

## THE DEVELOPMENT AND PLANNING COMMISSION

Minutes of the 4<sup>th</sup> meeting of the Development and Planning Commission held remotely via video conferencing on 22<sup>nd</sup> April 2022.

- Present:
- Mr P Origo (Chairman)  
(Town Planner)
  - The Hon Dr J Garcia  
(Deputy Chief Minister)
  - The Hon Dr J Cortes  
(Minister for Environment, Sustainability, Climate Change and Education)
  - Mr H Montado  
(Chief Technical Officer)
  - Mr G Matto  
(Technical Services Department)
  - Mrs C Montado  
(Gibraltar Heritage Trust)
  - Mr K De Los Santos  
(Land Property Services)
  - Dr K Bensusan  
(Gibraltar Ornithological & Natural History Society)
  - Mr C Viagas
  - Mrs J Howitt  
(Environmental Safety Group)
  - Mr Viv O'Reilly  
(Rep Commander British Forces, Gibraltar)
- In attendance:
- Mr P Naughton-Rumbo  
(Deputy Town Planner)
  - Mrs L Gonzalez  
(Minute Secretary)
- Apologies:
- Mr M Cooper  
(Rep Commander British Forces, Gibraltar)

## Approval of Minutes

154/22-Approval of Minutes of the 3<sup>rd</sup> meeting of 2022 held on 31st March 2022

The draft minutes of the meeting held on 31<sup>st</sup> March 2022 were unanimously approved.

## Matters Arising

-None

## Major Developments

**155/22 - O/18038/22-The area located between Eastern Beach and Catalan Bay known as The Eastside -- Proposed mixed-use development to include residential, retail, commercial, private and public car parking and a new marina including reclamation works and a public green area and associated infrastructure and accompanying coastal protection works.**

DTP introduced this Outline Application that was in the form of a Master Plan, which includes design criteria, massing, height etc. and transport routes.

DTP confirmed that the documentation included an Environmental Impact Assessment (EIA) and that all documentation had been available to the public.

Full details, objections and a paper had been circulated to Members of the DPC.

DTP outlined how the meeting would be run and then invited the applicant to make their presentation

On behalf of the applicant, Mr Stephen Orciel (project manager) introduced the team:

- Mr Adrian Olivero (CEO for TNG).
- Mr Ian Felices (Legal Advisor for TNG, Hassans).
- Mr David Drago (DD) NOI Studios (Project Architect).
- Ms Natalia Boyle (NB) and Dr Caroline Francis (CF) of Jacobs (coordinated and directed the EIA Statements).
- Elisa Pobjoy, Jacobs (Coastal Engineering Protection Works) (EP)
- Mr Thomas Auer Transolar (Energy and Climate Engineering Design) (TA).

DD outlined the full project/ master plan; he gave some background information on the site and summarised the design concept. Important objectives included, the interrelationship between the site and the sea and its proximity to Catalan Bay.

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The proposed application would include low-rise development, courtyards, and shaded streets with a Marina in front of the urban development. DD outlined the Landscape Strategy and proposals for the public realm. He referred to the proposed botanical gardens, waterfront promenades and gardens, High Street and plaza linear gardens and the residential courtyards.

TA summarised the Environmental Strategy for the Master Plan. The basis of the strategy is a climate responsive design approach- strategies that are integral to the architectural approach. He highlighted the proposed courtyard typology where natural ventilation for allows for natural cooling and responds to local conditions. TA presented data on local weather conditions including hours of sunlight, temperature and humidity, wind and soil temperature.

In addition to sustainability as and low carbon aspects, other aspects considered include healthy living space, water strategy, landscape strategy, outdoor comfort strategy. Together these strategies lead to a development that becomes a livable and vibrant.

TA went on to explain about the solar exposure studies of the development that help inform overall outdoor comfort including requirements for shaded areas but also looking at the influence of wind and the need for protection from the wind during winter but allowing for summer wind that helps cooling. The study would also inform the potential for solar energy from roofs and facades.

TA explained the overall strategy and the need to minimize energy demand for heating cooling and lighting by passive means with the remaining consumption to be met through renewable energy such as PV panels and geothermal.

TA emphasized that an integral aspect of the Masterplan is the adoption of the courtyard typology to allow maximize comfort in the outdoor environment and that they will also enhance these passive strategies by covering as much of the remaining energy consumption with renewable energy.

DD provided further details with matters such as materials, vegetation, green walls, shading devices, promenade and marina spaces. He went on to talk about the Marina capacity, design and services. He said Jacobs has carried out extensive wave studies to protect the Marina. He also summarised what would be the land uses, residential, affordable accommodation, commercial/ retail, hospitality/ hotels, offices and other uses totaling 260,000 square metres. These supplement further uses such as sailing schools, yacht clubs, cultural activities and leisure activities to create a comprehensive destination for the enjoyment of the community.

DD explained the phasing plans and that works would commence with HCT revetment works, followed by the North Arm, Outer breakwater North/ South, Land reclamation, Southern Arm, Beach replenishment, installation of Marina infrastructure, construction of southern edge, promenade, high street, affordable housing, phases of construction and northern Arm development. He said the estimated construction would take 10 years.

NB, the EIA coordinator for the Eastside Project presented the EIA findings.

She outlined the current state of the site NB said Planning Permission was granted for the redevelopment of the site in 2007 but it was never constructed. NB summarised the EIA process and explained there were two separate EIAs which were complimentary, one for the Waterside Development and the other for the coastal protection

EIA coastal protection works includes:

- Outer breakwaters;
- Coastal defenses;
- Land reclamation;
- Beach recharge.

Waterside development includes:

- Land side development
- Structures sited on top of the coastal defences.
- Marina pontoons and associated facilities.

NB reported that the environmental impacts that were assessed included direct and indirect impacts, secondary impacts, cumulative impacts and transboundary effects.

NB summarised the effects by topic;

Heritage – A Heritage Impact Assessment was carried out for the waterside development. The proposed scheme is located outside both the Worlds Heritage site and the buffer zone and it was found to have no significant effect. The impacts of landscaping were also considered.

Marine Ecology- reported on the results of the intertidal survey, subtidal video and confirmed that no significant effects were predicted.

Terrestrial Ecology - the assessment included consideration of nearby sites, The Rock of Gibraltar SAC/SPA, Upper Rock Nature Reserve, alpine swift nesting and the ground nesting Barbary Partridge.

On Biodiversity waterside development, loss of onsite nesting habitat for Barbary Partridge and proposed mitigation.

Coastal Protection – key impact was direct loss of habitat and mortality of the protected limpet which will be mitigated through a translocation program and the habitat provided by the new breakwater. Overall, with mitigation there are no significant effects from construction and operation.

Coastal Hydrodynamics and Geomorphology studies include the following:

- Tidal range and climate change.
- Storm surges and protection measures.
- Impact on tide and wind driven current.
- Wave conditions and wave energy **dissipation**.
- Impact of marine structures on sediment plume dispersion.

Tidal levels and flows

- Minor changes and none of which are considered significant.
- Waves showed a reduction of wave height in storm conditions.

#### Shoreline and beach evolution

Beach reorientation at Catalan bay and Eastern Beach was predicted that would be a significant adverse effect and therefore mitigation had been proposed.

2D Sediment transport identified some offshore loss of beach material and realignment and beach nourishment was proposed and a proposed beach monitoring program should be implemented.

#### Coastal Hydrodynamics and Geomorphology Mitigation:

- Measures to reduce turbidity in sea during construction.
- Capital beach nourishment program on Catalan Bay.
- Capital beach nourishment program on Eastern Beach.

With mitigation, residual effects on all receptors would not be significant.

#### **Water quality and Sediments.**

- During construction mitigation will be provided through the implementation of the CEMP to reduce turbidity where practical and the risk of pollution.
- With suitable marina management no change to the existing situation was predicted regarding water quality.
- The beach recharging would not affect the bathing water standards and there would be no impact on ground water.
- Coastal protection structures could reduce the flushing capacity of bathing waters but the beaches are relatively exposed to ongoing coastal processes and are expected to flush quickly.
- No significant transboundary effect.
- Significance of residual effect on all receptors would not be significant.

#### **Traffic Transport:**

- Materials for the breakwater to be bought to site by sea and materials required for the land-based development will be brought in by road.
- More efficient to re-use materials from waste disposal site for the land reclamation than to remove it offsite.
- Traffic management measures will be included in the Construction Environmental Management Plan to be implemented by contractors.
- With mitigation the effects of construction traffic are expected to be slight, negative and short term but not significant.
- It is anticipated that further traffic surveys will need to be carried out to inform more detailed traffic and transport assessment as part of detailed design stages.

#### **Landscape and Visual Impact.**

- No significant effects were identified in mid to long distant views.
- Near distance views- there would be changes but overall conclusion was that changes would be beneficial.
- No significant cumulative or transboundary effects were predicted.

### **Noise and Vibration**

- Mitigation for noise.
- Noise Control Plan to be introduced.
- Application for BPM mitigation measures on all construction noise effect are predicted to reduce effects to minor adverse and not significant.

### **Socio and Economic Key points:**

- Employment.
- Labour market/ local economy is considered beneficial.

Overall conclusion was with mitigation was that there will be no significant adverse effect from the development.

The Chairman thanked CF and invited Mr Chris Riddell to present his verbal objections to the Commission

CR raised 4 points:

- Environment.
- Public Beaches.
- Public Health.
- The horizon from Catalan Bay.

On the Environment CR said the Marina would have irreversible and devastating effects on the marine Ecosystem. He explained how the currents work and how there would be changes to this. He said the current cleans and feeds the coastal ecosystem and this would be affected by starvation and asphyxiation resulting in a barren coastal eco-system. He referred to impacts on shellfish and a specific species of red muscle, which he feels will be eliminated with the proposed marina. He said no shellfish species can survive within marinas and that the EIA report recognises that flows will be stopped resulting suffocation of these species due to limited oxygenation. This would also impact fish and their habitats.

He said there would be transboundary effects such as on migratory octopus that rely on shellfish and on migrating fish species that would be affected as the marina would block their routes and would affect areas elsewhere in Mediterranean Sea and Atlantic Ocean. There would be clear transboundary effects on the neighbouring ecosystem. He went on to say jellyfish would accumulate either side of the marina and that pollutants would emanating from Marina as these will flush out so that oils, cleaning products and fuel etc. will directly impact the clean marine environment and beaches. The biggest effect he said would be when there is a storm and heavy rains where swirls move up and down the sewers and then onto the beaches.

On public beaches, CR said stagnation of water has already been acknowledged in the report. Debris, contaminants and seaweed would accumulate and he said that this already happens at the far end of Catalan Bay. The beach would need constant sand replenishment, he mentioned the loss of Governor's Beach and the need for groynes in Sandy Bay.

On Public Health CR stated that former Chief Environmental Officer Mr. Francis Martin a resident of Catalan Bay had said the marina would seriously detrimentally affect water quality with associated risks in beaches and bathing waters. He stated the beaches would be contaminated. He explained that waves wash the beach and this would no longer happen; high-water level water surges would be created within Catalan Bay and would lead to flooding of local roads and streets. He also said that now there were concrete pools that have encroached creating a further water trap effect. He stated that the existing small groyne already caused problems with accumulating contamination and that adding a much bigger structure will make matters massively worse. The previous EIA did not show this, as there was no proposed Marina in 2007.

On the question of the horizon from Catalan Bay, he said the sunrise would be completely blocked by concrete structures.

Any Marina and further sea flow blocking would create unhealthy beaches and destroy the seascape.

He stated most of the above issues are played down in the EIAs. He gave an anecdotal example of a young environmentalist Francine Pons who considered that EIAs often play down effects and often present predicted effects in a vague and ambiguous manner.

CR emphasized that the wrong decision would have irreversible effects.

He stated that they do not agree with some of the findings of the EIAs and that they are deficient in some areas. He queried for example that sub soil species were not considered. Constant need for replenishment of the beach at Catalan Bay would have adverse effects

Catalan Bay residents object to the Marina due to its effect on quality of beaches, environment, health and seascape...

The Chairman thanked CR and asked for any questions from members. There were no questions.

The Chairman asked the applicants if they wished to respond.

EP responded on the hydrodynamics by saying that they have carried out a number of coastal numerical models to investigate the existing conditions and potential impact of the scheme, this would have an impact on tidal patterns and waves depending on the waves and wind conditions. The flushing times may increase in certain instances but the bay is open and there will be a regular exchange of water during the tidal cycle. Currents along the shore are weak and without the influence of winds and waves currents along Catalan bay would be reduced and flushing would take longer with the scheme in place. They have seen from the model that under some wind conditions such as the westerlies there is actually an increase in that flow.

NB said they had looked at all the species and they have been considered in the EIA. The EIA looks at significant effects. There will still be flushing and circulation so stagnation is not expected NB stated that there are two entrances to the Marina so they do not expect to be a block to water flow. They are aware that shellfish are further away from the development and have carried out a marine survey recently and video photography. There is an impact on the footprint and this has been documented in the EIA.

She said they do not expect any pollution as protocols will be in place in the marina. They do not agree that there is going to be desolation or irreversible devastation to this area.

CF said that their surveys identified that there was a good population of limpets at present and these are to be translocated as part of a mitigation measure. There will be permanent loss of sandy habitat, but they do not consider that loss significant and fish and organisms will still be able to flow within the Marina.

They said there will be no public health issues on beaches as there will be no waste water contamination from the site and that protocols for boat owners would be in place so there should be no issues.

DTP requested clarification on whether or not sub surface species had been surveyed as part of the subtidal survey and could they clarify whether their statement that shellfish were located further offshore was as a result of their subtidal survey.

NB said subtidal surveys had been carried out but that they had not done any benthic sampling of sub soils. Their information (on shellfish) comes from their subtidal surveys that showed sandy habitat.

The Chairman asked Jacobs that as they have been involved in this site for the last three proposals have they found that the beaches have deteriorated or have remained the same with the current reclamation in place.

EP stated that they have seen a change in the beach orientation at Catalan Bay after the reclamation of land in 2012. Some of the extreme wave predictions will have changed from previous analysis as a result of new data available since the last assessment.

The Chairman said EIAs are compiled before a project is developed and so asked whether the EIA process requires the modeling to be tested live as the project moves into construction and operation phases, i.e. is there an obligation in law that the developer has to provide information so that the EIA is shown to be compliant with all the modeling that was envisaged at the beginning and proven to be mitigated later on by developers' actions. It is a 10-year project so the public today will be different from the public in the future and the EIA process is a live exercise so wanted to know whether they shall be carrying on analysing the findings of the EIA through the CEMP and the operation process of the development.

EP the CEMP is a dynamic document and will be updated. There is no legal obligation to do any specific monitoring but there will be.

SO stated that there will be a requirement for the contractor to perform 3D modelling for critical areas, this will bring a certain level of comfort and certainty to the design and how there may be changes in what is currently being discussed. They are also proposing a category 3 check on the contractor. This includes a full independent check of the contractors' design because the developer wants to make sure the coastal works are fully 'belt and braced' in terms of design and that, there are no issues with the adjoining neighbours/ receptors. The



developer wants to establish a robust design framework and the contractors would, by virtue of any Planning Permission and EIA statement, required to provide a Construction and Environment Management Plan, which needs to be submitted for approval.

The Chairman considered that it was important that there was a commitment to live monitoring of possible environmental effects against the modelling results and that there needs to be continuous engagement between the developer and the EIA providers during the lifeline of the development. Additionally, he referred to previous legal challenges in respect of transboundary effects. It was important that continuous monitoring be undertaken to any future counter transboundary or local receptor challenges pointing environmental effects emanating from the reclamation and/ or marina.

SO said this is not an insignificant project for Gibraltar and that they understand its impact on Gibraltar. His view was that the Commission could impose recommendations and conditions on monitoring requirements.

The Chairman referred to monitoring conditions having been applied to other development proposals.

The Chairman asked the Commission if they had any questions for the applicant.

GM queried the grid iron concept adopted for the development; as Mediterranean, built forms tend to be more organic.

DD said there had been various alternatives considered but not a more organic form as these were a product of growth over time whereas this project is more of a planned development. The gridiron form was chosen as it was a rationale and pragmatic form that allowed, for example underground car parking. It also fit the configuration of the site.

The most important decision taken was to depart from the approach of previous proposals adopting high-rise development that he did not consider appropriate and so they had adopted a low-rise approach that has more of a human scale.

GM pointed out that although the concept was for a low-rise development they were proposing a very tall building within the marina. GM felt that perhaps the opportunity was being missed for a bolder approach.

The Chairman asked the members if they had any other questions.

CAM requested clarification on the need for the large size of the marina and the anticipated long-term demand bearing in mind other existing and proposed berthing in Gibraltar.

DD stated that the super yacht market is central to the Marina Development. There are a number of superyacht berths proposed and the marina provides for 400 small boats berths.

CAM said her question was on demand, and wanted to know whether there was such a demand for small boats locally.

DD said preliminary investigation studies had been carried out indicating that there is a robust demand for the small boats berths.

AO said this is a contractual obligation with Government for building 400 small boats berths, and they were advised and they believe there is a high demand.

JH noted the huge amount of information provided and that she understood more specific information on specific aspects will be coming forward that she looks forward to seeing and contributing on.

JH commented that she had submitted detailed responses on the EIA some of which had been raised by CR at the meeting today.

She considered that more time is required to consider all the information.

Her concern was focused on the scale of the marina and not of the existence of a marina at this stage as that needs to be driven by the science. She stated that they have scientific views that do not agree with some of the findings of the EIA. There was therefore a need to assess this further.

JH referred to concerns raised by the World Heritage Office (WHO) and asked how the EIA concluded that there were no effects on the UNESCO site.

NB stated that there will be no direct impacts on the boundary of the site or the Buffer Zone of the World Heritage Site, and whilst it will be visible from Gorham's Cave there will be no effects on the site's OUV. The assessment shows no significant effects.

JH asked if their conclusion had been reflected by UNESCO.

NB clarified that it was Jacobs' conclusion. She referred to the qualifications and experience of their Landscape and Visual Impact specialists that had undertaken the assessment.

She said that they had spoken with Sue Davies (WHO) who agrees with the assessment carried out but does not agree with the subjective judgment by their specialist.

JH asked whether the breakwaters could be engineered in another way that could have less sedimentary impacts.

EP said there is but this would affect the internal layout of the Marina. The key function of the breakwater is to provide protected waters for the Marina without having excessive detrimental effects on the water quality within the Marina and areas on either side. The overlap on the outer arm which perform the moderate wave climate within the Marina could be configured in various ways but the ultimate standard protection that you need to provide is with that breakwater is commensurate with the offshore wave climate.

JH sought confirmation that the solid breakwater on either side is determined by the need to supply a calm interior and that this is not achievable without the hard fronts on either side.

EP confirmed it still needs to be hard. There could be alternatives in terms of configuration but in terms of structure this has to be solid and this could not be done with a floating structure.

The Chairman asked the Members if they had any questions.

DTP referred to the fact that many of the objector's comments were in direct contradiction to the findings of the EIA results. He asked if they could give an indication of their confidence levels in terms of numerical modeling and Ecological Surveys and so on since there are two completely opposing views here.

NB stated that the EIAs follow all standard guidance, best practice and all legislation. The methodologies have been used before and they are confident in how they have been undertaken and what they show.

EP confirmed that the data used in the models come from long datasets and models have been calibrated. Whilst models are an imperfect science they give us a representation of best expectations. Various models have been used to assess shoreline impact and sedimentation where 2D and 1D models were used to provide an overall view.

The Chairman asked to sum up with the Planners' Report that was recommending approval to the outline application subject to the matters/ conditions that will be forthwith outlined and requested to be voted for. He referred that, as the outline application moves into the full planning stages the Outline Master Plan and EIA will be reassessed by receptors, consultees, stakeholders and DPC

DTP went on to explain the Town Planning Presentation.

He firstly explained the EIA requirements, as this was an EIA application.

DTP summarised the considerations that had been taken into account:

- Design Statement
- Development plan policy
- EIA
- Feedback from stakeholders
- All other material Planning Considerations.

DTP referred to the Development Plan 2009 that contains a specific policy allocation for this site and also referred to more Gibraltar -area wide policies.

### **1. Master Plan**

DTP said there was no in principle objection to the masterplan.

The low massing, building heights, and the height transition North/South and East/west were welcomed.

DTP welcomed the planning gains proposed such as waterfront promenade, botanical gardens, and affordable housing cycling routes and so on.

DTP explained that each key issue would be summarised and a view taken by the DPC on whether it is satisfied with what is proposed.

### **2. Biodiversity**

- Mediterranean ribbed limpet minor adverse effect through direct loss of habitat and mortality from removal of existing rock revetment.
- Three new breakwaters – provide hard habitat population likely to establish itself and likely to exceed the pre-construction levels.
- Translocation strategy – requires to be approved by DOESCHH.

### 3. Marine Biodiversity

- Coastal areas North and South of the development will experience tidal flushing.
- Subtidal surveys- low diversity of marine fauna.
- Shellfish concentrations – located in deeper waters further offshore-not affected
- DOESCHH (competent authority) no specific objections but further information required in CEMP and OEMP.

DTP asked the DPC if it was satisfied with the findings of the ES in respect of this topic and does it agree that the relocation strategy will be required to be submitted for approval.

The Chairman said what is decided today will be vetted throughout the process and no doubt, there will be conditions upon the applicant as the project moves on to its other phases.

MESCE raised the following points:

- This is an outline application and can still be improved upon.
- The Talus slope above the development cannot be used for solar power, as it is a protected area. The number of small boats is concerning as so many boats active on this side of the Rock will have an Environmental impact and this should be reduced from 400 to 200 berths.
- He welcomed the provision of the Cultural space.
- The current situation of the rubble mountain is unsightly and has an adverse effect on the Marine Environment.
- Concerns of movement of octopus were no longer an issue, as with the two openings this will ensure flow of marine life.
- The shellfish issues are outside the footprint and it is possible for them to live in a marina environment provided there is a proper management plan for the Marina. He noted that there will be a reduction of raking in this area.
- He found no serious concerns about flushing and cleaning of the waters, and said beaches already need to be replenished so no significant environmental change there.

This is a huge opportunity for Environmental improvement- removal of the rubble mound and the revetments will provide new habitat for limpets and sees this as a positive effect on Marine life and no significant dangers to public life.

He considered the proposals were sound and that this would be a huge improvement that would bring many benefits.

Sensitive controls and arrangements have to be taken during the construction stages, DOE will be working closely at every stage and DOE scientists will ensure a dynamic EIA is provided.

This was the best proposal he has seen so far.

The WHO is not objecting and they confirm there is no direct impact, there is no impact on Terrestrial Environment and it will be enhanced. The Barbary Partridge have ample space and alternative nesting grounds.

He reiterated he was very happy with the proposed project.

JH had questions about the surveys, subtidal and frequency and wanted to know if this was a one off as there are seasonal changes, and wanted to know if there would be additional surveys to conclude the findings of the surveys already done.

The Chairman said this was to be happening and studied throughout the process of the EIA and said as members we will be requiring the Applicant to submit the outcome of their surveys and said the applicant would then be conditioned subject to DPC approval. This would be a requirement for them as part of the Planning Process.

Chairman asked members if they agreed to accept the findings of the ES on this topic and that a relocation strategy for the limpets would need to be submitted for approval.

The members agreed unanimously and the Chairman stated that these would be included as conditions in the outline planning permission.

#### **4. Terrestrial Biodiversity**

DTP summarised the following:

- Permanent loss of on-site habitat for Barbary Partridge.
- Proposed compensation
  - Enhance off site habitat.
  - Clearing fly tip waste and litter from Talus Slope and base of the Upper Rock area adjacent to site boundary.
  - Installation of fencing along the Nature Reserve boundary including signage (if required).

DTP asked if the DPC accepted the proposals to enhance off site habitat for Barbary Partridge to compensate for permanent loss of existing onsite nesting habitat.

The Commission approved this unanimously to be included as condition in the Outline Planning permission.

#### **5. Land and Visual Impact**

DTP summarised the following:

- Effects range from moderate adverse to moderate beneficial.
- WHO confirms no adverse physical impact on the WHS or its Outstanding Universal Value (OUV) integrity or authenticity and its Buffer Zone will not be affected.
- WHO adverse effect on wider landscape settings of the Rock of Gibraltar.
- Recognises the development will have landscape and visual impacts (positive/negative).

DTP said that as planners there are concerns with one aspect that is the proposed branded residence building (85m in height). The concerns were summarised as:

- Introduces significantly tall built element within Marina Environment.
- Urban Design concept-transition of building height reducing towards sea.
- Branded residence building –notable exception to concept.
- Noticeable feature from views from the Upper Rock and particularity from the South and WHS visitor center and so ties in with comments from WHO.
- Visual impact is of concern and this element moves away from the design concept that was put forward as part of the Master Plan.

DTP said that Planning recommended revising the scheme by omitting the tall building from the current location. Consideration of alternatives could include a building on the same site at the same height as the hospitality buildings to the south and/ or to provide a tall building within the main built up area and aligning with HCT Towers to minimise the visual impact.

The Chairman asked for views.

MESCE commented that this could be a recommendation and see what is produced in the full Planning Application.

JH said they also had concerns with this, as there are actually two blocks that break the very serene layout of the overall development and would support a big change there. She commented that perhaps they should go back and come back with something, rather than just the moving of the block to another location, which might jar in another location. JH supported the planning recommendations.

DTP said that in procedural terms, the idea is that as each phase progresses that would comprise a full Planning Application for the Commission to consider and take a decision on proposals contained in that application. In the case of this issue, the applicant could then propose the building in the full application for the respective phase and the Commission would then have the opportunity to determine if the proposal was acceptable at that stage.

CAM said she supported the recommendation and went on to say that this related to her concerns regarding the size of the Marina which MESCE had earlier suggested could be reduced to half-200 berths, and might also have an impact. CAM was concerned with the views from Catalan Bay questioning the arm to the Southern end and if there was a potential to taper it down towards the end to soften the transition or to have strategic openings, or breaks, within buildings as you go further out. She commented that currently the larger, longer building is located towards the outer end and if it were to be swapped over this might help mitigate some of the issues with views out from Catalan Bay.

GM noted that the proposed Botanical Gardens would bring the project out towards the East. The height of the building is not necessarily a cause for concern for him because there is a departure between the cliff face and the rest of the development. The concept for the residential building needs to be brought into line to the overall concept of the Development Design. He said he would not necessarily object to the height. The Botanical Gardens makes it a more holistic approach.

DCM agreed with CAM's comments in relation to the relocation of the building along the arm at the South end of the Development. He said in terms of height of the tall building, he had no

issues with height as the surrounding buildings are so small that he found the massing of buildings acceptable. He said the applicant had been helpful in producing a project of a scale and massing which is amenable to that particular area. As originally envisaged, the highest point would be the northern end with HCT.

The Chairman said that there being differences in opinion a vote would be taken on the relocation of the branded Residential Tower to another location on land:

Votes in Favour: 7

Votes Against: 4.

The vote was passed by majority to include a condition in the Outline planning permission to shift the branded Residential Tower to another location on land.

## **6. Noise and Vibration.**

DTP summarised the following

- Construction noise effects with mitigation in place (Best Practical Means and CEMP) – minor adverse not significant.
- DOESHH and EA would need to approve CEMP.
- Detailed CEMP would require for each phase.

DTP asked if the DPC agreed with the EIA analysis and that detailed CEMPs would be required for each phase of the development.

JH said however well mitigated this activity is there is no getting away from the fact that this is a major project adjacent to two very popular beaches and will take place over a long period of time. Whatever mitigation is in place, construction activities must take into account impacts on the receptors

There were no objections to the planners' recommendation and so this was approved unanimously to be included as condition in the Outline Planning permission.

## **7. Coastal Hydrodynamics and Geomorphology**

DTP summarised the following:

- Catalan Bay nourishment to advance Northern End of Bay and form new equilibrium shape.
- Eastern Beach nourishment within Southern groyne Bay.
- Catalan Bay/Eastern Beach require beach nourishment, regular monitoring program to survey/record beach levels: Northern End of Eastern beach monitored to ensure cross-border impacts are minor.
- North of Border- due to observed beach volatility a contingency measure avoid any possible cross-border impacts may be required –sand buffer North of Northern groyne.
- CTO, TSD, ESG –had various concerns with changes to beach morphology:
  - a) Length of beach nourishment.

- b) Source of beach nourishment.
- c) What determines when nourishment is no longer required?
  - Jacob's – agreed that further information will be required as design process.
  - TSD – consider that physical modeling should be undertaken due to the potential negative effects on Catalan Bay and Eastern Beach.
  - Jacob's – difficult to physically model sediment transport due to scale effects and physical models for beaches tend to be limited to be able to replicate findings regarding offshore losses.
  - CTO, TSD – inner quayside and southern arm in area of rock pools at +2.00m GOD is considered to be low.
  - Worst case sea level rise scenario – 1.18m to 1.41m by 2050 + storm surges can raise water by 0.3m with 1:100 annual probability.

DTP asked the DPC take a view on the following:

- Does DPC accept proposed mitigation measures involving beach nourishment and monitoring programs (subject to approval of details by competent authorities).
- Does the DPC consider that the mitigation should also include a sand buffer north of the northern groyne at Eastern Beach?
- Does the DPC agree that the proposed level of the inner quayside and the level of the southern arm in the area of the rock pools should be increased?

MESCE agreed that it makes sense but that this should be looked at technical a technical level and it has to be backed up by technical information not a discussion at this level. The condition should be that they have to look at it in detail.

JH agreed with MESCE and wanted more information to be put forward. JH said that information had been put forward in response to queries raised but that cannot be taken at face value and a lot more needs to be done to address the concerns raised.

The Chairman said they would be asking for physical live studies instead of hypothetical models.

The Members agreed unanimously to be included as condition in the Outline Planning permission.

## **8. Water Quality & Sediment**

DTP summarised the following:

- Water turbidity – with mitigation- water quality monitoring, silt curtains, control of sediment-laden run-off – minor adverse effect.
- Chemical pollution – with mitigation – water quality monitoring, emergency response protocol to inform LA and close bathing waters following any significant pollution incident in marina – minor adverse effect on Eastern Beach bathing waters.
- TSD – note potential minor adverse effects of increases in turbidity during construction to approx. 500m within Spain – this could affect beach users during summer months.



- ESG, CBC, Nautilus – interruption of water flow will affect bathing water quality. Jacobs-unlikely as tidal currents will continue to recirculate water within the bathing waters.

DTP asked if the DPC accepted the proposed mitigation measures to control water quality and sediment.

JH said she continues to have concerns with water quality on both sides.

The Chairman asked for a vote on whether the proposed mitigation measures were acceptable to be included as condition in the Outline Planning permission.

Votes in favour 6.

Votes against 4.

KDLS was not present for this vote as he had been requested to be excused that was accepted by the Chairman earlier on in the morning for a matter outside the meeting

## **9. Traffic & Transport**

DTP summarised the following:

- CTMP – construction phase effects – considered slight, negative and short term.
- TSD, MOT – Reassessment of trip generation during construction if any change in materials arriving by land rather than sea.
- CTO, TSD, ESG – impact of operation phase. New traffic data should be collected to provide greater confidence of accuracy of the various analyses going forward.
- Jacobs-confirm this to be the case.
- MOT- further studies require on how development will work with existing network and if more than one entry/exit point would be required.
- Jacobs – confirm detailed access strategy would be submitted as design process.

DTP asked if the DPC accepted that:

- CTMPs should be submitted in support of the full applications for each phase of the WD development.
- Construction traffic impacts including trip generation and impacts on nearby residential receptors to be re-assessed if construction materials associated with the CPW are delivered by land instead of the sea as currently proposed.
- Detailed Traffic and Access Assessment to be submitted in support of each phase of the WD.

The Chairman asked members if these can be approved as conditions to the outline planning permission.

The commission approved this unanimously.

DTP then moved on to highlight a number of other matters.

### **10. Small Boats Basin**

DTP said that concerns had been raised in relation to the small boats basin and these concerns were shared by the planners.

DTP summarised the following:

- Approx. 400 small berths.
- DOESCCH, ESG, objectors- have concerns with quantum of small boats and their environmental effect – congestion, risk of collision with marine life, hydrocarbons, litter, waste discharge, risk of spillages.
- Development aims to create a landmark marina destination of international status.
- Consider that there should be a reduction in numbers of small boat berths and corresponding increase in larger berths.

DTP asked if the DPC agreed that the number of small boat berths should be reduced and this could be compensated for by increasing the number of larger berths and that this should be addressed by the applicant in a subsequent full application for the relevant phase of the development.

JH said they supported the reduction in small boat berths particularly as larger vessels can plug into onshore thereby reducing the risk to fuel exposure in the area.

The Chairman asked if there were any objections to the inclusion of this condition.

KB said that he welcomed the reduction in the number of the small boats berths but would also like to see a reduction in the size of the Marina as he considered the visual impact of the marina to be the only thing that detracts from the project.

The Chairman suggested that the size of the marina could be discussed later. However, KB stated that his point was that the marina could be reduced in size rather than reducing the number of small boat berths but then re-using the space for larger berths.

The Chairman asked if there were any objections to reducing the number of small boats berths.

There were no objections.

The Chairman asked KB if he wanted a vote on the size of the marina.

CAM referred to other applications, like the Marine Club, where there was discussion on the need for private yacht berths and what how the market was developing. CAM queried what the demand was and the need for the marina to be the size it is proposed. She asked if there would be demand for the extra berths for larger vessels.

JH concurred with shrinking the marina if the number of small boat berths were reduced.

The Chairman asked the applicant for a response.

DD the Luxury Super Yacht market is robustly growing in terms of construction of super yachts on the global scene and the demand will definitely increase. That is why the marina is proposed as it is. The scale of the Marina takes into consideration the need for sufficient

maneuvering and berthing space. The reduction in small boat berths would allow them to instead provide larger berths that is definitely viable.

JH sought confirmation that they would not support a reduction in the size of the marina then and that they would welcome having larger berths.

DD confirmed that they would be against the reduction in the space of the Marina.

AO stated that the studies are that the demand is there. He said that he understands the intention to reduce the number of small boats berths and would welcome having these berths for larger boats. The data they have sustains that demand.

The Chairman stated that the outline permission would have a condition to reduce the high number of berths for small boats, then at the full planning application stage for the Marina DPC members will have the opportunity to evaluate the increase or not of number of berths subject to any requirements at that time. Members will be able to vote for or against on merits of having either types of berths. The Chairman advised the Commission that they should only vote today on the reduction of number of small boat berths and reserve its views on voting for expansion of the existing large boats for when the applicant submits the full planning application in the future. The configuration of the layout will have to change as a consequence of the removal of the number of small boats.

The Chairman asked if the previous vote to approve the reduction in small boat berths could be confirmed. Members confirmed and approved this unanimously as conditions to the outline planning permission.

### **11. Alternative emergency vehicular access.**

DTP summarised the following:

- Concern with proposal for single access point.
- In event of emergency, this may be problematic.
- A link is provided at the southern end of the development for emergency vehicles
- Developer would consider widening this link for 2-way traffic for use in emergencies.

DTP asked if the DPC agreed that the southern link for emergency vehicles should be widened to cater for a two-way access road to be used in the event of a total closure of the northern access to the development. If agreed, it would be added as a condition to the outline permission.

There were no objections and approved this unanimously as conditions to the outline planning permission.

### **12. Transboundary Effects.**

DTP confirmed that the EIAs found no significant transboundary effect and asked the DPC if it accepted this finding.

JH referred to concerns raised by TSD about silk curtains and that there could still be potential pollution. Part of the overall depths of studies that have to follow on should investigate this so whilst not disagreeing data gathering should continue.

DTP referred to the conditions included for revetment works at HCT where if there were to be visible plumes the DOE would stop works immediately. The same approach could be adopted with this application. DTP pointed out the EIA's findings were that, with mitigation in place, no significant transboundary effects are predicted.

The Chairman stated that from the practical point of view mitigation has to be complemented by action on the ground to limit the spread of any spillage. The condition would require the applicant to be prepared in the event of any accident/spillage.

Members had no objections on the findings of the EIAs in respect of transboundary effects.

### **13. Cumulative Impact**

DTP summarised the following:

- CMTP'S for each phase need to consider traffic effects of other developments that are ongoing at the time of preparation of the relevant CMTP.

### **Construction Environmental Management Plan and Operational Environmental Management Plan.**

- Will need to be submitted and approved each phase.

DTP asked if the DPC agreed that detailed CEMP's and OEMP's for each phase of the development must be submitted for approval in support of the corresponding full planning application.

JH asked for confirmation that these detailed plans coming forward would be made available to them and not only for the dedicated authorities.

The Chairman stated that as part of the planning process they would be made public through the planning application process.

MESCE said that these will be made available to her and was happy to commit to this.

JH stated that she thought that it is important for these to be public.

### **14. Application Procedures**

DTP made the following points:

- Due to the nature of the development, it is recommended that Outline Planning Permission be granted for 10 years.
- Conditional Outline Planning Permission.

- Separate full planning applications will be required for each individual phase- must generally conform to approve masterplan and will be subject to policy/legislation current at the time of submission of individual full applications.
- Public participation requirements to apply to the Waterside development phases (full application).

The Chairman asked Members if there were any other comments they wished to add or conditions to add to the outline planning permission.

JH was concerned that there is a lot of information that is not filtering through to the public and that she considered that the public need to be aware and be involved. Models and exhibitions should be available for the public to view. JH wanted to know if the applicant would carry out more outreach to the public.

SO said more computer-generated imagery will be used as the fenestration and appearance of buildings are developed and will be included in future full applications. As the DPC is going to be requiring public participation for each phase, it would be appropriate to make these available then. This could include models for that particular phase.

SO commented that perhaps the model could be done in such a way that it can be added to as subsequent phases are developed, however, further discussion with the team was required. Other technologies, such as CGI's, which is easily accessible, could be considered.

JH felt that meeting people face to face over this transformational project was important.

SO confirmed they were happy to engage, through the Town Planner, the promotion of the project

The Chairman reminded the DPC that planning applications are online and available to the public.

AO said he agreed with JH and understood the benefits of interacting with the public and would be happy to promote that.

CR wanted to clarify that they welcomed the development it was only the encroachment of the marina that they objected to.

Subject to the foregoing decisions on each of the topics that would be reflected in conditions as appropriately worded for the outline planning permission, the application was approved.

The Chairman thanked everyone for their contributions and closed the meeting.

### **Other Developments**

156/22-There were no items.

### **Minor and Other Works- not within scope of delegated powers**

156/23-There were no items.

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

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

157/22 -F/15183/17G-Waterport Road, Next to The Industrial Park Site -- Proposed stores/  
target shooting club and car park

*GoG Project*

*Consideration of changes to access arrangements to site.*

158/22 -O/17051/20-"Bella Vista Cottage", No.10 Bella Vista Close -- Proposed  
refurbishment of property including demolitions of existing elements, proposed constructions  
of new build extensions and external works including the construction of a new swimming  
pool.

*Consideration of request to renew Outline Planning Permission.*

159/22-F/17495/21-North Gorge -- Proposed construction of a new eco-sustainable  
residential development, comprising 48 x residential units, access roads, footpaths,  
storerooms, landscaping and other associated site works.

*Consideration of request to vary Condition 10 of Planning Permission No. 8128.*

160/22 -F/17601/21-First Floor, 19 Line Wall Road -- Proposed subdivision of one x 6  
bedroom flat into 1 x two bedroom flat and 1 x three bedroom flat.

161/22 -F/17716/21G-Rock Gun -- Proposed replacement of existing radar equipment at RAF  
Gibraltar with new radar equipment.

*MOD Project*

*Consideration of revised proposals including the installation of a No. 2 MW Antenna to create a direct  
link between Rock Gun and ATC.*

162/22 -F/17732/21-312 Discovery, Both Worlds -- Proposed erection of three awnings.

162/22 -F/17922/21-Sacred Heart Church -- Proposed installation of mobile phone antenna  
equipment on the bell tower of Sacred Heart Church.

163/22 -F/17929/21-Unit G06, West One, Europort Road -- Proposed conversion of the office  
(Class B1) into a laundry (Class A1) and installation of 3D illuminated logo and vinyl branding  
on windows.

*Consideration of proposed signage to discharge Condition 6 of Planning Permission No. 8258.*

164/22 -F/17940/21-Roof of Grand Ocean Plaza and Majestic Ocean Village -- Proposed  
installation of mobile phone antenna equipment.

165/22 -F/17969/21-Unit 20 Ocean Village Promenade Ocean Village -- Proposed conversion  
of existing commercial unit in to new laser hair removal clinic.

166/22 -F/17972/22-68 and 70 Main Street -- Proposed amalgamation of two x retail units  
(Class A1) to create a single retail unit as well as external alterations and shop refurbishment  
works.

167/22 -F/17976/22-Flat 2, No. 10, Road To The Lines -- Retrospective application for refurbishment, internal alterations and construction of plunge pool.

168/22 -F/18010/22-7 Plata Villa St. Joseph's Road -- Proposed single storey extension at the rear of the ground floor apartment.

169/22 -F/18027/22-13 Line Wall Road -- Proposed replacement of existing roof deck with light gauge steel frame and profiled roof sheets.

170/22 -F/18031/22-12/9 Armstrong Steps -- Proposed minor alterations to loft conversion/refurbishment and ancillary works to apartment premises.

171/22 -F/18049/22-108 Ragged Staff Wharf, Queensway Quay -- Proposed installation of glass curtains.

172/22 -F/18050/22-270 Main Street -- Proposed change of use from restaurant (Class A3) to medical clinic (Class D1) and refurbishment of the existing property.

173/22 -F/18054/22-504 Portland House, Glacis Road -- Proposed internal alterations and replacement of fenestration.

174/22 -F/18058/22-1018 Sand Dune House, Beach View Terraces -- Proposed internal alterations and installation of glass curtains.

175/22 -F/18065/22-Basketball/Football Pitch, Waterport Terraces -- Proposed conversion of north and south fences to solid wall.

176/22 -F/18067/22-43 A1 Rosia Road -- Proposed installation of a lift and associated alterations to balconies, ground floor toilet and store.

177/22 -F/18069/22-5 Gibraltar Heights, Bishop Rapallo's Ramp -- Proposed refurbishment of an existing apartment.

178/22 -F/18076/22-704 Basha Lodge, Mons Calpe Mews -- Proposed installation of glass curtains.

179/22 -F/18082/22-6/1 City Mill Lane -- Proposed conversion of office premises (Class A2) into a one bedroom flat (Class C3) and associated refurbishment works.

180/22 -F/18083/22-227 + 228 Resolution, Both Worlds -- Proposed amalgamation 1 x studio and 1 x one bedroom flat into 1 x one bedroom flat.

181/22 -F/18087/22-70 Quay 31 Kings wharf -- Retrospective application for the installation of an awning to the external terrace.

182/22 -D/16697/20-North Gorge, Europa Road -- Proposed demolition of 11 x single story buildings and sheds.

*Consideration of proposals to demolish three x buildings now supplemental Demolition Method Statement submitted.*

183/22 -MA/17887/21-Ocean Village Marina, Ocean Village Promenade -- Proposed demolition of existing piers and pier office, provision of new floating pontoons and reconfiguration of Marina layout.

*Consideration of proposed Minor Amendments including:*

- *minor alterations to the configuration of the pontoons and position of the floating office structure to a better location for wind/tide direction and to maximize berthing.*

184/22 -**MA/17905/21**-78 Queensway -- Phase 3 of 3 refurbishment of existing warehouse building into car showroom and workshop building.

*Consideration of proposed Minor Amendments including:*

- *Proposed reconfiguration of internal layouts;*
- *Proposed reconfiguration of roof layout;*
- *Omission of approved canopy; and*
- *Renovation and refurbishment of vacant adjoining outbuilding into building.*

*Consideration of revised plans following Subcommittee feedback*

185/22 -**MA/17908/21**-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.

*Consideration of proposed Minor Amendments including:*

- *realignment of entrance to provide one single access and egress to car park;*
- *associated reconfiguration of car parking spaces;*
- *relocation of footpath around car park;*
- *relocation of bin store for development from roadside to inside development;*
- *relocation of PV panels to other green roof leaving open green roof to western extent of site;*
- *construction of roadside electrical cabinet on roadside of similar extent to previously approved bin store;*
- *relocation of planter and installation of railings along part of frontage wall;*
- *change of windows on lift shaft not seen for public views; and*
- *use of hardstanding under structural columns to provide nine stores for residential properties with development (green permeable surface still to be provided in approved landscape.*

186/22 -**MA/17942/21**-49-51 Engineer Lane -- Proposed extension conversion and refurbishment works to building.

*Consideration of proposed Minor Amendments including:*

- *changes to the top floor terrace to stop it from being a usable area other than for services; and*
- *installation of integrated bird/bat boxes.*

187/22 -**MA/17977/22**-Flat 16, 40 Engineer Lane -- Proposed refurbishment and conversion and extension to approved scheme at third floor level to provide additional accommodation and new roof terrace over for maintenance only.

*Consideration of proposed Minor Amendments including:*

- *proposed minor internal alterations to layout of apartment; and proposed enlargement of two windows.*

*Consideration of amended plan and window specification.*

188/22 -**MA/18026/22**-284 Main Street -- Proposed change of shop entrance from non-see through shutter to transparent see through door of the same colour as the adjacent window.

*Consideration of proposed Minor Amendments including:*



- *removal of existing shutters and above panel and replace with glass door and fixed glass panel above door;*
- *removal of existing panel behind iron accent above window and replace with glass;*
- *painting of arch and column around door and window in white paint;*
- *painting of remaining area (currently cream) in fine matt exterior painting gray (7047); and*
- *installation of two x exterior light fittings on other side of facade.*

Consideration of proposed signage to discharge Condition 2 of Supplemental Planning Permission No. 7977A

189/22 -**MA/18047/22**-5A and 5B Hargraves Parade -- Proposed internal reconfiguration to convert two existing dwellings into a single dwelling as well as rooftop extension to include swimming pool, garden and additional accommodation.

*Consideration of proposed Minor Amendments including:*

- *window re-arrangement of the east elevation of the building.*

190/22 -**MA/18062/22**-Ex Ready Mix Site, Devils Tower Road -- Proposed mixed-use multi-storey development.

*Consideration of proposed Minor Amendments including:*

- *alteration of existing rear stair and installation of a new fire escape stair.*

191/22 -**MA/18077/22**-Queensway Nursery and Pre-School, 25 Queensway – Proposed internal alterations and loft conversion with new staircase structure

*Consideration of proposed Minor Amendments including:*

- *approved loft area classroom space to reduce in size slightly in order to accommodate a staffroom and WC for the nursery users;*
- *approved staircase designed to access the new loft area is to be increased in size to increase minimum stair width to 1200mm;*
- *length of enclosed staircase from eastern elevation of the nursery is increased slightly from 3680mm to 4150mm; and*
- *external width of staircase increased from 2300mm to 3150mm.*

192/22 -**MA/18106/22**-115 Portland House -- Proposed internal alterations, replacement of living room window with door and widen patio door from double panel to triple, replacing sliding door with bi-folding glass doors.

*Consideration of proposed Minor Amendments including:*

- *re-positioning new kitchen in its original location;*
- *widening both balcony doors; and*
- *installation of new door to enter the open plan living room/kitchen space.*

193/22-**1555/P/032/20**-15 Cooperage Lane -- Proposed refurbishment and painting of facades.

**Any other business**

**194/22** There was no other business.

**Paul Naughton-Rumbo**

**Secretary to the**

**Development and Planning Commission**