

Planning Officer's Report - LDCA Special Meeting 23 July 2026

APPLICATION	2026/11 – Construction of Waste-Water Treatment Works (WWTW) to treat sewage from the Half Tree Hollow Catchment Area (HTH, Sapper Way and Clay Gut)
PERMISSION SOUGHT	Full Permission
REGISTERED	10 February 2026 (Re-registered 1 April 2026 - correct Application Form)
APPLICANT	Economic Development Investment Programme (EDIP), SHG
PARCEL	HTH1213 & part HTH1197 and part HTH1212
SIZE	HTH1213 only - 423 m ²
LAND OWNER	Connect/Crown Land
LOCALITY	The Guns, Half Tree Hollow
ZONE	Intermediate Zone
CONSERVATION AREA	Historic Coast Conservation Area
CURRENT USE	Vacant open land
PUBLICITY	The application was advertised as follows: ▪ Local Newspaper on 19 February 2026 (& 13 March 2026 & 8 May 2026) ▪ A site notice displayed in accordance with Regulations.
EXPIRY	5 March 2026 (& 27 March 2026 & 8 May 2026)
REPRESENTATIONS	Two
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

- | | |
|---------------------------------|-------------|
| 1. Sewerage and Water (Connect) | No Response |
| 2. Energy | No Response |

3. Fire & Rescue	No Response
4. Roads Section	No Objection
5. Property Division	No Objection; No objection to revised plans
6. ENRP – Environmental Protection	No Objection (Comments); No objection (Comment)
7. Environmental Health	No Objection (Comments); No objection (comments)
8. Agriculture & Natural Resources	No further comments (see 7. Above)
9. St Helena Police Services	No Response
10. Aerodrome Safe Guarding	Not Consulted
11. Economic Development - Trade and Investment	No Objection (Comments)
12. Economic Development – Tourism	No Objection (Comments)
13. National Trust	No Response
14. SURE SA Ltd.	No Objection; No comments on revised plans
15. Heritage Society	No Objection (Comments); Objection to revised plans
16. Maritime	Not Applicable; N/A on revised plans

B. PLANNING OFFICER’S APPRAISAL

PLANNING BACKGROUND

Three Development Applications were submitted by Connect St Helena Ltd. (“Connect”) in 2016 for three outline proposals on 26.9.16 (Valid on 27.9.2016) :

DA Ref 2026/136 – Half Tree Hollow Sewerage Treatment Plant

DA Ref 2016/137 – Jamestown Sewerage Treatment Plant

DA Ref 2016/138 – Combined Jamestown and Half Tree Hollow Sewerage Treatment Plant

Given the close nature of the proposals and the combined version, the three applications were considered together in one report by the then Chief Planning Officer and both the LDCA and the Governor In Council (ExCo in Planning; ECIP).

The Planning Officer recommendation (report dated 20.6.2017) to the LDCA meeting was that the disadvantages of the 2016/136 proposal outweighed the advantages given other more suitable and feasible solution such that it did not comply with the LDCP Strategy 2.4.

ECIP decided to approve under a joint Decision Notice, a combined Jamestown and Half Tree Hollow single sewerage handling system which was regarded as the most sustainable option of the three proposals. The exact wording is:

“GRANTED OUTLINE DEVELOPMENT PERMISSION to Conduct Exploration Works and Develop Design Details (with the view to submit as Full Planning Application) for a proposed Sewage Handling and Management Facility to serve the Greater Half Tree Hollow and Jamestown Areas, which will consist of the following key elements:

- a) *A **proposed Sewer Pipeline** (encased in a concrete service duct) to run alongside the southern apron of Jacob’s Ladder down to the position of the existing culvert underneath the Ladder (currently approximately a third-way from the bottom of the Jacob’s Ladder) from where it will run northwards (encased in a concrete duct under a surface drain) towards a proposed Jamestown Sewage Pump Station Facility to be located at the Sand Yard Site in Jamestown (Parcels JT020013 and JT020018);*
- b) *A **proposed Ladder Hill Raw Sewage Screening Plant** (Black Water Screening) - to be located in a suitable location within the confines of Ladder Hill, with this plant to receive all raw sewage discharged from Half Tree Hollow, Clay Gut, Sapperway and Ladder Hill, with the plant to ensure that only screened effluent (all solids and foreign matter removed) will be discharged along the proposed Sewer Pipeline to run along the Ladder between Ladder Hill and Jamestown;*
- c) *A **proposed Stilling Chamber**, to be sited in a suitable location along the alignment of the above-mentioned proposed Sewer Pipeline to dissipate the flow energy / velocity of the effluent as it flows towards the proposed Jamestown Sewage Pump Station;*
- d) *A **proposed Jamestown Sewage Pump Station**, to be placed underground (unless otherwise agreed) at the Sand Yard Site from where screened effluent will be pumped to sea via a proposed Marine Outfall System;*
- e) *As the Jamestown Sewerage Network is also to drain towards the proposed Jamestown Sewage Pump Station, a **proposed Jamestown Raw Sewage Screening Plant** - to be sited within the confines of the Sand Yard Site – will be developed upstream of the proposed Jamestown Sewage Pump Station, in order to intercept any solids and foreign matter from the Jamestown Sewerage Network, prior to it flowing into the proposed Jamestown Sewage Pump Station;*
- f) ***Proposed Odour Control Facilities** for both the Ladder Hill and Jamestown Raw Sewage Screening Plants, with the latter to also serve the proposed Jamestown Sewage Pump Station, with these facilities to mitigate against odour nuisance emanating from these plants;*
- g) *A **proposed Marine Outfall System**, to consist of the following:*

- A **proposed Landside Effluent Pumping Main** – to be laid from the proposed Jamestown Sewage Pump Station at the Sand Yard Site, along the road access to West Rocks from the proposed Jamestown Sewage Pump Station;
- A **proposed Marine Outfall**, to consist of a pipe of approximately 500m in length, to be laid offshore from West Rocks along the ocean bed to a depth of approximately 25m, where it will terminate in a **proposed Effluent Discharge Diffuser**.”

In relation to Development Application 2016/136 the HTH Sewerage Treatment Plant at The Guns, the combined Decision Notice reads as follows:

“As such, Outline Development Permission has Not Been Granted for development of the Gun’s Site in Half Tree Hollow, where a Membrane Bio-Reactor Sewage Treatment Plant has been proposed and where the existing Septic Tank is located. This Septic Tank is envisaged to be decommissioned once the above Proposal [the combined proposal] has been Finally Approved and Implemented for reasons of freeing up land for other more appropriate land use within the Heritage Coast Conservation Area. In addition to this, by developing a single Sewage Handling Facility that can effectively deal with both current and future development in the Greater HTH and Jamestown Areas, are regarded a more Sustainable option thus meeting the objectives of the LDCP Policy.”

While not laid out as a clear refusal reason with relevant planning policies identified, the above indicates that the HTH outline proposal was refused on the grounds that the (alternative) approved scheme would allow the removal of the existing septic tank at HTH allowing “other more appropriate land use” to come forward in the Conservation Area and because the approved alternative would be more sustainable, such that the proposal would be contrary to the objectives of LDCP Policy.

Current progress:

A decade on from the above grant of outline consent, there has been no full application for a combined JT/HTH sewerage plant by Connect (the original applicants).

The applicants indicate that work was undertaken by PMO which concluded that the combined Sewage Treatment Plant linking Jamestown and Half Tree Hollow was not feasible, particularly in relation to providing a suitable arrangement to one side of Jacobs Ladder.

The lack of a suitable sewerage treatment plant has resulted in development consent being granted for a number of dwellings in Half Tree Hollow but with a planning condition (requested by Connect) imposed from around 2020 that new dwellings cannot connect to the communal sewerage system operated by Connect because it cannot cope until a solution is in place to provide additional capacity. While

alternative solutions can be provided privately, this is affecting the ability of Half Tree Hollow (the most populous area on St Helena) meet its own infrastructure needs, to grow, including the identified Comprehensive Development Area, and therefore affecting economic development including the construction industry as well as housing provision. There is therefore an under-delivery of approved dwellings in Half Tree Hollow.

Environmental Impact Assessment

In relation to the current application, a Screening Opinion submission on 2.7.25 (with additional information submitted on 25.7.25) was made under the Environmental Impact Assessment Regulations. The Opinion (Reference.: SCR/2025/04) was adopted on 29/08/2025 indicating that an EIA was not required to be submitted with the Development Application. Notwithstanding, various documents were required to be submitted with the Development Application as follows:

- Historic Impact Assessment
- Landscaping and Visual Analysis
- Impact Assessment on flora/fauna in the vicinity
- Impact Assessment on the marine environment
- Construction Environmental Management Plan

LOCALITY & ZONING

The site is situated at the lowest part of Half Tree Hollow (in Ladder Hill) near The Guns. The application site is within the Intermediate Zone and also the Heritage Coast Conservation Area, at its Western-most end.

Site Description:

The application site under Connect ownership is roughly rectangular and 423 sq.m in size. The application site extends onto Crown land and includes mainly rough ground with some unauthorised use for materials storage with an existing underground Utility Facility (Septic Tank) which is visible (i.e. the cover slab), although no superstructure protrudes above ground.

There is an existing vehicle access to the south which links to the main Half Tree Hollow road.

The surrounding area includes significant Historical Assets (The Ladder Hill Guns) nearby (closer to the sea); The Guns have not been enhanced in any way or manner to attract or encourage tourism visitation (such as information boards, proper footpaths, etc.); this may in part be due to the cliff drop off where there are no fall-prevention measures in place.

There is an existing Tennis Court close to the eastern boundary of the application site. While not currently in use, SHG Tourism have indicated that they are intending to upgrade the facilities so that they can be used again by the community for leisure activity. It is noted that the Tennis Court does not have any support amenities such as Ablution Facilities, Locker Rooms, Bleachers, etc.

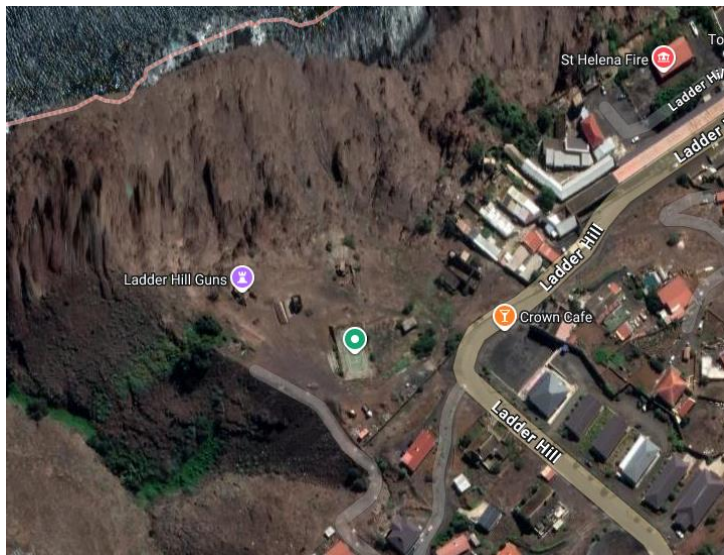
Further to the east are residential properties at Ladder Hill Fort as well as the Fire Station. To the south on higher ground are some residential properties and the HTH Business Park with a variety of commercial uses including a food store and bar/restaurant (The Crown).

To the west is Breakneck Gully; the current septic tank outturn pipe ends here.

Diagram 1: Location Plan – wider catchment plan



Diagram 2: Location Plan – Site



Google, 2026

Diagram 3: Photographs of the Application site:



(View from the west – over Breakneck Valley)



(View from the sea)

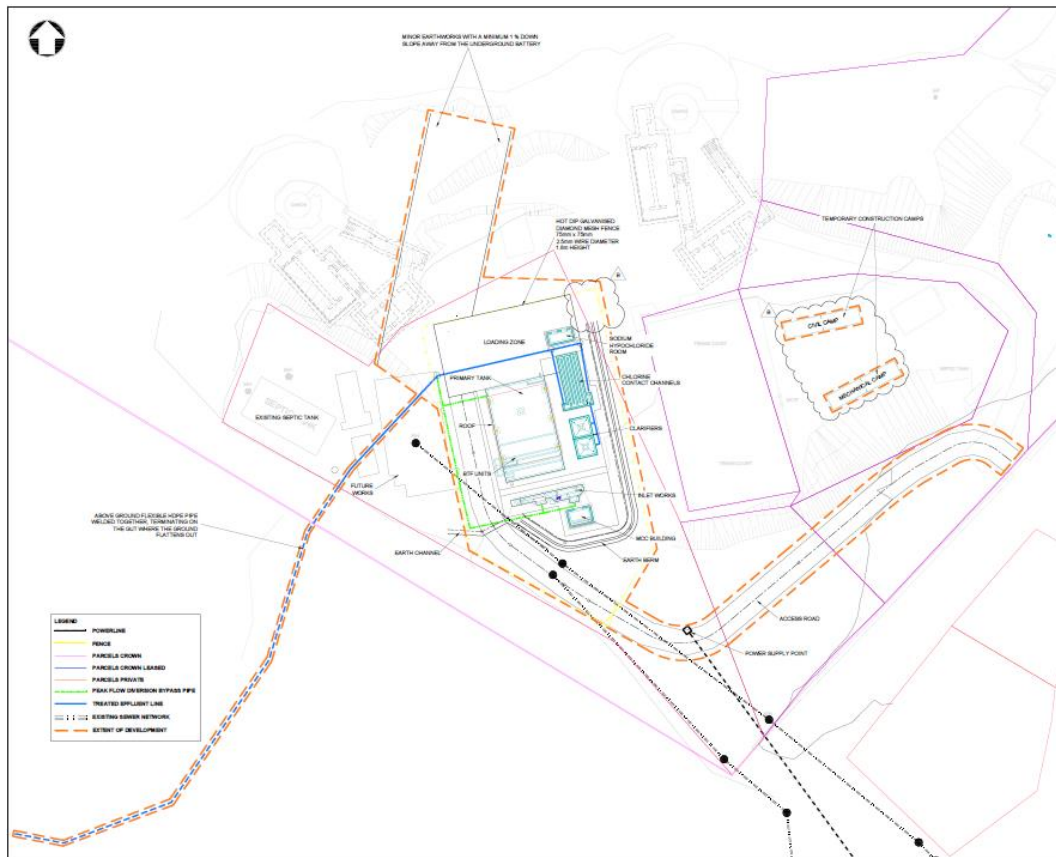
PROPOSED DEVELOPMENT

The Applicant proposes to construct a Wastewater treatment Works (WWTW) of a total of buildings, tanks and works at approximately 180 sq.m to treat sewage from the Half Tree Hollow Catchment Area. These would ensure that treated effluent complies with UK and European Union Treatment requirements and will comprise the following:

1. Concrete Inlet Works
2. Buffer Tank
3. Biological Trickling Filter (BTF)
4. Humus Tanks
5. Chlorine Contact Channel
6. Sodium Hypochlorite Generation Building; and
7. Motor Control Centre

The reason for the proposal is that currently sewage is discharged into 6 septic tanks across HTH. However, the septic tanks do not have soakaways and effluent does not meet international discharge standards. Also, high peak flows from stormwater are also

Diagram 4: The Proposed Layout

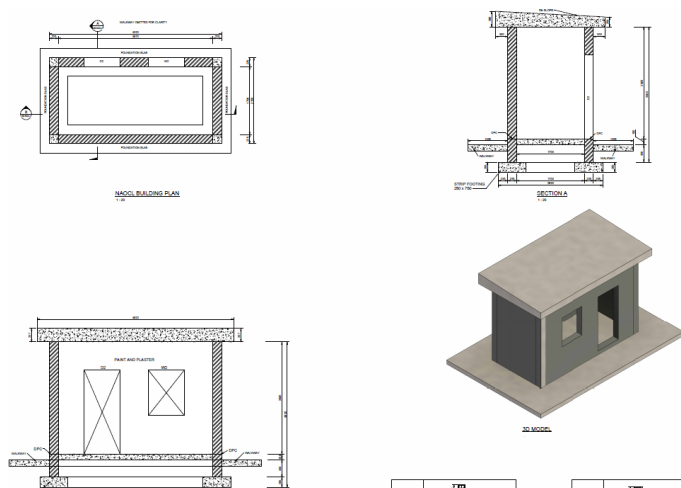


The drawings indicate that the proposed works would be mainly contained within a fenced area (including a parking/turning area) although some earthworks and upgrading of the existing access road would be undertaken.

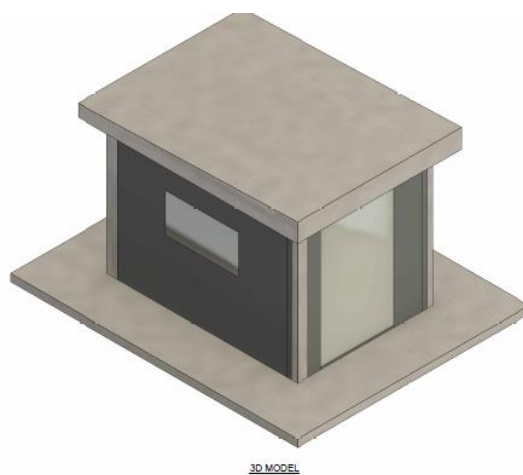
Structures would be partly below ground level with two buildings, tanks and inlet works with the main section covered by a concrete roof.

Diagram 5: The Buildings

THE NAOCL Building is4.3 x 2.15m by 2.35m high.



The MMC Building is approximately 4.4 x 3.3m by 3.15m high



The main structure would rise above ground level – The HTH Inlet works would be 11m x 2.3 by approximately 2.3m high

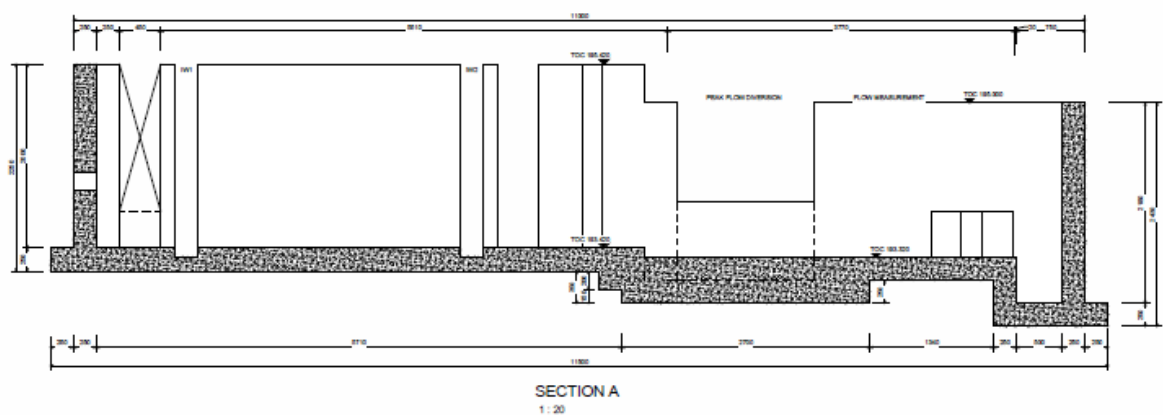


Figure 6: 3D visual (render)



The applicant has submitted the following supporting documents:

- Nature and Purpose of the proposed development and its possible effects on the Environment

The report confirms that the current system in HTH is unsustainable and required urgent intervention. Upgrading the existing septic tanks, the report indicates, was found to be unviable and a new WWTP at the guns was therefore proposed.

The report goes on that while recent data shows a declining population, given recent changes such as opening of the airport in 2017 and the introduction of high-speed internet, that the data cannot be relied on to predict future trends and that a WWTP with a daily capacity of 220 cubic meters/day is needed. This, indicate the applicants, will reduce odours hydraulic overloading and environmental and public health risks associated with the current 6 septic tank arrangements. The report concludes that the proposed development *“presents a sustainable and long-overdue solution to HTH’s wastewater challenges, aligning with international effluent standards and supporting long-term community and environmental health.”*

- Fauna and Marine Impact Assessment

This concludes that there is likely to be temporary, localised and effectively managed construction-related impacts. Also, that when the WWTW is in operation it would result in a net environmental benefit such that residual impacts on fauna and marine environment are assessed as low.

- Historic (Heritage) Impact Assessment

This report concludes that, although a site visit was not undertaken, the history of the site with fortifications and later as a recreation area is likely to mean that there could be dropped artefacts such that the author recommends a metal detector survey before construction and that any earthmoving activity is monitored by a suitably qualified heritage specialist with on site mitigation to be undertaken if a feature is found.

- Landscape and Visual (Visual) Assessment

The author of this report concludes that there is site sensitivity (moderate) but that the proposal should not be prevented, subject to a range of management/mitigation measures

- Construction/ Environment Management Plan (EMP)

The EMP concludes that there is a low environmental risk although usual management measures e.g. in relation to dust, noise and vibration, special waste, possible soil erosion should be applied

- Comments and Response Report

The applicants submitted a report on their pre-application public consultation.

There would be no additional sewerage from the proposed works. Stormwater will be conveyed into the storm bypass pipework. Surface water will be directed to the lower north-west corner of the parking area.

STAKEHOLDER FEEDBACK & REPRESENTATIONS

There was an objections received from the Heritage Society stakeholder but not from any other planning stakeholder. The following comments were noted:

HERITAGE SOCIETY: First Comments:

The Covering email contained the following comment: *Please see the attached responses on behalf of the Heritage Society in respect of development applications*

2026/21 to 25 and 2026/11 (Wastewater Treatment Works at Ladder Hill). Please note that the closing date for the latter application is stated in the documents submitted as 30 days from issue, meaning 13th March and not 26th February as stated on the consultation form – which has given time for discussions with the project team.

On behalf of the Heritage Society, I request to know when application 2026/11 will be presented to the LDCA and to be given sight of the planning conditions and /or Section 25 Development Agreement, as appropriate, in advance of that meeting.

The formal response attached to the email is as follows:

“The Heritage Society acknowledges the rigorous design approach demonstrated by the consultants in the submitted documents and applauds the engineering solution thus proposed, wholly preferable to the earlier proposal of bringing wastewater down to Jamestown in a sewage pipe alongside the Ladder.

The Society notes in the IAP Consultations and Response Report submitted as part of the application, the lack of response from ANRP (Planning) which accounts for failure by the consultants to have been made aware that the site is within the Heritage Coast Conservation Area; they therefore stated that it is in no conservation area.

The site is in fact in the Conservation Area which means that the scheme must comply with LDCP Built Heritage Primary policies, which state: BH1a) Development which encourages, supports and includes conservation of historic structures and their setting will be permitted with appropriate requirements, including planning gain, to secure such conservation. BH1b) Development which affects historic structures and their setting and does not encourage, support and include its conservation will not be permitted.

The site adjoins the historic guns and very clearly affects their setting and that of listed buildings forming part of Ladder Hill Fort. As submitted, the application does not include conservation of these and thus fails to comply with these policies. Discussions have therefore been held with the project team who have been made aware of the proposals submitted on behalf of the Society in 2019 to provide permanent, safe, public access to the guns and related structures and conservation work on them, recommendations as to landscaping and planting proposals to soften the appearance of the treatment works and integrate it into the setting, and management proposals to control smell.

On the basis that the project team pursues these objectives with its Board and that the Development Permission will include planning conditions or a Development Agreement under Section 25 of the LPDC Ordinance, as necessary to achieve these aims and thus comply with the LDCP , the Heritage Society supports the proposal, noting the wider gains of alleviating the present pollution and enabling development of the Half Tree Hollow Comprehensive Development Area.

[**Officer comments:** The Screening Opinion letter sent to the applicants on 8th September 2025 confirmed that the proposal was within the Heritage Coast Conservation Area. The applicants were therefore aware of this prior to submitting the application. It is not therefore the case that Planning Officers advised incorrectly on this point. Also there were a number of discussion meetings with the applicants and their agent, MPAMOT, prior to submission of the application at pre-application planning advice stage. The applicants document on pre-application consultation is correct insofar as the Planning division would not normally engage with the applicants own pre-application public consultation; it was upto the applicants to decide how long to undertake their public consultation – this has no bearing on the length of the formal statutory public consultation undertaken under the Planning Ordinance]

HERITAGE SOCIETY – objection and second comments:

“This response is in respect of the revised plans, May 2026.

This objection is submitted on behalf of the Heritage Society with reluctance, because the treatment plant design in itself is entirely satisfactory; but the revised plans still fail to take account of any of the issues raised in the Society’s response to the original plans, as required under LDCP policy BH1 which is clear that permission will NOT be granted for “development which affects historic structures and their setting and does not encourage, support and include its conservation....”. It is unarguable that the treatment plant will radically affect the setting of the Guns and the character of the Conservation Area; works to ensure their conservation should therefore be included as part of the development.

If this simply amounts to an administrative impasse, a way forward might exist by granting permission subject to a planning condition to the effect that “Notwithstanding the plans submitted as part of this application, the development shall not be commenced on site until further revised plans have been approved in writing, and/or a formal agreement under Section 25 of the Ordinance has been entered into, to ensure encouragement, support and inclusion of measures to conserve the adjoining historic structures, their setting and the character of the Historic Conservation Area, all as required under LDCP policy BH1”.

The Heritage Society recognises the critical importance of the treatment plant, in accordance with LDCP policy SD1 but is equally aware that the adopted Built Heritage policies simply must not be ignored by granting permission without appropriate measures to ensure compliance.”

[Officer comment: The application will be considered on its planning merits. In cases where a proposal is in accordance with one planning policy but contrary to another, a balanced planning judgement must be made. In this case, there are material considerations which, whilst recognising that the setting of The Guns (which are not Listed and none of the associated underground bunkers would be physically affected

by the proposed development) need to be taken into consideration in the planning balance. This is assessed later in this report.

It is not reasonable when a full set of plans has been submitted for consideration to then require the later submission of an alternative full set of plans via a planning condition to seek to address a matter of planning importance once permission has been granted; if the matter is of importance it should be addressed and assessed prior to a decision being made and consent be given for the plans as submitted or the proposal should be refused, otherwise an approval could actually be a “refusal” after the planning decision (unless it is for a minor variation). The suggestion that the matter requires new, revised plans to be submitted post a positive outcome decision suggests that it is not so important that a refusal should be issued.

The use of a Development Agreement to provide funding for the conservation of historic assets is something that Section 25 of the LDCP Ordinance, 2013 could require a development/developer to enter into to “secure contributions (financial or otherwise) towards the cost of infrastructure or other development in the public interest”. This is considered in the assessment section below.]

ECONOMIC DEVELOPMENT – TOURISM: “The tennis courts perhaps cross a few portfolios – there is obviously the health benefits for local populations and so I would say that Health would be interested in the space and then Education in terms of wholistic wellbeing of the younger generations. As tourism, we are looking at repairing the court to make it attractive to tourists (and obviously locals). As we start to market St Helena to a more active market the ability to provide sporting facilities with such a stunning view make complete sense and so we were looking at revamping the courts and making them more usable.

The site itself is stunning and obviously of historic importance. It is not the safest area with exposed rubbish, slip hazards and unprotected cliff faces. It has become rundown and unkept and is not visually attractive besides the view. We have been chatting with the a few agencies about maintaining/improving the historic military assets in the area but would be concerned at the safety of the whole site for youngsters etc and so would appreciate any work done on a greater land use plan for that area that could enable the site to be used for recreational purposes in a safe way.

In terms of the planned waste plant –given the strategic requirement for the island to improve its waste water management I would not raise a formal objection to the site, however, we would request (and assume that this has been taken into account by everyone already) that given the sites historic significance, opportunity for future development, adjourning recreational facilities and registered food and beverage

companies – that there would be no chance of contamination or bad odours and that any risk of flooding or spillage is designed to flow away from the recreational sites.

I would be in support of any ground works being done in the area to take the access to the recreational facility and historic assets into account i.e if a road is to be built for construction vehicles, can it be built in such a way as to be used for future developments.”

ENVIRONMENTAL MANAGEMENT (ENRP – EP):

This Wastewater Treatment Works will improve the management and disposal of sewage in the HTH area and overall should have a positive impact on the environment.

A screening and scoping opinion had been issued for this development and it had been determined that an EIA Report was not required. However an impact assessment on the flora and fauna in the vicinity, an impact assessment on the marine environment, Heritage Impact Assessment, Landscape and Visual Impact and a Construction Environmental Management Plan (CEMP) was requested.

Fauna, Flora and Marine Impact Assessment

This assessment includes a number of inaccuracies.

Table 4.1 seabirds are all protected under the Environmental Protection Ordinance, 2016, there is no reference to this. Most of the other species listed are considered invasive and most of these wouldn't be found in the Ladder Hill area. Table 4.2 there are likely to be a lot more invertebrate species in the area that are not included here. The Giant African snail is not found on St Helena.

There is no reference to the disposal of vegetation from site clearance which has the potential for the spread of invasives if not handled appropriately.

Heritage Impact Assessment

This could have been set out better so there is a clear flow from the baseline assessment to potential impacts to recommendations/ mitigations.

Appendix A Chance Find Protocol needs to be localised. As written it follows SA Regulations, guidelines and practices.

Visual Impact

This doesn't include the view from the sea.

Environmental Management Plan (EMP)

It is not clear if this was intended to be the Environmental Management Plan or the Construction Environmental Management Plan as both are referenced. The document does include the issues to be considered and the criteria used for assessing impacts.

Table 10.1 CEMP Compliance Checklist lacks detail on 'how' mitigation measures will be implemented.

There is reference to additional documents to be produced including a Waste Management Plan and a CEMP? Either one or both of these documents should include how the different waste streams including the waste products from each stage of the treatment process will be managed and disposed of.

ENVIRONMENTAL MANAGEMENT (ENRP – EP) comments on revised plans:

It would have been helpful to highlight/ summarise the changes that had been made. Without the original plans to compare to, I can't tell what the changes are.

HEALTH: "No immediate foreseeable issues with this application"

ENVIRONMENTAL HEALTH comments on revised plans: *"Having recently attended a site visit with the Planning Officer in attendance and representatives from the Consultants, I have faith that whatever amendment to the original drawing is proportionate to the overall desirability/outcome from the visit."*

There were 2 representations or objections received from any member of the public, as follows:

Objector #1 First Comments:

This is a huge application in terms of documentation. It is not clear if this includes an Environment Impact Assessment or not. There are no detailed drawings submitted at 1:100 scale even though the form says they are included. Without 1:100 drawings it is not possible to properly assess this application.

The site is within the Heritage Coast Conservation Area and extremely close to the guns. There seems to be no proper assessment of the visual effects on the sitting of the guns from various positions particularly from out at sea. It is likely the proposal will conflict with that view which is an important part of the character of the island especially for visitors on cruise ships. Therefore, the application may also conflict with the key part of the LDCP and island Tourism policies.

I look forward to the amended application information as promised.

[Officer Comment: The applicants submitted for a screening opinion under Part VI Division B Section 20 of the LPDC Ordinance, 2013 the which was assessed against the Environmental Impact Assessment regulations, 2013. In consultation with the Chief Environmental Officer a screening opinion was adopted that a full Environmental Assessment Report did not need to be submitted with the Development Consent Application. However, a number of documents were required to be submitted to support the application.]

Objector #1 Second comments:

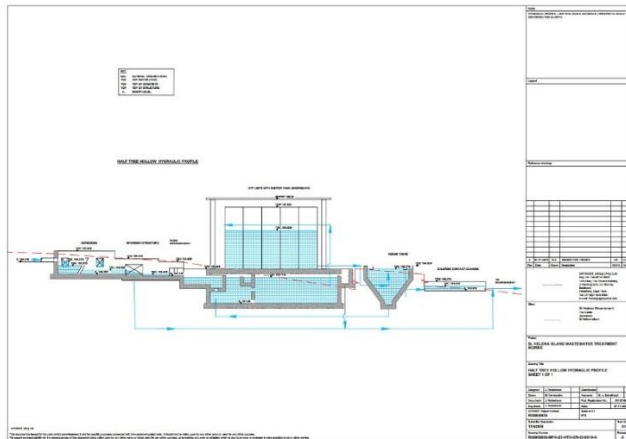
Thank you for your comprehensive email of 10 April. However, I continue to stand by everything I said in my email of 27 March.

There are many environmental issues relating to both these sites as they are in Historic Conservation Areas. Therefore they both need proper assessment. However we cannot get started because of the inadequacy of the drawings submitted. For example at part 18 of the application form the applicant, the St Helena Government, has ticked the box saying:

"Please confirm the plans submitted with this application:

Building plans at scale 1:100 or larger showing floor plans of each storey, all elevations and section.”

But at no time has the applicant submitted those plans for either the HTH or the Jamestown applications, and although some drawings may appear to comply, they do not. For example the drawing below.



Dwg No: 2026_11_MPA-Z1-HTH-DR-CI-0010 Hydraulic Profile

The scale of this drawing is given at the bottom of the title block on the right hand side. It says, “Scale at A1 – NTS”. NTS is the standard abbreviation for Not to Scale. It is not a 1:100 scale drawing.

Therefore the applicant has not provided the drawings they confirmed were included in the application form, neither are there any elevational drawings.

These are not minor issues but fundamental requirements for the proper operation of the planning process, and the same situation applies to both applications 2026/11 and 2026/28.

If an application is approved then the accurate scale drawings are date-stamped to form a contract where if built it must comply with those measured drawings. If those drawings are not accurate then something else may be built but there will be no way to do anything about it. Isn't that what Land Development Control, the LDCP and LDCA is all about? Inaccurate drawings such those submitted by the St Helena Government subvert that control.

Why have these St Helena Government applications been registered and taken forward as complete applications when they are nothing of the sort?”

Objector #1 Third Comments:

Despite this being the third time in as many months that this application has been advertised there are still no drawings that answer the basic requirements of a development application.

As in my first representation on 5 March there are still no drawing as required by the Regulations, i.e. there are no 1:100 scale plans, sections or elevations of the proposal. Equally there are no 1:100 scale survey drawings showing the existing situation.

Responses from the planning office have advised me that the later submitted drawings are at 1:100 scale, but they are not. Drawing scales are either correct or not. They cannot be subject to matters of opinion.

The latest set of drawings show the proposal is encroaching over the top of the gun emplacements. This indicates the applicant has little interest in abiding by LDCP policy relating to historic conservation areas, listed buildings or their settings.

Many of the drawings submitted are at other scales such as 1:20 and 1:25, but in fact they are not drawn to those scales either. This indicates a lack of attention by the applicant.

All in all, this is an atrocious application and should be rejected for not providing the required information by which to assess it. As the applicant is the St Helena Government I would have thought they would want to follow the LDCP as required by section 15 of the Ordinance which says,

“15. When a Development Plan has been adopted by decision of the Governor in Council it is the duty of—

(a) all public officers to formulate any project of public development in St Helena in accordance with the relevant objectives and policies of the Development Plan, unless there are material planning considerations which the officers believe justify a departure from the Plan; and

(b) the Authority and the Planning Officers to determine applications for development permission, and to exercise their other powers and functions, in accordance with the Development Plan.”

I therefore object to this application.”

[Officer Comments: It is accepted that the applicants initially forgot to include the plans at 1:100 scale or larger (the requirement is not specific to having 1:100 scale plans submitted), albeit that the Application Form indicated that they had been provided. Plans were subsequently submitted at 1:100 scale or larger and advertised. Following a full review of the submission, further plans have been submitted, and

earlier plans have been superseded. The CPO does consider that there are both sufficient plans and supporting documentation which accord with the requirements of Planning Legislation, including that *“building plans at scale 1:100 of larger showing floor plans of each storey, all elevations and sections...clearly showing maximum height above site ground level”* have been submitted in line with the requirements of Form A and that there are sufficient details submitted for the LDCA to make a decision on the planning merits of the proposal.

In relation to the requirement of public officers to formulate any project of public development in accordance with the LDCP as a duty, unless material planning considerations justify a departure from the Plan, this will be assessed as part of the planning process.]

Objector #2 Comments:

The 30 day consultation period is stated at item 2.4 of the Comments and Response Report. It refers to the draft development application and I assume that is what we are still dealing with because, as you may or may not be aware, the application has been submitted under the 2008 Planning Ordinance, clearly in error, which was revoked in 2013. At best, that means it has been submitted not in the prescribed form as required by 2(1) of the General Regs. I note, too that at least in the consultation copy, the form is neither dated nor signed.

However, the intention of the application is sufficiently clear for consultations so, when the application has been amended to comply, I am happy for my response on behalf of the Heritage Society to stand. I also note that you are now awaiting further information and when that has been circulated I will respond further, as appropriate.

In respect of redaction of reports, when I was CPO we did it solely where personal information such as medical conditions were involved or where there was commercially sensitive information. Redaction to conceal planning conditions appears to me to run counter to the spirit and purpose of the Planning system and certainly would not have been countenanced by DfID under the Airport MoU, which was the reason for it being set up, where transparency was a key component. In the present case of the HTH Wastewater Treatment Works, conditions (or a Section 25 Development Agreement) will be fundamental to demonstrating and achieving policy compliance. I have suggested that an Agreement may be necessary, rather than just conditions, principally because of land ownerships.

As you will have seen from my response on behalf of the Heritage Society, I believe the scheme itself has been well designed and carefully thought through. It would appear that the same will apply to the Jamestown sand yard proposal and I assume an

application for that is imminent. To avoid unnecessary redrafting of the HTH plans, I have suggested to Lesa that a schedule should be appended to the application covering the items for inclusion in conditions and/or Agreement. These are: to provide permanent pedestrian access to and a safe viewing area for the guns; some conservation work to the guns themselves and related structures; a comprehensive landscaping and planting scheme for the whole area including some stonework in the boundary treatment of the works to establish visual relevance to the fort buildings; stored materials such as Connect's pipes and poles to be confined to a defined and enclosed area south of the existing main septic tank; management measures to limit smell from the works particularly in respect of de-sludging; and dark skies compliance for all lighting on the site.

[Officer comment: The applicants were made aware of the error in submitting their application on a previous form dated 2008; they relayed all the same information onto the 2013 application form. This has been done in advance of any decision being made and is therefore considered to accords with the requirements of the current Planning Legislation].

LEGAL AND POLICY FRAMEWORK

The relevant policies of the Land Development Control Plan (LDCP 2012) that are applicable in the assessment of the proposed development area set out below:

- Intermediate Zone: IZ1, IZ4
- Sewerage and Storm Drainage: SD1, SD.6
- Built Heritage: BH1
- Natural Heritage: NH1, NH.2
- Roads and Transport: RT1, RT.7
- Environmental Impact Assessment requirements

While details are provided in individual policies, the LDCP Principles should also be borne in mind which are as follows:

"1) Whilst protecting absolutely the critical natural habitats and conserving the built heritage;

1.1) to enable and facilitate air access to the island;

1.2) to encourage and enable well located tourist facilities primarily based on the island's natural and historic heritage;

1.3) to provide for and enable well located housing development, including for domestic demand;

*1.4) **to provide for** and enable appropriately sited business, employment, cultural, recreational and social facilities **and appropriate infrastructure.***

2) *To conserve and manage the natural heritage and built heritage of the island to benefit tourism and the island community.”*

PLANNING OFFICER’S ASSESSMENT

Principle of development

Provision of infrastructure

SD1: Primary Policy reads *“a) Development permission will be granted for the construction of facilities for the treatment and disposal of foul sewage appropriate to the island's development needs.”*

The LDCP is silent on whether or not Half Tree Hollow should have a Sewerage Treatment Plant, in fact, Policy SD.5 only identifies Jamestown and Ruperts Bay as needing such provision.

For Half Tree Hollow, the LDCP indicates at Policy SD.6 that *“Development permission will be granted for installation of facilities for the separation of storm water from foul sewage at the Ladder Hill... communal septic tank. ...”*

The LDCP, 2012 (i.e., 14 years ago) does not specifically identify that Half Tree Hollow requires a sewerage treatment plant.

Notwithstanding while the population has fallen overall across the Island, population growth in Half Tree Hollow Catchment area has been significant and Connect St Helena identified more than a decade ago the need to provide an alternative arrangement for sewerage treatment and have restricted new development from connection to the communal system until such works are in place on the basis that the current system is not able to accommodate more development without this necessary infrastructure being provided.

It is considered that while there is no specific allocation for Half Tree Hollow, the need for additional infrastructure for Half Tree Hollow was identified in 2016 which would accord with Policy SD1 in principle. The need was accepted in 2017, albeit though a combined Plant for both Half Tree Hollow and Jamestown. As the approved Development did not proceed to full Development Application stage, no proposal has been brought forward or implemented. This need, while recognised, has not been addressed in the intervening period and this application has now been submitted by SHG EDIP (rather than the Utility operator) to meet this identified need.

The proposal requests the same form of development – a sewerage treatment plant – in a similar location to that of the 2016/136 submission for Half Tree Hollow which was turned away (in effect refused) on the grounds that the combined outline proposal would be more sustainable. While a separate application (2026/38) has also

been submitted which is for a separate WWTW in Jamestown in the Sand Yard (as per the previous application 2016/137), there is no third combination option offered this time. It would not be reasonable to refuse permission in favour of a non-existent alternative, particularly in light of the reasons the combined option did not come forward nearly 10 years ago.

The previous turning away of the HTH submission was based on there being an alternative combined scheme, which does not exist this time and also on the basis that the land could be allocated for another use. No other use for the application site has come forward and it does need to be considered that there may not be any other beneficial use likely in future for this specific area of rough ground that still includes the (expected to be removed) septic tank. It should be noted that there was no reason for refusal relating to possible impact on the Historic Context or on the grounds that the proposal was not otherwise acceptable in principle.

The proposal submitted does not address why a combined option has not been put forward, only that separate WWTWs are being proposed. It is understood that it may have been that the proposed large sewage pipes adjacent to the Tourist landmark of Jacobs Ladder were not universally supported. Either way, there is no alternative to consider in providing HTH with much needed infrastructure.

The applicants have considered the alternative option to upgrade the existing multiple septic tanks across the catchment area but have discounted this on the basis that recognised standards would not be met. The applicants have not indicated that they looked at other locations (except the other existing 5 septic tanks) to see if there was another more suitable location for a WWTW. Notwithstanding, the application site currently contains one of the HTH septic tanks and is the applicant's preferred location to provide a mainly gravity-fed solution to the identified problems.

The proposal would accord with Policy SD.1 as it would provide infrastructure to meet an identified need. It is not therefore considered that the proposal would be a departure from the LDCP, nor was it previously (in 2017) under the same LDCP considered to be a departure.

While the LDCP indicates that there is an “absolute” ***requirement to conserve the Island's built heritage*** and it is recognised that the proposal would have an impact on the setting of historic assets at The Guns and on the setting of the historic tennis court as it would be located within the Heritage Coast Conservation Area, notwithstanding, this Principle of the LDCP does allow for infrastructure development such that it is not automatic that an impact on either the Historic Assets or their setting or the special character and appearance of the Conservation Area would result the proposal being unacceptable in principle. The details of the proposal will be considered below.

In addition, the proposal is in the Intermediate Zone, and in line with Primary Policy IZ1, there is a presumption in favour of development including infrastructure providing in National Conservation Areas, the development complies with any Management Plan and if it incorporates a historic structure, that the development includes conservation of that structure. Consideration of the impact on heritage assets is considered below but in principle, the proposal would meet this Primary Policy

In line with the above, the proposal for a Waste Water Treatment Works is therefore, on balance, considered to be acceptable in principle.

Impact of the details of the proposal

Impact on the Historic Coast Conservation Area and the setting of historic assets:

Primary Policy BH1 a) 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.”* With BH1 b) specifically indicating where it does not *“comply with the Management Plan of the Historic Conservation Area”* it will *“not be permitted”*. And BH1 c) states that *“Development in Historic Conservation Areas will be permitted only if it enhances and protects the character of the Area by reference to scale, proportion, details and external materials of the proposed development in relation to those of the Historic Conservation Area.”*

Appendix 3 of the LDCP states that the Heritage Coast Historic Conservation Area is *“A heavily fortified area of steep sea cliffs that is one of the most concise and complete defended coast lines in the world and is the most complete East India Company defensive network demonstrating excellent examples of developments in military theory. ... “Later defences include Ladder Hill Fort and Munden’s and Ladder Hill gun emplacements.”*

There is no Management Plan for the Historic Conservation Area such that development should not be permitted if it does not align with it. Appendix 3 of the LDCP does indicate in terms of management of the HCA that its Rationale for management: *“Will be linked to the Historic Environment Record”*. The Historic Environment Record, as dated at 2012 and 2021, indicate that the guns, the swimming pool, the tennis court and the walls are historic assets. It does need to be noted that the HER does not appear to have been formally adopted for the purposes of use in development control decision-making (i.e., does not appear to have been approved as a formal Development Plan under S39/S13 of the LDCP Ordinance, 2013).

Notwithstanding the lack of a formally adopted HER Development Plan, according to the applicant’s Heritage Impact Assessment, *“The Guns”* appear to have been erected

later, in 1902 and 1918 (WWI was 1914-1918), just before the Tennis Court in 1920 and a Swimming Pool also dated 1920 with a store from 1899; all of which lie to the west and outside of the former gateway/perimeter wall of the Ladder Hill Fort complex but all beneath (north of) the wall to the “later Fort Area”. The Depression Range Finder (DRF) building is also located near the 1902 gun and is in ruins.

It is quite clear from the proposal submitted that the proposed development would be a modern addition in modern materials and with a character and appearance which is not in accordance with the character and appearance of the Historic Conservation Area, the Heritage Coast Historic Conservation Area. There has been no attempt to be subtle in providing a modern piece of engineering to provide a modern engineering solution to an identified need for modern infrastructure for a society which cannot grow without this modern intervention.

The proposal does not seek to provide a Sir Joseph Bazalgette-style Victorian sewerage solution in fancy brick and ironwork but would provide a complete contrast to the historic assets which are located to the north, east and south of the application site within the Conservation Area, within which the application site is also located.

The proposal’s complete non-attempt to “fit in” can sometimes be a benefit in that it is neither pastiche nor bowing to past times. The question then is whether a proposal which provides more modern technology should be back-dated to completely fit in in a Conservation Area (CA) when this part of the Conservation Area is mainly barren ground at this point and the CA boundary ends weekly to the west simply due to the steep sides of Breakneck valley, i.e. take on a cloak of compatibility.

As an “out of character” development there are considered to be some benefits in that it would not (as one of the larger structures in this part of the Conservation Area) directly compete with the older structures, is not trying to hide itself and is far enough away from the older (early 20th Century structures) as to not physically touch or extend from them, in particular The Guns and their underground bunkers. As such, the proposal does not seek to interfere with any historic structures.

Similarly, the proposal does not seek to preserve or otherwise encourage, support or conserve the surrounding historic structures etc. While this is more often applied when the structure forms part of the proposed development, for example, when the proposal is for an extension to the structure or there is a clear relationship between a development and a historic asset, there is no physical contact with these nearby structures and the impact to the setting of the structures may not be ameliorated by the provision of a larger enveloping structure in a more “period” exterior finish.

Consideration is given later to whether or not there should be planning gain sought from the new development and whether it is reasonable to require that a public

infrastructure proposal should be required to provide monies towards other public projects such as tourist-related improvements around The Guns.

The proposed bunding, while indicated to be to ensure that surface water is directed away from the proposed development, would recontour the area around the Guns. It is considered that this would change this area but the degree to which it would be harmful to the Conservation Area and historic assets is expected to be low.

For the above reasons, it is considered that the proposal would be contrary to Policy BH1.

Archaeology:

Given the previous uses of this area as a likely Soldier's camp connected to Ladder Hill Fort to the east and for leisure/recreation purposes over a long period of time, it is possible that small finds, dropped coins, buttons, pins etc. may be discovered during the proposed construction works. A suitable condition will be attached to require the provision of a suitably-qualified person to undertake a watching brief during the construction phase and for later recording of any finds.in line with Policy BH 6. Of the LDCP.

Impact on Visual Amenities:

The development does include construction of new above ground structures and small buildings and also some bunding therefore the openness of the area would be affected with some visual impact on the landscape.

The applicant's visual impact assessment clearly shows that the current proposal would be a roughly single-storey height structure with concrete and steel being its main components. There is no attempt by the applicants to soften the appearance of the utilitarian structure, nor to provide the facility in a curtain of an appearance more in line with other local vernacular.

Apart from (public) sea views from distance and by those using the tennis courts or otherwise wandering onto or near the privately-owned application site including tourists and visitors who wish to see the two Guns, the proposal would otherwise, given its distance from public roads, be limited in its visual impact from main public viewpoints. Elevated views of the application site from, say The Crown Bar, will be from some distance away.

Given the scale of the proposal and the distance away from public viewpoints generally, it is not considered that there would be any significant harm to visual amenities in the locality from the proposed development.

Impact on Amenities:

There are residential properties located beyond the wall to the south of the application site and further away, a food shop and restaurant.

There have been no objections on the grounds of noise, smell or other air pollution from those living nearest the application site.

It is considered that the proposed Waste Water Treatment Works would due to its enclosed nature and distance away from sensitive receptors, not result in significant levels of noise, disturbance or odour except when work is taking place to clean or maintain the plant which will be periodic.

Impact on Flora and Fauna:

The applicant 's submission indicates that flora and fauna will not be significantly affected by the proposal, including that in the marine environment, in fact that the proposal will result in some benefits.

The Chief Environmental Officer commented that *This assessment includes a number of inaccuracies. Table 4.1 seabirds are all protected under the Environmental Protection Ordinance, 2016, there is no reference to this. Most of the other species listed are considered invasive and most of these wouldn't be found in the Ladder Hill area. Table 4.2 there are likely to be a lot more invertebrate species in the area that are not included here. The Giant African snail is not found on St Helena. There is no reference to the disposal of vegetation from site clearance which has the potential for the spread of invasives if not handled appropriately.*

It is considered that a suitable condition can be attached to require the augmentation of the impact assessment and that this should contain suitable mitigation measures, including on how removed vegetation will be cleared. It is considered that subject to the attachment of the condition that the proposal would accord with Policy NH1 and NH.2 of the LDCP.

Access/parking and traffic:

There is already an access road which it is proposed to improve, albeit detail have not been specified at this stage. Parking/turning on site would be provided. There are no specific standards for structures and the buildings are both small. It is considered that the proposed parking/loading area would be sufficient for the proposed use.

The Road Section have raised no concerns regarding additional traffic or parking on street.

Development Agreement:

It was raised by a Planning Stakeholder that there should be monies from the developer provided for works to improve the tourist/visitor appreciation of The Guns at the western end of the Heritage Coast Historic Conservation Area (which stretches east across the front (north) of Jamestown and on to Banks's far beyond).

It is recognised that the Conservation Area includes a wide range of historic structures and that, in this case, there would be some element of impact on The Guns. By all accounts these Guns do not date from the 1700s or 1800s but from the early 1900s, specifically 1902 and 1918, just around the first world war (WWI) which St Helena was not involved in and are not much more than 100 years old, whereas Ladder Hill Fort (from 18 Century), Banks's (18 Century) and the fortifications in Jamestown (17 Century) are from a significantly older periods. The Guns are not Listed, neither is the Tennis Court which the applicants date to 1920, probably as in 1974 (Crallen Report), they were around 50/60 years old and relatively "new" at that time. It is clear that they are of interest, if not as old as other buildings/structures which sit within the Heritage Coast Historic Conservation Area.

The previous refusal in 2017 of a HTH Sewerage Plant was in part based on some possible new use of the area coming forward. The Tennis Court has fallen into disrepair, although SHG Tourism is now looking to bring this back into active use, however, they have no plans to bring the Guns area up to a reasonable standard (which is likely to require heavy guard rails/other preventative measures to prevent falls off the immediately located cliff) for other Tourist or community facilities to come forward. Without any other possibly relevant details it is not clear what other use would be able to come forward for which there is no relevant policy or site allocation in the LDGP and this reason is considered to be somewhat ambiguous as a clear refusal reason. It is considered that little weight should be applied to this as a previous refusal reason.

It should also be noted that Development Agreements are designed to require developers who will make profits from development to provide some "planning gain" which can be used towards local improvements such as infrastructure. The fact that the proposal itself is for infrastructure improvements and that the application is from a not-for-profit SHG Government department (PMO/EDIP), means that it would not be possible for SHG to bind itself through a Development Agreement into paying for other facilities to be brought forward for SHG Tourism, when SHG Tourism section themselves decide what to bring forward within their budget. Also, SHG Tourism have been contacted and responded that they are not at this time looking to promote or attract tourists to The Gun's area, albeit that they are looking to make some

investment into the Tennis Court so that it can be brought back into community use. The proposal does offer that (safe) water which is a by-product of the treatment process can be used to provide water for soft landscaping which SHG Tourism are proposing as part of its work to upgrade the existing tennis court.

It would be good to see the Guns at some point being given a “tourism makeover” but for now, a single infrastructure project which will benefit the whole of HTH and beyond should not be required to provide monies for other SHG projects as this is considered to be unduly onerous and, most likely, undeliverable legally.

Conclusion:

The proposed development of a Waste-Water Treatment Plan (or WWTW) in this location is supported by the relevant infrastructure policies of the Land Development Control Plan, 2012 where a clear need has been identified. The provision of a communal, public waste-water/sewerage treatment facility which will meet the required sewerage standards (which the current septic tanks arrangements do not) would provide a significant public benefit for the long-term future of Half Tree Hollow as the most populous, popular settlement area on St Helena Island.

There would be limited impacts on visual amenities and other amenities of nearby occupiers and businesses and the proposal would enable the removal of septic tanks that are not functioning well resulting in improvements elsewhere in the catchment area in future. The existing access road can accommodate expected traffic during construction and the operational phase.

The proposal would meet the policies of the LDCP 2012 relating to the provision of infrastructure in the Intermediate Zone and that, taking into account that material considerations do have to be considered which point to the proposal being the most sustainable option for Half Tree Hollow, the proposal is in line with Intermediate Zone policies.

The proposal would, due to the siting, scale and appearance of the utility facility, result in some harm to the historic assets including the Conservation Area and setting of historic assets nearby on the grounds that it would be out of character with Guns/bunkers, a swimming pool and a tennis court as well as out of general character with earlier structures including buildings, walls, gates etc. forming Ladder Hill Fort and other fortifications etc. across the Heritage Coast Historic Conservation Area and would therefore be contrary to the Primary Built Heritage policy BH1 of the LDCP.

It is nonetheless considered in the planning balance, that the harm identified to the heritage assets balanced against the well-established need and the planning benefits

accrued for this public infrastructure, results in the balance falling in favour of the proposed development.

Notwithstanding the above, LDCA Members as decision-makers, will need to place their own weight on the matters raised and decide whether the planning balance falls in favour or against the development as currently submitted prior to advising on their recommendation.