

## OPEN AGENDA – PUBLIC DOCUMENT

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No: /2018

### Memorandum for Executive Council

#### SUBJECT

**Three Applications For Outline Development Permission To  
Develop Sewage Treatment Facilities For Half Tree Hollow (Hth)  
And Jamestown (Jt)**

#### Memorandum by Chief Secretary

**ADVICE SOUGHT**     1. Council is asked to consider and advise whether Outline Development Permission should be granted, with Conditions, for the purpose of developing a Combined Sewage Treatment Facility for Greater HTH and JT, as recommended by the LDCA in accordance with the Chief Planning Officer’s Report (dated 20 June 2017) and their Letter of Recommendation (dated 31 January 2018). See Annexures 1-6 attached.

**BACKGROUND & CONSIDERATIONS**

2. Connect Saint Helena Ltd (“The Applicant”), submitted three Applications (2016/136, 2016/137 and 2016/138) as Outline Planning Applications with the view to propose potential sites/locations and routes for consideration by the Authority, which may be suitable to develop their proposed infrastructure for Sewage Handling and Management to benefit the Greater HTH and Jamestown Areas, both of which represents the densest urban areas on Island. (Refer to Annexures 1 and 6 attached)

3. Note that although a number of options/alternatives have been tabled, the Applicant did indicate their preferred Options (i.e. sites and routes) stating it to be the most sustainable solution.

4. The purpose of the submission of Outline Planning Applications were to obtain initial input and resultant Approval in Principle for these specific sites/locations and routes of the said Sewage Infrastructure prior to investing further into detailed designs which will then relate to the specific sites/locations and routes and also detail mitigation proposals (and submitted as Full Planning Applications).

5. In addition to this, the Applicant indicated that Approval in Principle (i.e. Outline Development Permission) is regarded a key requirement to motivate and obtain funding from an external agency, such as DfID, which will mobilize further investigative and exploratory works to direct detailed designs, mitigations which may be required and eventual successful implementation.

6. The Applicant submitted their proposal as three separate Applications in order to allow these Applications to be

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considered both separately, whilst taking cognizance of how the various developments will holistically function and impact environmentally, socially and physically.

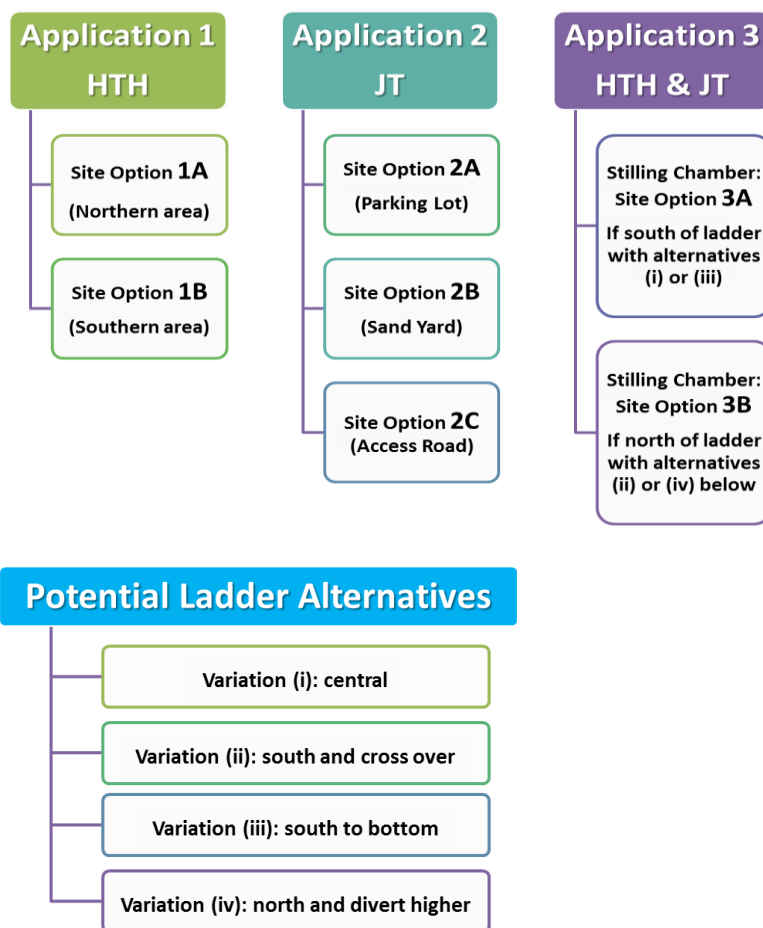
7. The Applicant supplemented these Applications (Form A, Location Plans indicating the various alternative sites as well as Outline Designs of the infrastructure) together with an Environmental Assessment Report (which was formulated based on the results of a Scoping Opinion obtained from the Planning Office earlier during 2016 and prior to submitting the Applications) – Refer to Annexure 6. The Environmental Assessment Report covers information regarding various surveys and investigative works which the Applicant undertook (via Consultants from South Africa who specializes in Marine Outfall Systems) with the view to informing the rationale behind the proposed developments as well as potential areas of impacts and how this could be mitigated.
8. The Land Development Control Authority (LDCA) considered this Environmental Assessment Report as part of their assessment process and found this to be adequate information to inform the submitted Outline Planning Applications, given it is expected that a Comprehensive Environmental Impact Assessment Report will be submitted once definitive areas with specific detailed designs has been established (as will be directed by the Outline Permission) and then submitted as a Full Planning Application.
9. At this Outline Planning Stage, the Applicant suggested various sites/locations for siting and routing of their proposed infrastructure to deal with sewage, and requested that the LDCA consider these in light of Land Planning Policies and Socio-Economic and Environmental Impacts.

Application 1: 2016/136

Application 2: 2016/137

Application 3: 2016/138

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*\*Refer to Details in Handling Report (20 June 2017)*

10. LDCA considered all Applications, supporting documentation, Handling Reports by two Planning Officers, Stakeholder Inputs as well as Public Representations.
11. Further to this, the LDCA established that their earlier decision (as per the recommendation by the then CPO<sup>1</sup> – Annexure 2 dated January 2017) to request the Applicant to “withdraw” the Applications is not consistent with the Framework (Ordinance 2013) and on this basis requested a second opinion from the newly appointed CPO<sup>2</sup>. The LDCA initially requested a Supplementary Report to provide an overview of the process thus far (captured in Annexure 2 – Report dated 13 March 2016) and later required a Report comparing the Pros and Cons of each proposal in light of the Policy Framework as well as Land Use Implications. (The three Handling Reports by the CPOs have been attached as Annexure 2).
12. In addition to this, the LDCA attended (unofficially) one of the three public meetings that the Applicant held (for purposes of informing the public about the projects – these were non-

<sup>1</sup> CPO – David Taylor

<sup>2</sup> CPO – Riana de Wet

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statutory meetings) and attended a Site Visit with the Applicant and Planning Office in order to fully comprehend what the Applicant wishes to achieve, how they propose to achieve this and what the potential socio-economic, environmental as well as physical impacts on land and building may be (including Historical Assets). As an Authority, the LDCA have had various deliberation sessions and a final decision was taken on the 22<sup>nd</sup> of November 2017 for Recommendation to Governor-in-Council. (All relevant Minutes Attached as Annexure 5).

### **Brief Overview of the Policy Framework (LDCP 2012) compelling the Decision by the LDCA:**

13. The LDCA considered and established that the Recommended Options which forms part of the submitted Applications meets in principle the objectives of adopted Land Development Control Plan (LDCP 2012), particularly relating to Strategy 2.4 which states that *“there will be a presumption in favour of facilities, for the handling and sustainable treatment of sewage (apart from others) arising from development”* and *“the protection of areas required for them”*. Such areas have clearly never been earmarked or protected for purposes of vital infrastructure such as Sewage Handling Facilities and given the urgent need to develop appropriate infrastructure in light of ever increasing densification of particularly the Greater HTH and Jamestown Areas, and in light of limited land available to site such facilities, these Applications should be regarded critical if not long overdue.
14. Policy 13 of the LDCP states *“the future sustainable development of the Island demands adequate and appropriate...sewerage systems”*. Again, being one of the primary hindrances for development and growth of the Island (particularly within the said urban growth areas), this is regarded critical. The Applicant (as primary service provider to the Island) ultimately focused on bringing the most sustainable solution as resonated by the 2013 Ordinance which state that *“Material Planning Considerations’ are considerations relating to the use and development of land in the public interest, including such Environmental, Social and Economic Considerations (i.e. sustainable solutions) as appear to be relevant in the circumstances, but excluding matters which are managed or regulated under other legislation.”*
15. Although the LDCA is cautious to take into consideration “financial implications” (i.e. Economic Considerations) focusing primarily on Environmental (i.e. Natural and Built Environments) as well as Social Implications (for example impacts such as nuisance, etc.), the position of Governor-in-Council, sitting as Land Planning Authority, may be different and inclined to also take into consideration Economic Implications (more specifically Socio-Economic Implications)

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as this particular project may have significant financial implications to both Government as well as Consumers in the long-run.

16. Given the location, much attention was given by the LDCA to the potential impacts on Historical Assets (including Jacobs Ladder, the Museum and the Guns Site) and due to the developments being located within the Historical Heritage Coast Conservation Area and how it accords (or not) with the Built Heritage Policies of the LDCP.
17. The LDCA however noted, through their in-depth assessments and broad understanding of the Applications (also following the Site Visits), that impacts can potentially be effectively mitigated (although this will have to be fully demonstrated through a Full Planning Application and Comprehensive EIA) and that the Applications in many instances will resonate with Policy BH1(a) and (c) which states that: *“development which encourages, supports and includes conservation of historic structures and their setting, including listed buildings, monuments and fortifications and related artifacts, will be permitted with appropriate requirements, including planning gain, to secure such conservation.... and (c) will be permitted only if it enhances and protects the character of the area”*
18. The LDCA further considered that the eventual visual impacts can meet the objectives of the LDCP in terms of *“scale, proportion, details and external materials of the proposed development in relation to those of the Historic Conservation Area”*.
19. The LDCA noted that Policy BH6 requires that development in proximity to Historic Assets should only be granted if *“exceptional circumstances”* can be demonstrated. The LDCA considered this carefully and concluded that this proposed project, i) in light of having to develop with the view to be as *“sustainable”* as possible, (ii) given the immense need for this vital infrastructure as well as the (iii) potential for planning gain and (iv) careful mitigation, the proposal, if considered holistically, can be regarded *“exceptional circumstances”* and thus be supported.
20. If the Option to develop *“alongside the Ladder”* instead of *“underneath the Ladder”* is being pursued, then Policies BH3 and BH4 which states the following *“there is a presumption against demolition or other works that adversely affect the special interest of a historic asset or its setting”* will be met. The LDCA are convinced that through detailed designs supplemented by a comprehensive EIA the requirements of Policy BH6 (*“appropriate mitigation measures be put in place”*) could be met.
21. The LDCA noted that the current practice of discharge of sewage effluent at James Bay is of great concern as resonated

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by Policy 13 of the LDCP that “*within the James Bay...the current crude effluent discharges to the sea are plainly unacceptable in context of developing a tourism industry and the higher standards and extra demands this implies. Policies (within the LDCP) provide for addressing this issue*”.

22. The LDCA however also recognized that in addition to these Policies, the newly adopted Environmental Protection Order (EPO) emphasizes the need to deal with harmful practices, which undoubtedly not only refer to the James Bay Status but also the current status of the Gun’s Site Facility as well as the various scattered Communal Soakaways within the Greater HTH Area. All of the above places greater urgency to resolve this matter *timeously and sustainably*. To this end, the LDCA noted that the proposals by the Applicant meet the objectives of Policy SD5(a) which read: “*Development Permission will be granted for a Sewage Treatment System and/or extended outfall (i.e. Martine Outfall) for the Jamestown Main Sewer, such that the present risk of pollution in James Bay is alleviated.*”
23. The LDCA noted that significant destructive media focus diverted away from the objective of Strategy 2.3 (bullet ii) of the LDCP which states that Authorities should give positive momentum to “*facilitate the basic infrastructure necessary to enable wider development of the Island*”.
24. **In Conclusion:** the LDCA are of the opinion that the Proposals (noting the preferred Options specific locations and routes) as Recommended to Governor-in-Council will not only comprehensively and simultaneously enable the ***Appropriate Handling and Management of Sewage*** for both the Greater HTH and Jamestown Area, but will also comprise ***Planning Gain*** all resulting in significant Socio-economic and Environmental Benefits – thus can be regarded a ***Sustainable Solution***.
25. **RECOMMENDATIONS:**  
Council is asked to refer to Letter of Recommendation from LDCA to Governor-in-Council attached as Annexure 4 and the CPO Handling Report dated 20 June 2017 for Comparison Tables (Pros and Cons) and motivations leading up to the Recommendation by the LDCA who agreed with the Recommendation by the CPO. It should be noted that these Applications were deliberated on several occasions– and the final conclusions derived over a period of time and not as a once-off event.
26. The Executive Council sits as the Planning Authority in considering this memorandum, however are tasked with also considering the application in light of a Sustainable Solution as it will have tremendous Capital Cost (which would potentially

## FINANCIAL IMPLICATIONS

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be externally funded), however which could in the long-term (following installation) have significant financial implications.

### **ECONOMIC IMPLICATIONS**

27. Adequate infrastructure forms the back-bone of economic growth and prosperity. Due to the limitations in appropriately dealing with sewage, development in the Greater HTH area have been hampered. This will have a snow-ball effect on the economy of the Island, both in terms of social growth and well-being as well as impacting the building industry as a whole. Given the current economic climate, many contractors (and suppliers) are reliant on private sector projects which often encompass housing related development of which many projects falls within the Greater HTH area. These are now impacted due to the lack of appropriate infrastructure to support densification and growth. The HTH CDA has been directly affected due to this limitation in this significant infrastructure and this also has an effect on the continual supply of critically needed Government Landlord Housing.

### **CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES**

28. Not applicable.

### **PUBLIC / SOCIAL IMPACT**

29. The Greater HTH and Jamestown areas can flourish and develop.
30. The Building Industry and all that it encompasses (labour, supply of material, equipment hire, consulting services (architects) will benefit from the area being opened up for growth (and the same is true for limitations on growth created due to inadequate infrastructure).
31. Government Landlord housing will be impeded.

### **ENVIRONMENTAL IMPACT**

32. An Environment Assessment Report has been included in the documentation, see Annex 6.

### **PREVIOUS CONSULTATION / COMMITTEE INPUT**

33. The Applicant consulted various Stakeholders on an individual basis as well as conducted three public forums (HTH Community Centre, Jamestown Community Centre and Kings Hurst Community Centre). Stakeholders were consulted through the normal Planning Process. The LDCA conducted a Site Visit with the Applicant and Planning Officers. A Site Visit was conducted with Governor-in-Council on Friday 9<sup>th</sup> March 2018.

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### **PUBLIC REACTION**

34. The Application was advertised twice during October 2016 (both for a period of 14 days) and again during December 2016 (for a period of 28 days due to the submission of the Environmental Assessment Report in support of the Outline Planning Applications) as well as in light of the various Public Information Sessions conducted by the Applicant. Stakeholder Feedback was obtained during this time with only three (3) Representations received from members of the public during this extended consultation period, see Annex 3.

### **PUBLICITY**

35. A Decision Notice would be issued to the Applicant. Planning determinations are not normally advertised by the Authority but coverage of this will be included in the ExCo report and associated broadcast.

### **SUPPORT TO STRATEGIC OBJECTIVES**

36. . This paper supports the “Altogether Safer” goal in the 10 Year Plan - “We will invest in new sewerage systems to reduce sea pollution”.

### **OPEN /CLOSED AGENDA ITEM**

37. Executive Council acts as the Determining Planning Authority in this case. This should be an open agenda item.

Corporate Services  
The Castle

*RB*

6<sup>th</sup> December 2017