

# APPROVED

DPC meeting 6/21  
17<sup>th</sup> June 2021

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 6<sup>th</sup> Meeting of 2021 of the Development and Planning Commission held remotely via video conferencing on 17<sup>th</sup> June 2021.

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### **Present:**

Mr P Origo (Chairman)  
(Town Planner)

The Hon Minister S Linares (MHYS)  
(Minister for Housing and Youth services)

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)

Dr Keith Farrell (KF)  
(Gibraltar Heritage Trust)

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 V O'Reilly (VR)  
(Rep Commander British Forces, Gibraltar)

### **In attendance:**

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

Mrs L Mifsud  
(Minute Secretary)

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## **Apologies**

Mrs C Montado (CAM)  
(Gibraltar Heritage Trust)

The Hon Dr J Garcia  
(Deputy Chief Minister)

Mr M Cooper  
(Rep Commander British Forces, Gibraltar)

**314/21-Approval of Minutes**

The draft Minutes of the 5th meeting of 2021 held on 27<sup>th</sup> May 2021 were approved.

**Major Developments**

**315/21-Ref. 1380-23Gib Oil Terminal, Western Arm -- Proposed construction of new Gib Oil Terminal.**

**DTP-** explained that this was a request for a Screening Opinion to determine if the proposed development was an EIA Development under the Regulations requiring an EIA. It is the Town Planner's Screening Opinion and will be passed to the Minister for Town Planning who ultimately makes the decision and issues a Screening direction.

**DTP-** went through the proposal in detail stating that the site in question was over 3000 sqm in area and made reference to the existing Western Arm Terminal (WARM), which belongs to Giboil and stores fuels and lubricants. The site in question has a long history of oil storage and at present contains derelict infrastructure, a warehouse and part of the site is currently used for vehicle storage.

**DTP-** explained that the proposal consisted of the introduction of 6 fuel storage tanks, 4 larger ones and 2 smaller ones, for the storage of Marine Grade Oils, Automotive Grade Oil and lubricant. The tanks had primary and secondary containment and a bund wall provided tertiary containment. A truck loading area would be provided to the north of the site. The proposal included the potential for the construction of a culvert to connect to the WARM terminal and an eventual connection to phase 4 of an underground pipe network.

**DTP-** Explained that the application would increase the overall storage capacity by some 4000m<sup>3</sup> compared to the current situation including the Fionia Swan storage barge that forms part of the current facilities.; however, there would be a reduction in the number of fuel deliveries by barge and the storage and distribution of marine fuel will cease at the WARM terminal with only lubricant storage and distribution remaining there. The new facilities would be able to store other types of fuels such as biofuels if required in the future. It would also increase the security of fuel supplies for Gibraltar.

**DTP-** confirmed that approval had been granted by the HSE/EA for the Control of Major Accidents and Hazards (COMAH) in March 21. The objective of COMAH being to prevent major accidents. The construction period was given as f 14 months.

**DTP** highlighted the topics screened for likely significant environmental effects and gave a brief summary of some of these:

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- Water Quality – If intrusive works were required any contaminants found would be disposed of and a CEMP would manage materials and prevent/control run off;
- Ecology – with a CEMP in place, the contained nature of the development, the decommissioning of the Fionia Swan and reduction in number of deliveries, no significant effects were likely.
- Traffic and Transport – CEMP would include control measures for traffic/navigation.
- Air Quality.
  - CEMP would manage materials and traffic.
  - Volatile Organic Compounds (VOCs) – the applicant would monitor existing emission rates at the WARM terminal to inform an Air Quality Risk Assessment (AQRA) for the new development.
  - There would be no significant increase in bunkering operations and shipping traffic and the low volatility of the stored fuel taken together with the height of the tanks meant any vapors are likely to disperse rapidly without generating issues at sensitive receptors.
  - DTP reported that the ESG considered filters should be used and that an independent body should undertake the measuring of existing levels. The DOESCCH considered that VOC emissions required further consideration, had concerns with proximity of residents and cruise passengers and that an EIA should be required.
  - DTP stated that the Town Planner did not consider that an EIA was required but that the points raised could be addressed by:
    - The scope of the AQRA to be agreed and that it should consider possible impacts from VOC emissions as well as assessing whether vapour recovery systems should be used. The applicant should also consult/engage with sensitive receptors such as residents and cruise liner terminal operator.
    - The AQRA would be submitted with the application, subject to public participation and would need to be approved by the authorities.
    - DTP explained that it was normal for the applicant to employ a specialist to undertake measurements in such situations.
- Noise and Vibration – a CEMP would manage these issues.
  - DOESSCH were concerned with the proximity of sensitive receptors.
  - DTP stated that the Town planner did not consider that an EIA was required subject to:
    - Noise Impact assessment (NIA) to be prepared and would be subject to public participation;
    - The applicant must consult and engage with surrounding sensitive receptors
    - The NIA would need to be agreed by the relevant authorities.
- Landscape and Visual Amenity – a Visual Impact Assessment would be submitted with the application, the scope of which would be agreed with Town Planning department.
- Climate Change – the Chief Technical Officer and raised concerns in respect of wave over-topping. The applicant had provided further information including the Government’s Flood Risk assessment that confirmed that the moles were

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protected from sea level rise and would continue to protect during storm surges and the risk of wave over-topping as low.

- The design of the tanks protects from spray and over topping and the bund wall would add additional protection.
- Major Accidents and Disasters – an emergency Response Plan would be in place for accidental release.
- Waste – would be segregated and disposed of to a waste management facility.

**DTP-** Also reported on a number of other matters raised during the consultation process:

- The Director of Civil Aviation would require a Solar Glare Hazard analysis if solar panels were to be installed.
- Environmental Agency would require further details of drainage and bunding would be required to contain 110% of largest tank or 25% of total capacity.

**ESG** requested for 100% of the total volume to be contained by the bund wall, and also to the use of the best available technology

**DTP-** stated that the applicant would have to make reference to all the above issues on submission of the application

**DTP-** confirmed that the Town planner's view was that there was no requirement for a full EIA, although once again emphasized that all the various assessments and reports mentioned would need to be submitted in support of the planning application.

The following would need to be submitted:

- CEMP
- Air Quality Risk assessment
- Visual impact assessment
- Noise Impact assessment
- Emergency response Plan
- Solar Glare Hazard Analysis

**The Chairman-** asked the members who were not consultees to address the Commission on an individual basis with assessments and requirement with regards to the planners screening opinion.

**The Chairman-** reconfirmed that it was not a full EIA application; all items, which had been listed, would be catered for during the planning process, with planning conditions and refusals if necessary.

**The Chairman-** emphasized that what is being considered is whether there were any significant environmental effects and not just effects.

**The Chairman-** confirmed that there were two subjects of concern stated on the outline plan, which were air quality and noise and vibration, but that both will be studied and decided on the planning process.

**The Chairman-** confirmed that **MESCE** supported his team on the request for an EIA.

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**JH-**stated that it was rather a question of prevention rather mitigation therefore requested for the latest technology available to used, such as filters and for the bund wall to have 100% capacity. JH- also stated that there would be a need for vapor recovery to be implemented in order to prevent any form of pollution due to the proximity of the site to a large residential area. JH- also confirmed that they supported the call for an EIA.

**DTP-** Referred to the air quality and pollution issue raised by JH and her concern with regards to public opinion, and stated that the applicant would be required to engage with residents within with the area and this would be set out in the Screening Opinion.

**The Chairman-** confirmed that JH request with regards to filters and 100 % bunding would be planning considerations which would be debated and considered during the planning process, notwithstanding the receptors and workers in the area will be able to make any kind of participation during the planning stages.

**Mr Harry Murphy HM (Giboil Representative)** stated that the whole setup had been put together to allow for the facility to cater for other types of fuels in the future. Fuels such as bio marine fuel are currently being sold by the group, in the Netherlands. The terminal has been designed so that future demand may be catered for. HM emphasized that the proposal would result in a reduction in road deliveries and in emissions.

**Mr P Gough PG (Giboil Technical)-** stated that the chosen design of the tanks carried secondary containment. The design prevents overtopping and believed that the design chosen represents best practice as it would have 4 levels of protection.

**PG-** With regards to VOC Monitoring PG stated it would be good practice to undertake monitoring, gather data and discuss this in open forums. If monitoring showed a need for a system, then the right one should be selected which he believed would be carbon absorption.

**PG-** added that a fire suppression system had been included on the application and that a heat radiation study had been performed.

**The Chairman-** addressed the applicant and stated that due to the proximity of the site to urban areas it could be found that the filters would have to be reinforced. The Chairman explained that the requirements in Gibraltar for these specific plants would be very different to anywhere else due to the area of the site and the closeness to residential areas and referred to the port as a receptor. The Chairman required the applicant to reinforce these requirements and bring forward in the next planning stage in the case that the application was considered as a Non EIA application.

**MESCE-** concurred with The Chairman.

**JH-** Questioned as to when members would be informed if the application would require to be an EIA application.

**The Chairman-** Explained that the relevant Minister responsible for the TPBC would have all the information forwarded and the decision would be announced through public notice and Gazetted.

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**JH-** requested to meet with Giboil's Technical Advisory team to be able to share thoughts and exchange views as JH felt that this would be productive.

It was agreed that JH should meet with Giboil.

The Chairman said that he would pass on his Screening opinion and the comments received to the Minister with responsibility for Town planning so that he can issue his Screening Direction.

## Other Developments

### **316/21-F/14958/17-Ex-St Bernard's School, Castle Road -- Proposed conversion from a school to a private retirement residence, club/public bar and general convenience store including alterations and extensions to building.**

**DTP-** highlighted that this was an old application but due to issues regarding the Highways authority, it had been unable to be passed through to DPC.

**DTP-** explained that this project consisted of the conversion of the Old St Bernard's School in to a private retirement home with the inclusion of public facilities such as a convenience store and a bar.

**DTP-** summarized the proposal and highlighted changes to the front entrance on to Castle Road and the construction of a new extension on the south side and an additional storey on the North part.

**DTP-** explained that the façade of the building would be rendered and re painted, the timber windows would be replaced with aluminum windows and the new extensions would be clad with zinc at the top level.

DTP highlighted that a new loading bay would be provided plus the relocation of a motorcycle bay and an additional drop off point.

**DTP-** stated that with regards to Sustainability, LED lighting, heat pumps, smart meters and the incorporation of pneumatic lifts would be put in to place

DTP summarized the comments received from the relevant Departments:

**The Heritage Trust-** raised concern with regards to the visual impact the use of non-reflective material on attic balconies could have, and also highlighted that the ironwork crosses on bot gables should be retained and refurbished

Traffic commission had no objections to the project subject to the requirements issued by Highways authorities.

**DTP-** confirmed there had been no comments from the public and highlighted that the Town planners welcomed the proposal.

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**DTP-** stated that overall the project was a sensitive re-development and that the new elements used were of a contemporary design distinguishing it from original building.

**DTP-** stated that the standard policy with regards to the Replacement of Timber windows would be put in as a condition, and that as a safety aspect the door to the shop should open internally rather than the externally opening door as proposed that would be a highway risk.

**DTP-** also stated that the **GHT** comment with regards to the non-reflective material had been cleared with the applicant and that it had been confirmed that clear glass would be used.

**DTP-** Recommended that the patio wall should be re-rendered and painted as part of the scheme.

**DTP-** also highlighted that an updated report with regards to energy efficiency would be required as this application had been stalled for a period of time and in the interim new standards for NZEB had been introduced.

**DTP-** recommendation was to approve the application with conditions that the windows should be of timber or composite the updated survey referring to energy standards and a requirement for a heritage survey of the building to be carried out before the commencement of works.

The application was approved unanimously with the recommended conditions.

## **317/21-F/16672/201/1 Shaker's Passage -- Proposed extension to, and refurbishment of, property.**

**DTP-** explained that this was the 3<sup>rd</sup> revision to the application.

It had been deferred previously to allow reconsideration of the staircases to the 1<sup>st</sup> floor and to the roof top terrace.

**DTP—**explained the latest revision stating that the staircase to the 1<sup>st</sup> floor had been relocated to the internal patio.

On the 1st floor, the original store that had been included at the northern end of the building had been omitted from the new scheme to allow the inclusion of the staircase and that after Town Planning had expressed concerns with loss of privacy from the new staircase the applicant had now incorporated a trellis screen to the stairs.

**DTP-** Also explained that on the southern end of the building the access to the roof terrace had been relocated so that it provides access from the 1<sup>st</sup> floor apartment to the roof terrace. The applicant also proposed a trellis screen to the stairs to address concerns over loss of privacy. **DTP-** stated that at the roof level there were no changes.

**DTP-** stated that there were no comments from departments with regards to the revised plans, although there had been objections to the revised plans that had been



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circulated to members ahead of the meeting. One objector who was going to address the Commission had not been able to be present

**DTP-** summarized the revised plans and stated that concerns regarding the privacy of the adjacent buildings had generally been adopted by applicant and the overall height of the extension had been reduced to make it more acceptable.

**DTP-** Explained that the previous scheme had raised issue of privacy due to the location of the landing to the 1<sup>st</sup> floor apartment and that the relocation of the stairs to the internal patio addresses that concern although it was still not ideal. The addition of trellis screens to the staircases reduced the issue of loss of privacy.

**DTP** -stated that due to the proximity of the staircase to the roof top terrace to the adjacent buildings visual barriers should also be installed throughout and on the roof top terrace itself.

**DTP-** stated that that if the roof was not accessible this would remove the need for the stairs thereby removing one of the main issues. In addition, it would also address objections relating to loss of privacy and nuisance arising from the use of the roof terrace.

**The Chairman-** stated that the building itself was in a dire state and the refurbishment would enhance the urban area.

**The Chairman-** stated that the application could be approved with conditions and also asked the Commission to decide whether or not the staircase should be allowed.

**KF-** stated that the proposal would have a positive contribution to the development of the Town area, but understood the frustration and concerns of residents. Notwithstanding, Dr. KF supported the scheme.

**JH-** stated that the proposal had a negative effect on the residents within the area, and stated that the roof terrace also had a negative impact on the surrounding area.

**GM-** agreed with JH comments. In addition, GM stated that he did not approve the inclusion of the roof top terrace.

**KB** stated that the site needed the new scheme to be introduced as this would help regenerate the old town. Making reference to the terrace KB had no issues and felt that there is no need to eliminate the introduction of the terrace as the overlooking of areas within the old town area is common.

**The Chairman-** asked for a vote on the application as per the submission

5 – Votes in favour

2- objections

3- Abstentions

Application was approved on majority votes in favour.

**The Chairman-** asked for the Commission to approve the insertion of screens for privacy issues

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Members of the Commission – agreed with the implementation of the addition of screens.

## **318/21-F/17357/21 Flat 2, 3 Centre Pavilion Road -- Proposed external refurbishment of property and associated internal alterations.**

**DTP-** explained that the application was a relatively minor application of the refurbishment of the property and some minor alterations but it had been brought to DPC as an objection had been received from an adjacent occupier.

**DTP**—Summarised the application and explained that it consisted of the replacement of the existing windows, refurbishment of shutters, the west elevation roller shutter to be replaced with aluminum shutters and an existing conservatory on the roof terrace to be dismantled during construction and then reinstated or replaced with a similar structure.

The application also consisted of the refurbishment of the existing chimney stack and extending the stack above the roof level to be able to make use of the existing fireplace.

**DTP-** stated that there were no comments from departments

**DTP-** reported that the objection received was from an adjacent resident, and concerns raised were with regards to the boundary lines of the property, safety and structural concerns and the visual impact the proposed chimney stack.

**DTP** explained that the objectors issues where generally not town planning concerns but more Building control issues. In relation to the chimney stack, this was not considered to cause any visual impact and confirmed that the Environmental Agency would only permit smokeless fuel to be used.

**DTP-**Recommended the approval of the application with the inclusion of the condition that if the existing conservatory was to be replaced with a new structure, the design of this would need to be approved.

**KM-** questioned on the nature of the existing shutters on the southern end.

**DTP-** stated they had received confirmation from the agent that the shutters were all made of aluminum.

The application was approved unanimously.

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## Minor and Other Works– not within scope of delegated powers

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

None

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

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

- |                          |  |
|--------------------------|--|
| <b>319/21-F/15285/17</b> | 62-64 Irish Town -- Proposed construction of a rooftop extension and associated internal alterations.<br><br><i>Consideration of 'As Built' drawings.</i>  |
| <b>320/21-F/16032/19</b> | 52/58 Flat Bastion Road and 3/5 and 9/11 Bado's Passage -- Proposed extensions and re-development of residential scheme and ancillary areas.<br><br><i>Consideration of window materials and facade colour scheme to discharge Conditions 5 and 6 of Planning Permit No. 7125.</i> |
| <b>321/21-F/16648/20</b> | 29-31 Governors Street -- Proposed internal and external alterations including extended second floor extended over terrace and full facade refurbishment.<br><br><i>Consideration of colour scheme to discharge Condition 2 of Planning Permit No. 7570.</i>                       |
| <b>322/21-F/17093/20</b> | 1 College Lane -- Proposed alterations and refurbishment of elevations of building.<br><br><i>Consideration of proposed colour scheme to discharge Condition 4 of Planning Permission No. 7917.</i>  |
| <b>323/21-F/17242/20</b> | Unit A, 22 North Mole Road -- Proposed fit-out of existing premises for new supermarket.<br><br><i>Consideration of signage details to discharge Condition 6 of Planning Permission No. 7878.</i>  |
| <b>324/21-F/17293/21</b> | Flat 3, 7 Johnstone's Passage -- Proposed internal alterations and installation of new windows.  |
| <b>325/21-F/17338/21</b> | Commercial Unit 1, Imperial Ocean Plaza -- Proposed fit-out of commercial premises.<br><br><i>Consideration of proposed signage details to discharge Condition 6 of Planning Permission No. 7951.</i>  |

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- 326/21-F/17374/21** 19 Line Wall Road and 56 Irish Town -- Proposed replacement of windows and balcony doors to Line Wall Road and Irish Town facades of building.
- 327/21-F/17403/21** 9 and 11 Cornwall's Parade -- Proposed amalgamation to two adjoining commercial units.
- 328/21-F/17430/21** 14 Booths Passage -- Proposed conversion of two x stores into two x studios, as well as associated minor alterations and refurbishment works.
- 329/21-F/17449/21** 2A Rosia Ramp -- Proposed external alterations and addition of terrace within internal courtyard.
- 330/21-F/17431/21** 1 Cannon Lane -- Proposed roof repair and consolidation works.
- 331/21-F/17460/21** Ground Floor Unit, 5 Main Street -- Retrospective application for refurbishment works to facade of unit.
- 332/21-F/17461/21** 3/3 Bright Cottage, Charles V Ramp -- Proposed minor alterations and refurbishment works to dwelling.
- 333/21-F/17462/21** Unit 6 Buttercup House, Waterport Terraces -- Proposed refurbishment and change of use from offices (Class A2) to offices and retails (Classes A1 and A2).
- 334/21-F/17464/21** 7 Ellerton Ramp, Buena Vista Estate -- Proposed works to basement, balcony extension and associated minor alterations.
- 335/21-F/17468/21** Flat 1 Marigold House, Waterport Terraces -- Retrospective application in respect of internal alterations and the installation of a porch wooden trellis as well as other proposed minor external alterations.
- 336/21-F/17469/21** Flat 4 Jasmine House, Waterport Terraces -- Retrospective application in respect of internal alterations and the installation of a porch wooden trellis as well as other proposed minor external alterations.
- 337/21-F/17474/21** 18 Rosia Court, Rosia Road -- Proposed loft conversion.
- 338/21-F/17475/21** 12/1 City Mill Lane -- Proposed change of use from office (Class A2) to beauty spar (Class A1).
- 339/21-F/17480/21** 3 Phillimore House, Acland Avenue, Buena Vista -- Proposed internal works and replacement of all windows including balcony doors.
- 340/21-F/17485/21** 85 Main Street -- Proposed internal refurbishment, new plumbing, new electrics, new main entrance door and make good and decorating main façade and balconies.

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- 341/21-F/17502/21** 409 Luminous Waters, Grand Ocean Plaza -- Proposed installation of glass curtains.
- 342/21-F/17513/21** Unit 6 Shorthorn Farm -- Proposed new rear entrance and access stairs to property.
- 343/21-F/17516/21** 604 Abyla Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.
- 344/21-F/17517/21** Flat 30, Limonium House, West View Park -- Proposed replacement of windows and doors to balcony to match existing and proposed installation of glass curtains.
- 345/21-F/17520/21** 30 Hamilton Court, Harbour Views -- Proposed installation of glass curtains.
- 346/21-F/17525/21** 903 Europlaza, Block 6, Harbour Views Road -- Proposed installation of glass curtains.
- 347/21-F/17529/21** 1705 Ocean Spa Plaza, 17 Bayside Road -- Proposed installation of glass curtains.
- 348/21MA/17362/21** Flat 5, 3 George's Lane -- Proposed partial enclosure of roof terrace to provide extension to apartment.

*Consideration of proposed Minor Amendment including:*

- *extension of existing main stair by one storey;*
- *addition of w/c;*
- *internal layout updates;*
- *window location updates; and*
- *general finalisation of design to be constructed.*

- 349/21MA/17472/21** 48-50 Price Edwards Road -- Proposed refurbishment of building including construction of two storey extension.

*Consideration of proposed Minor Amendments including:*

- *Installation of an elevator shaft closest to eastern wall of property.*

- 350/21-MA/17473/21** 228 Main Street -- Proposed internal and external refurbishment of unit.

*Consideration of proposed Minor Amendments including:*

- *changes to approved extraction route;*
- *changes to elevation façade; and*
- *changes to machinery layout.*

- 351/21-MA/17482/21** 55 Prince Edwards Road -- Proposed extension and refurbishment of property.

*Consideration of proposed Minor Amendments including:*

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- *top window size reduced and openings changed to sliding door into pocket wall;*
- *location of air conditioning units moved from second floor to ground floor; and*
- *ground terrace size reduced to increase the size of kitchen area.*

**352/21-MA/17496/21** 345 Water Gardens -- Proposed extension, conversion and minor alterations to penthouse apartment.

*Consideration of proposed Minor Amendments including:*

- *Extending the approved extension out by around one meter.*

**353/21-**

### **Any other business**

JH reported that she had recently noticed that The Ex-Risso Bakery development (The Residences) on Engineer Lane had balconies with the air condition units in full view and asked if anything could be done about this.

The Chairman responded saying that this matter was already being actively pursued with the applicants.

**Paul Naughton-Rumbo**

**Secretary to the**

**Development and Planning Commission**