 48 no. residential units, access roads, footpaths, storerooms, landscaping and other associated site works

DTP – referred to various of the application documents that had been circulated to members.

Ms Gillaine Dellipiani and Mr Jonas Stahl on behalf of the applicant were welcomed to the meeting

Ms Gillaine Dellipiani (GD)- Stated that a lot of planning and costs had gone towards this project in order to address environmental, heritage and geotechnical issues. GD stated that there had been a lot of groundwork with Town Planning and Building Control and other stakeholders/officials to progress the project in a collaborative way. She highlighted that the project had commenced with a minus 5% biodiversity rating and now achieved a plus 12 % of biodiversity rating.

Jonas Stahl (JS) the summarised the main changes between the current proposal and the outline scheme that were relatively minor in nature.

JH queried what public access would be available.

GD- gave a full explanation of the access policy and stated that this had been submitted together with the proposal after taking on board comments from the DPC through the outline planning stage, however **GD** stated that no one had taken interest in accessing the site in the last 3 years.

GD- confirmed that public access would be allowed but will be provided by means of escort from the security staff in order to allow reassurance to residents within the new development.

Dr Keith Farrell (KF) – requested for information with regards to the pedestrian walkway to the east side of Europa Road and stated that presently a stone wall which had heritage value would have to be partly removed in order to create the paving and therefore would also have a negative impact on the vegetation.

GD- stated that they have been in contact with all affected parties regarding **KF** concern and emphasised that the inclusion of a pelican crossing might be the solution. **GD** said that this would be a good solution in order not to have to take down part of the wall, avoid loss of vegetation and at the same time provide safety for the residents. **GD** stated that the developer would cover all costs.

MESCE- Congratulated the applicant and stated that this was an area which had been derelict for a number of years and that unfortunately it will never go back to nature. The reality of the 21st Century is that development will occur; however, **MESCE** stated that the development

ensured biodiversity gain and felt that no more could be asked for from the developers. **MESCE** agreed that a safe pedestrian route was important, however highlighted the fact that the applicant must take into account the vegetation in the area.

DTP highlighted the following:

- The current scheme was very similar to that approved at outline;
- Further Geotechnical studies were required and would need to be approved;
- One of the house designs required further work to achieve the NZEB standards;
- Nesting sites would be required for sparrows and starlings in addition to provision and mitigation made for bats;
- Public access strategy had been submitted and proposed managed access;
- Lighting strategy had been submitted and final details would require approval;
- Mitigation measure were proposed for heritage assets.

DTP referred to the Ministry for Traffic's suggestion for a new footpath on the east side of Europa Road.

DTP- recommended the approval of the application however stated that the Ministry for Traffic had asked for a footpath to be put into place and that the Heritage Trust had submitted a written objection regarding the loss of the boundary wall, which they felt, characterised the streets of Gibraltar. **DTP** stated that taking into account the heritage arguments, the loss of vegetation, possible effect on a protected tree, the fact that the proposed pavement could not link with the existing, as there was a stretch of MOD land in-between, the alternative solution for a pelican crossing was preferred.

JH – had concerns with the proposal for managed access via NGOs.

GD- confirmed that there would be no physical barriers to people visiting. They are trying to find a suitable balance. The idea is that if someone wanted to visit the security staff would use their discretion.

KF- should distinguish between day and night access. Perhaps visitors could sign in/ out.

MESCE-agrees that we need sensible management for access.

DTP – suggested that the applicant amend their access strategy slightly to reflect the commitment to allow ad hoc visitors/ public to walk through the estate via a security staff control barrier. The Planning permission would then have a condition that would require compliance with that strategy.

The members agreed to the suggestion.

The application was approved unanimously.

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Other Developments

357/21-REF1555/P020-Landport Tunnel – Proposed street art

DTP- summarised the application and stated that the artist had already been out to Gibraltar and had painted the work on boards which could be mounted on the wall. Alternatively, he could return at another time and paint it directly on the wall. DTP recommended the latter as that was more in keeping with true street art.

The application as approved as per the recommendation.

Minor and Other Works– not within scope of delegated powers

(All applications within this section are recommended for approval unless otherwise stated).

358/21- F/17443/21 55/4-7 Flat Bastion Road -- Proposed alterations, extension and refurbishment of property

This application was approved.

359/21-D/17569/21G Royal Gibraltar Yacht Club, Coaling Island – Proposed demolition of two steel framed nissen hut structures

This application was approved.

Applications Granted By Sub Committee under delegated powers (For Information Only)

NB: In most cases approvals will have been granted subject to conditions.

360/21- F/17435/21 56-58 Devil's Tower Road -- Proposed conversion of first floor offices/workshops to stores and associated ancillary works.

361/21- F/17487/21 98 Queensway Quay Gibraltar -- Proposed internal refurbishment of property and replacement of external windows and pergola.

362/21- F/17498/21 Unit B7Lathbury Barracks Industrial Estate, Windmill Hill Road Gibraltar -- retrospective application for 2 no. windows fitted on the south facade.

363/21- F/17508/21 Unit 18A Edinburgh Estate -- Proposed Change of use from Shop (A1) to Food & Drink (A3)

364/21- F/17510/21 2, Rosia Cottage, 38 Rosia Road -- Proposed installation of conservatory.

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- 365/21- F/17514/21 6 Old Brympton Close South Barrack Road -- Proposed terrace conversion (retrospective application)
- 366/21- F/17534/21 Apt 108, Quay 27 , Kings Wharf -- Proposed installation of glass divider on terrace and awnings
- 367/21- F/17570/21 61 Main Street -- Proposed conversion of vacant commercial unit to café/baker, outside seating and installation of signage.
- 368/21- D/17556/21 18-20 Town Range, Gibraltar -- Proposed internal demolition works and removal of structures at roof level.
Follows on from full application.
- 369/21- N/17526/21G The Tower HM Naval Base to Four Corners -- Proposed relocation of a Phoenix dactilyfera and Citrus limon to Four Corners.
MOD Project.
- 370/21- MA/17543/21 17-23 Governor's Parade -- Proposed internal and external refurbishment of property.
Consideration of proposed Minor Amendments including:
- *installation of glass partition in the ground floor offices; and*
 - *change of layout in the toilet area to provide separate male and female toilets and larger kitchenette.*
- 371/21- MA/17565/21 8 Rodger's Road -- Proposed single storey extension to residential property.
Consideration of proposed Minor Amendments including:
- *Geometry of top storey extension amended to complete elevation facing Rodger's Road with design to match approved scheme.*

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Any other business

There were no items raised.

The next meeting would be held on 12 August 2021.

Paul Naughton-Rumbo

Secretary to the

Development and Planning Commission