

Environmental Statement

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1 Introduction

1.1 ***Background to the Scheme***

The site which is the subject of this detailed planning application and Environmental Impact Assessment (EIA) is situated on the east side of the Gibraltar peninsula as shown on Figure ES.1 – *Site Location (Regional)* and Figure ES.2 - *Site Location (Local)* which can be found at the back of this document.

The area was identified by the Government of Gibraltar (GoG) several years ago as having the potential to accommodate a major new land reclamation project and high quality development. In GoG Department of Trade and Industry's 'The Gibraltar Development Plan 1991 (Amendments to the Final Draft)', Policy Z5 states:

"The East Side Zone will remain as primarily a leisure/recreation area. A major land reclamation project for these purposes is proposed which will be centred around Catalan Bay."

In the Development Plan it was recognised that the site, being located away from the airport, the port and the main centres of population, was "most suited to continue as a leisure and recreation area. However, the potential for further such development within East Side Zone is limited by the narrow width of the land below the steep cliffs. The only way that these drawbacks can be overcome is by a land reclamation scheme. The most suitable location for it is each side of Catalan Bay, but preserving the existing beach facilities."

The site was originally the subject of an international design competition and a brief was drawn up for a mixed-use development including hotels, residential accommodation and a marina. The process of formulating the scope and best methods for procuring the development evolved over a period of time, resulting in various agreements that were drawn up between the parties who will be responsible for the delivery of the scheme.

The current application is for a mixed-use residential development, to include retail and commercial, hotels, public and private car parking, landscaped open spaces and the required on-site road and utility infrastructure.

It should be noted that the scheme has been previously referred to as the Sovereign Bay development in various documents. However the name for the scheme, which is being used throughout the EIA process, is Eastside.

A description of the site and its surrounding area can be found in Chapter 3 of this Environmental Statement.

1.2 ***Planning Process***

In order to comply with the appropriate planning regulations, the scheme has to be submitted as a planning application to GoG for approval under the Town Planning Ordinance 1999 and its amendments (the latest being in 2003) which covers planning applications relating to the land, sea and sea bed of Gibraltar.

1.3 ***Requirement for EIA***

Certain types of projects have the potential to directly or indirectly affect people and the surrounding environment through impacts arising from their construction and operation.

These impacts may be beneficial as well as detrimental. The process of assessing and reporting these impacts is known as Environmental Impact Assessment or EIA, and it is governed by the European Council Directive 85/337/EEC, as amended by Council Directive 97/11/EC, on the Assessment of the Effects of Certain Public and Private Projects on the Environment (hereinafter referred to as the EIA directive).

The Gibraltar Town Planning (Environmental Impact Assessment) Regulations 2000 transpose the EIA Directive into the Law of Gibraltar for development projects considered under the Town Planning Ordinance set out above. The Eastside development was identified as a scheme that would require an EIA.

When it is established that an EIA is required, a formal process must be followed in accordance with recognised and accepted guidelines. The resulting document is called the Environmental Statement or ES and this is submitted alongside the planning application. The EIA process is set out in more detail in Chapter 2.

1.4 ***Planning Policy Context***

This section sets out the national, regional and local planning policy context against which the environmental impact of the development proposals for the Eastside development, as set out in Chapter 4 *'Description of the Development'*, will be assessed.

Gibraltar operates using its own independent planning system, which is not governed by United Kingdom (UK) planning policy guidance notes or planning policy statements. Nevertheless whilst the Gibraltar planning system is totally independent, its current structure and ideologies are similar to those of the British development plan system before its recent change to the Local Development Framework System.

Gibraltar planning policy is set out by the Gibraltar Development Plan 1991, produced by the Government of Gibraltar, Department of Trade & Industry. The document was produced by the Town Planner in compliance with the law, the Town Planning Ordinance 1973. This act has been subsequently succeeded by the Town Planning Ordinance 1999, which requires public participation in the development control process.

The Town Planning Section of the Department of Trade & Industry has stated that planning applications in Gibraltar are judged in accordance with policies set out by the Development Plan, and on the merits of the application. Although there is only a single tier of planning policy documentation, policies within the Gibraltar Development Plan operate at two levels. Firstly there are a number of 'General' policies that are applicable across the whole of Gibraltar, and secondly 'Zone' policies that are specific to certain locations. There is also a third type of location specific policy which is related to the Old Town only, *"Urban Renewal Plan for Zone 1"*.

There are a number of policies contained within the Development Plan that are applicable to this development. Firstly, the site is located within a 'Primary Zone' area, whereby Policy Zone 4 East Side provides specific policy which is directly related to the area of development. The Zone 4 policy states that the East Side zone will remain primarily as a leisure/recreation area, and comments that associated residential and commercial development, such as apartments and a hotel, are acceptable in principle. The Eastside development proposals, which include the construction of a resort beach, hotels, and retail outlets, are therefore in accordance with this with this policy.

As well as the zoning policy, the Development Plan also includes a number of general or Part II plan policies which are relevant to the proposed development of Eastside. Firstly the relevant Economic Policies include Policy E1, which encourages the strengthening and diversification of Gibraltar's economic base. In accordance with this policy the development proposals for Eastside will strengthen Gibraltar's economy by providing circa 20,000m² of office space, approximately 720 hotel bedrooms, as well as including a gross retail area measuring circa 25,000m². In total the proposed development is estimated to provide around 2,500 jobs.

Relevant retail policies outlined by the plan include Policy S1, maintaining the Old Town as the principle retail centre, and Policy S2, out of town large shopping outlets. Although the proposals include the provision of a large area of retail floor space, the proposals will not detract from the role of the Old Town as being the principal shopping centre within

Gibraltar. The Eastside development proposals satisfy Policy S2 which states that large retail units outside the old town are acceptable, provided that the proposals are consistent with the relevant Zone policy. In this instance, the proposed development conforms to the applicable zone policy, Zone 4, Eastside, as it includes the development of recreational and leisure activities. Furthermore, the development conforms to Policy S2 which states that large retail development outside the Old Town is acceptable provided that there is satisfactory vehicular access, parking, and no detrimental effect on residential amenities. Also relevant is Policy S3, which seeks to encourage the provision of local shopping centres - which provide for day to day needs - within residential areas. The application provides an appropriate mix of residential accommodation and commercial uses that supports this policy.

Housing policies contained in the Development Plan relevant to the application include Policy H1, increasing home ownership, and Policy H5, providing a range of housing types and sizes. The proposed development is in accordance with both of these policies. The range of housing types includes the provision of two storey townhouses sited along the beach front, with medium sized apartment blocks behind those, and a 'necklace' of high rise blocks running along the western edge of the site, set against the Rock of Gibraltar.

The design of the development proposals accord with Policy H9, which relates to the design of new housing development, including scale, character, the provision of open space, the effect on neighbouring properties and car parking and highway arrangements. The proposed development will contain attractive landscaping and significant levels of open space throughout the site, and will also include the development of a resort beach.

Within the Gibraltar Development Plan there are a number of leisure and recreation policies; two of these policies are relevant to the Eastside development. Firstly, the proposed development strongly supports the principles of Policy LR2, which encourages the provision of leisure and recreational facilities within new development. The second applicable Leisure and Recreation policy, which the development proposals are also in accordance with, is Policy LR4 which states that the enhancement and development of new public beaches will be encouraged.

Tourism policies outlined by the Development Plan that are applicable to the Eastside development include Policy TO1, which seeks to avoid development that has detrimental impacts on the tourism industry. The plan acknowledges that the Eastside reclamation project has the capability to improve the facilities and attractions for tourists in Gibraltar. The development will considerably improve facilities for visitors. The other relevant tourism policy to this application is policy TO2, which relates to the provision of hotel accommodation. TO2 states that the demand for further hotels will be kept under review and suitable sites will be identified if necessary. The plan goes further to establish that Eastside would be one of two preferred locations for the development of a hotel that would cater for any increased demand.

The Development Plan contains only one Environment Policy, ENV1; it is nevertheless applicable, and seeks to protect the environment. The plan notes that it is especially important that Gibraltar's environment is protected, as Gibraltar not only contains areas of major environmental importance, but is also one of the most densely populated urban areas in the world. The development proposals recognise the importance of making best use of the limited land available in Gibraltar, firstly by optimising land available for development, minimising the need to reclaim further areas of land, and also by building at appropriate densities. The Eastside proposals will provide environmental enhancements, in particular by protecting the beaches that surround the development.

It is noted that the existing Development Plan is due to be replaced in the future, and a consultation draft is likely to be issued during the summer of 2007. The Government has confirmed that this application will be considered in light of the current Development Plan, given this timescale.