

Minutes of the Meeting of Executive Council held on Tuesday, 25th August 2020 at 9.30am in the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)
The Hon Chief Secretary (Mrs S O'Bey)
The Hon Financial Secretary (Mr D L Richards)
The Solicitor General (Ms Aine Hurley)
The Hon C R Beard
The Hon C G Buckley
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas

In attendance: Clerk of Councils (Mrs C C Johnson)
Head of Corporate Support (Mrs C A George)
Head of News (Mrs K Yon)
Head of Governor's Office (Mr Greg Gibson)
Senior Press Officer (Mr Liam Yon)

Apologies: The Hon Attorney General (Mr A T Cansick)

OPEN SESSION

84.1 Welcome

The Governor welcomed all to the meeting, especially the Solicitor General, who was representing the Attorney General in his absence and noted the audience in the Chamber.

84.2 Development Application - Proposed Container Handling Facilities Incorporating Office Buildings, Warehousing, Secure Compounds and Car Parking, Lower Rupert's Valley (ExCo Memo 57/2020)

The Capital Programme Manager, Miss Alfreda Yon, and Economic Development Investment Programme (EDIP) Chartered Engineer, Mr Richard Wotton, were in attendance for this item of business.

The Governor reminded Members that they were sitting as the Planning Authority and would be considering the additional information that had been requested when this item of business was deferred for decision on the 4th of August. The Governor confirmed that reports were provided related to Engineer's report on the fuel leak and land contamination, access

arrangements and photographic survey of the historic structures. The Governor invited the relevant Officers who were in attendance to provide an overview of the information supplied.

A Member asked what would happen in the event of future collapse of the fuel lines; the EDIP Chartered Engineer advised this would have a minimal effect and the lines would be left in-situ. He added that there were no further plans for construction over the pipe lines, the location of which they were more aware of and thus had plans to install markers along the existing pipe line.

The Capital Programme Manager gave an overview of the survey of the historic structures. Members noted that the barbeque stands currently affixed to the wall would remain in place but would no longer be attached to the wall. In response to a question about the need for a method statement to be prepared to ensure appropriate repairs to Ruperts Lines, Members were assured that this would be the case. Members were pleased to note that appropriate measures would be made to ensure preservation of the historical sites.

The EDIP Chartered Engineer explained the proposed public access arrangements emphasising that if wheelchair access was not possible via the proposed route then Port Control would ensure access via the gate. With regard to security fencing, it was explained that this would be parallel to Ruperts Lines but not fixed to it; it was the intention to erect a sample fence and seek public feedback.

A Member put forward a view that a Port Access Management Plan was necessary to ensure access to the beach area was not unnecessarily delayed, as the highest risk would be when a ship was in port; once a ship has departed and cargo handling in process, the risk is greatly reduced so access to the beach area could still be permitted. HE the Governor was of the view that this should be a condition of the planning permission. The Governor thanked the LDCA for reviewing all additional documents produced and noted the points raised about risks.

One Member expressed the view that the baseline for an Environmental Impact Assessment (EIA) had changed because there was the historic link to the slave trade and the Black Lives Matter issues that were currently taking centre stage worldwide, adding that more engagement with the Liberated African Remains Committee would have been welcomed. The view that a full Social Impact Assessment would have brought out these issues was also expressed, as was the desire to have signage erected relating to certain historical events at Ruperts.

The Governor asked the EDIP Chartered Engineer whether a risk assessment and risk logs for the EIA and SIA would be undertaken; the EDIP Chartered Engineer confirmed that this would be undertaken as part of the risk management of the programme and reviewed on a regular basis.

The Governor summarised that the first environmental opinion had been supplemented with three pieces of additional information circulated and elaborated on by the officials.

Executive Council recommended that additional conditions of planning permission approval would be:-

- An ongoing review and agreement in minimising disruption to public access
- For the project to include a dynamic assessment of the social and environmental issues as part of the implementation of the project, with any problems being reported back to the Chief Planning Officer (CPO) and if the CPO was not entirely satisfied, then the matter should be referred to the LDCA

- The Stevedore hut to be free standing away from the historic wall
- No fencing to be attached to Ruperts Lines rather a parallel sample fence to be erected in the first instance
- A culvert under the walkway is required
- Open valve pits from fuel lines to be covered with a security grill
- Barbeque canopies to be removed from the historic wall and remain free standing and improved where possible
- Pedestrian access to Number 1 building to be possible at all times
- Development of a Port Access Management Plan.

Members reiterated that the process must be more open especially when dealing with the LDCA and also more robust, providing whatever information is requested to avoid delays and requested that the Chief Secretary be tasked with improving this. The Hon Chairman of Social and Community Development Committee also added that in 2017 they were issued with a Planning document by the Attorney General to be used when Executive Council sat as the Planning Authority and asked if this could also be revisited and updated accordingly.

(Action: Hon Chief Secretary)

Following discussion, Council advised and the Governor agreed, that Full Development Permission with Conditions, for the Proposed Container Handling Facilities Incorporating Office Buildings, Warehousing, Secure Compounds and Car Parking in Lower Rupert's Valley should be granted in accordance with the recommended conditions of the Chief Planning Officer as conveyed by letter from the LDCA Secretary dated 19/08/20 including the additional conditions agreed by Governor-in-Council listed above.

(Action: Clerk of Councils)

84.3 Confirmation of Open Session Minutes of 11 August 2020

The minutes of the open session of the 11th August 2020 were confirmed.

84.4 Matters Arising from the Open Session Minutes

83.4.1 (83.6.2) (80.4.2) (78.6) Road Traffic (Amendment) Bill 2020 (ExCo Memo 40/2020)

The Chief Secretary advised that she had followed this up with Solomon & Co Plc and whilst the Insurance Office would operate during a lockdown situation the Underwriter still needed to clarify whether the insurance arrangements would be valid; she was actively pursuing this. The Governor asked that she informed Members by e-mail when the decision was known.

(Action: Hon Chief Secretary)

84.5 Any Other Business

84.5.1 Foreign Commonwealth and Development Office

The Head of Governor's Office advised that with effect from next week, both the Governor and himself would move under the umbrella of the new Foreign Commonwealth and Development Office and would have a new e-mail addresses from Thursday but existing e-mail addresses would still be operational.

There was no any other business for discussion in Open Session.

P. Zushin

Governor

15.9.20

Date

U. Johnson
Clerk of Councils
15.09.20