

**Planning Officer's Report - LDCA June 2021**

<b>APPLICATION</b>	<b>2021/37</b> – Proposed Fuel Station, Convenience Store with In-store Café and Supporting Services
<b>PERMISSION SOUGHT</b>	Permission in <b>Full</b>
<b>REGISTERED</b>	22 April 2021
<b>APPLICANT</b>	Crown Central Limited
<b>PARCEL</b>	LWNO494 & LWN0501
<b>SIZE</b>	1.15 acres (4,665sqm)
<b>ACTUAL SITE SIZE</b>	
<b>LOCALITY</b>	Bottom Woods, Longwood North
<b>LAND OWNER</b>	Crown Land
<b>ZONE</b>	Coastal Zone/NCA
<b>CONSERVATION AREA</b>	Bottom Woods Important Wirebird Area
<b>CURRENT USE</b>	Grazing
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"><li>▪ Independent Newspaper on 30 April 2021</li><li>▪ A site notice displayed in accordance with Regulations.</li></ul>
<b>EXPIRY</b>	30 April 2021
<b>REPRESENTATIONS</b>	Two (SHNT & Heritage Society)
<b>DECISION ROUTE</b>	<del>Delegated</del> / <b>LDCA / EXCO</b>

**A. CONSULTATION FEEDBACK**

- |                            |                                |
|----------------------------|--------------------------------|
| a) Water Division          | No Objection                   |
| b) Sewage Division         | No Objection                   |
| c) Energy Division         | No Objection – General Comment |
| d) St Helena Fire & Rescue | No Objection - Comments        |

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e) St Helena Roads Section	No Objection – Comments
f) Heritage	Objection - Comments
g) Environmental Management	Comments – Inc EIA
h) Public Health	No Response
i) A&NR	No Response
j) Property Division (Crown Est)	No Response
k) St Helena Police Services	Not Response
l) Aerodrome Safe Guarding	No Objection
m) Sustainable Development	No Objection
n) National Trust (NT)	Objection - comment
o) SURE SA Ltd	No Objection

## B. SITE ASSESSMENT AND DEVELOPMENT DETAILS

**Location:** The development site lies approximately on the north of the Haul Road and just west of the junction of the road from Longwood which is the most direct route of traffic to and from the airport and most parts of the Island. The application site for the proposed use is at a very prominent location. The application site is part of the site designated as National Conservation Area in Bottom Woods identified as being important for Wirebird. The application site is within the Coastal Zone Policy area.

**Diagram 1: Site Location**



The area to the north, east and south-eastern side of Haul Road is rugged terrain beyond which are the civic amenity site and the Millennium Forest. The area directly south of Haul Road in line with development site is mix of open space, grassland, agricultural and residential and area to the west is mainly agricultural. The open space to the west of the existing residential area is the Bottoms Wood CDA being developed for around 50 residential units, retail use and community facilities.

The site falls within the boundary of the Bottom Woods Important Wirebird conservation area and therefore, concerns are that the proposed development will have some impact on the Wirebird habitat within a protected area. The development

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permission granted for the HM Prison included a Conservation Management Plan that considered the issues of impact on the area and outlined management action for the future conservation and management of this site.

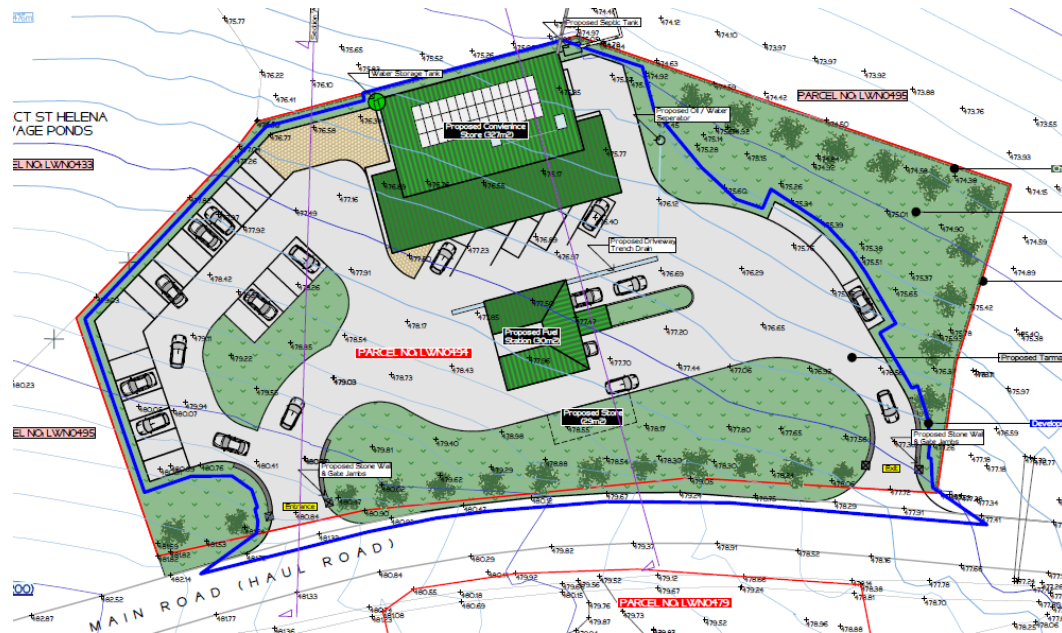
**Proposed Development:**

The proposed development is for a Fuel Service Station that will incorporate a fuel station, convenience store with in-store cafe and supporting services to include air compressor for customer use, office, staff room and storage rooms with on-site parking for customers.

The parcel of the Crown Central land for this proposed development is 4,675sqm in size of which 3,862sqm of this parcel will be developed, and the remaining 813sqm of land will remain undeveloped. The undeveloped land will remain as it is current state, but some endemics will be planted.

In the assessment of the land and its environ, considerable care has been taken in the design of the proposed development to ensure that there is as little excavation as possible on the site in order to avoid any unnecessary disturbance of the land. The Applicant is anticipating to keep as much of the land available for landscaping and as result it is hoped that endemics can be encouraged to grow on the site to complement the landscaping scheme that was established by the LEMP project.

**Diagram 2: Site Plan**



It is planned to keep as much of the existing site untouched in order to allow the growth to continue. The development will also introduce endemic plants throughout the site.

There will be a perimeter fence along the north and eastern side of the property. This will assist with security and help to keep out grazing animals.

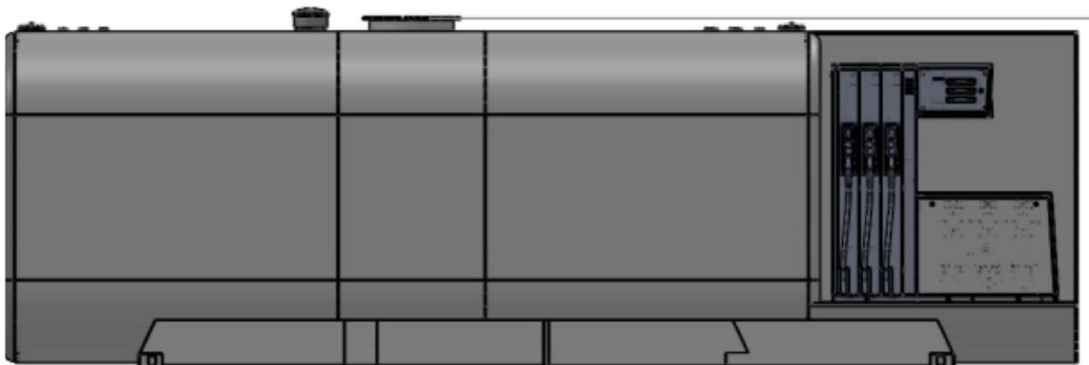
The applicant proposes to install all services underground. There will also be dark skies compliant lighting installed at various locations throughout the site. To reduce energy consumption and minimise carbon emission, these will be solar powered.

The proposed development will consist of the access road into the sites and internal service road of approximately 2,191sqm. This includes the entry and exit junction, the fuel station operating area and the parking area. There will be four buildings on the site covering around 8.2% of the available land. The proposed buildings will consist of the following area of footprint:

- Convenience Store: 327m<sup>2</sup>
- Service Booth: 9.4m<sup>2</sup>
- Fuel Pump: 29m<sup>2</sup>
- Store Room: 19.4m<sup>2</sup>

**Fuel Storage Tanks:** The fuel service station will involve the installation of a 20,000 litre Multi-Hazard Rated Insulated and Protected above Ground Storage Tank that will split equally for petrol storage and diesel storage. The Petroleum Ordinance limits the capacity of each to 13,500 litres per product. The multi-hazard rating allows the tanks to be re-certified for use after exposure to a fire, puncture or impact. In terms of UK regulations, it complies with all the requirements of what is known as the Blue Book, which sets out all the compliance requirements for Petrol Stations in the UK. The tank will be provided with leak detection within an interstitial space and will be clad so that it is aesthetically pleasing.

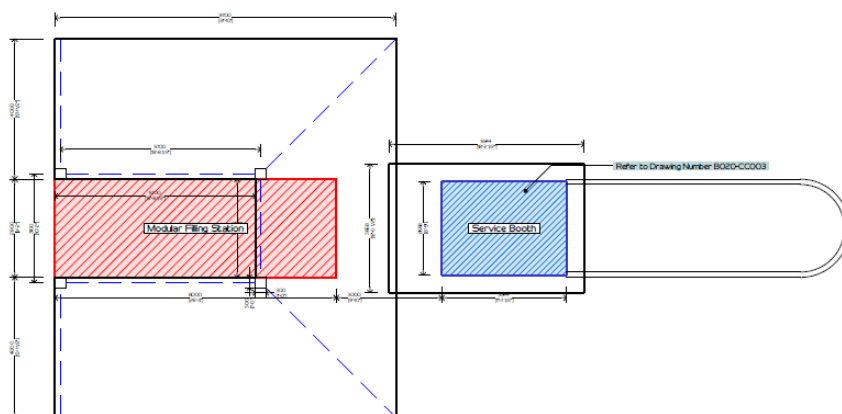
### **Diagram 3: Details of the Fuel Storage Tank**



The fuel tank will be fitted with two x twin product fuel pumps to allow dispensing of both products on both sides of the bulk tank. The details of the above-ground storage tank, with dispensers attached, are included as shown in Diagram X.

**Fuel Forecourt Area:** A fuel dispensing forecourt will be covered by a canopy and will be paved with impervious materials in order to obviate potential sub-surface oil contamination. Surface water from the forecourt area will be linked directly to an oily water separator (OWS) with a specific programme of oil removal and disposal to the facility at the Horse Point Landfill Site. The OWS has a capacity of 785 litres and can cope with a flow rate of up to 18000 litres hour. The SHG Environmental Risk Manager has confirmed that waste motor oil is disposed into the hazardous waste cells on site (in 22000 litre containers) in accordance with the 2017 Horse Point Landfill Site (HPLS) Management Manual. HPLS also has a small bio-remediation pad for remediating soil contaminated with hydrocarbons (e.g. fuel spill).

**Diagram 4: The Fuel Forecourt Area Layout**



**Diagram 5: The Fuel Forecourt Area 3D Perspective**

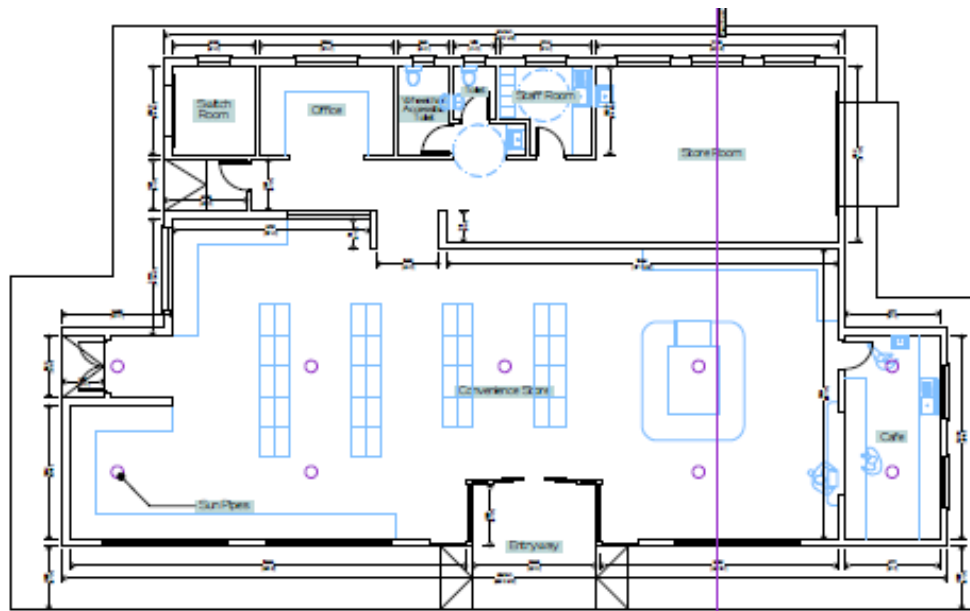


The service booth is a small building only for serving customs from the fuel pump and measures 2.6 meters by 3.5 meters and has a mono-pitch roof with a height of 3.1 meters at its lowest point and 3.8 meters at the highest point.

The fuel pump is a prefabricated unit which will be imported and measures 7.9 meters in length by 2.4 meters in width x 2.5 meters in height. The shelter to cover the unit and provide weather protection measures 4.8 meters at the highest point.

**The Convenience Store** will consist of a shopping area, a cafe, a store room, an office, a switch room and welfare facilities. It measures 26 meters by 14.4 meters. At its highest point the celestial roof will measure 7.9 meters, the roof at the front is 3.2 meters high, and 3.7 meters at the rear.

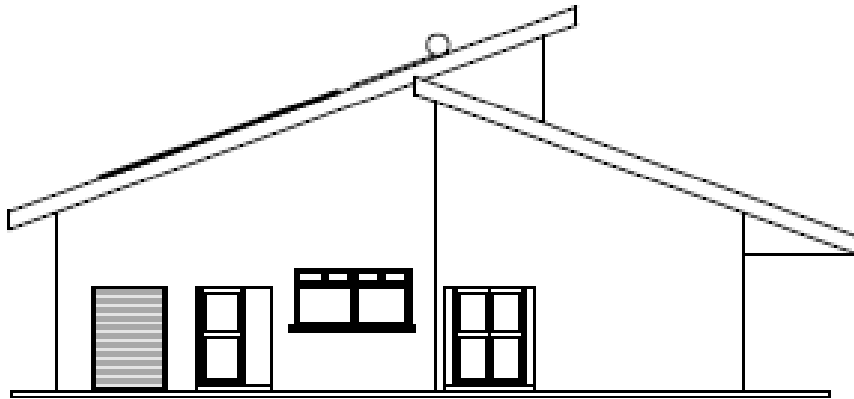
**Diagram 6: The Convenient Store Layout**



**Diagram 7: The Convenient Store - Main Elevation**

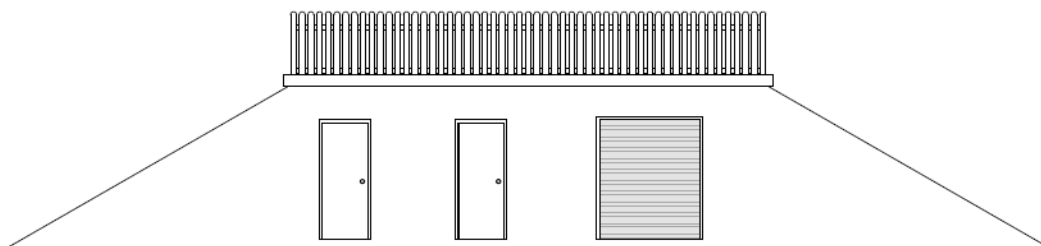


**Diagram 8: The Convenient Store - Side Elevation**



The store room is located at the southern end of the site and the building measures 8.3 meters by 3.5 meters. It is built into the bank, and will be covered over with soil. This will hide the building from the main road. The building also contains a small room for an air compressor. The building has a concrete roof and measures 2.9 meters to its highest point.

**Diagram 8: Store Room Design Elevation**



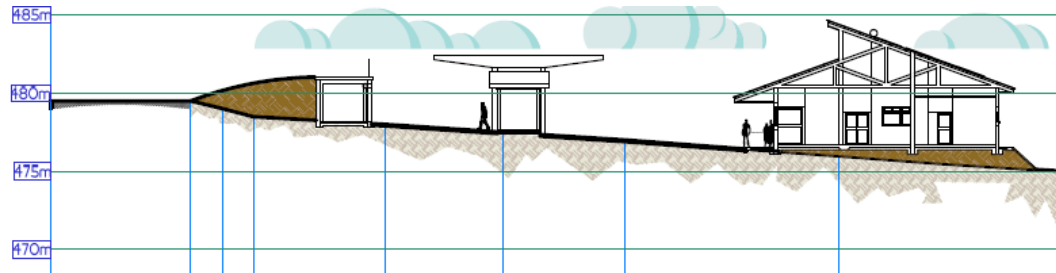
**Diagram 9: Store Room Design Concept**



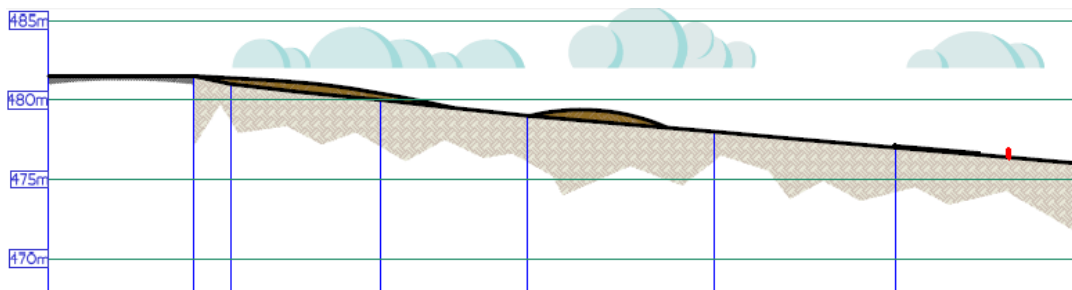
The applicant states that effort is being made to ensure the proposed site is as sympathetic to its surroundings as possible and the proposed store room is designed to

be concealed from the main road by constructing it inside an earth bank. The bank will surround the building on three sides with just the northern side exposed.

**Diagram 10: Site Section Detail A-A**



**Diagram 11: Site Section Detail B-B**



Surface water running off from this surface will be directed to the field below. Surface water from the fuel station area will be caught in a surface drain where the water will then be directed to an oil/water separator. This ensures that the no contaminated water seeps into the adjacent field. The current communal sewage system at Bottom Woods cannot accommodate any additional connections at this time, so a temporary septic tank will be installed on site and permission has been given from ENR&PD to construct a soak-away in the adjacent field.

### **C. PLANNING HISTORY**

There is no previous development planning history in respect of this site, however the area has been subject to development with the construction of the Haul Road that provides access to the site. Full development permission has also been granted for the construction of new HM Prison for the Island just north this application site, with an access road of approximately 450m length about 300m from the west of this site (Dev. App. Ref: 2019/114). Prior to the full development permission, the development was subject of an outline application (Dev. App. Ref: 2018/77) that included Environmental Impact Assessment (EIA) Report in compliance with the EIA Regulations for the assessment of the development proposal and decision making. This development has not yet commenced due to external funding decision that is still waiting confirmation.

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There has also been a hybrid development permission granted for Bottom Woods Comprehensive Development Area for mixed-use housing development. Part of the development that was granted full permission, for the construction of the access road into and around the site and also for number Government homes is being constructed.

#### **D. POLICY FRAMEWORK**

The relevant policies of the Land Development Control Plan (LDCP 2012 - 2022) that are applicable in the assessment of the proposed development are set out below:

- Coastal Zone: Policies CZ.1 & CZ.5
- Natural Heritage: Policy NH.3
- Water Supplies: Policies W.1(a) & W2
- Sewage, storm and Drainage: Policies SD1 (a, b & c), SD3, SD.5 and SD7
- Road and Transport Policies: RT1 (a, c & d), RT3 (a & b), RT5 (f) and RT7

**CZ1: Primary Policy:** There will be a presumption in favour of retaining the natural appearance and ecology of the Coastal Zone and the grant of development permission will therefore be regulated by the following implementation policies with the presumption that all development shall include provision for rainwater collection, storage and re-use, commercial development shall include provision for grey water treatment and re-use, and all development shall include for sustainable treatment of sewage without risk of pollution.

**CZ5:** Permission in the Coastal Zone will not be granted for commercial development which is not tourism related or is not for commercial agriculture or forestry or essential infrastructure.

**NH.3:** Where proposed development is likely to have an adverse effect (either individually or in combination with other developments) on St Helena's native species and habitats including the Wirebird, permission will be granted only when the benefits of the development outweigh the impacts that it is likely to have on the national and international importance of that species or habitat. The proposals must include measures to ensure that any adverse effect is mitigated or compensated and this will be subject to monitoring to ensure that the measures are carried out effectively.

The proposed development is not wholly support by the principle objective of these policies. Whilst the aim of the Coastal Zone policies is to retain the character and protect the landscape of the Coastal Zone area, it also considers that some form of developments may be acceptable and these must be related to tourism activities and operations, commercial agriculture or forestry or is an essential infrastructure. The proposed development is not entirely tourism related, however it would benefits tourist

as well as the local residents and businesses. Similarly it is not considered to be wholly essential infrastructure, however fuel station can be considered to be an essential service to enable movement and travel. There is only one small fuel service point on this part of the Island which is considered to be inadequate for such purpose and is physically constrained to enable improvement.

Similarly the Natural Heritage policy allows for some development within the designated area with appropriate level of mitigation to overcome any adverse impact. Given the peripheral location of the development site adjacent to a recently constructed road, the proposed development can be supported due to the wider economic benefits but ensuring appropriate level of protection for the protected species and habitats.

The proposed development in assessment with these policies needs to be considered as a departure, although in the wider interpretation it may be concluded that there is some support to enable this form of development. In view of this and in accordance with Section 23 of the Ordinance, the development application need to be referred to the Governor-in-Council for a decision.

#### **Environmental Impact Assessment**

The applicant, in the early stage of formulating the development options in early 2019, consulted with the Planning Service and requested that a Screening Opinion be adopted by the Planning Authority in respect of the proposed development. At the time, in accordance with the legal advice provided, the application was considered not to be valid and the applicant was advised to proceed with an Environmental Impact Assessment (EIA) Report. The applicant therefore proceeded with the EIA Report without the benefit of a Screening Opinion being adopted by the Planning Authority and/or Scoping Opinion to advise which environmental issues should be assessed and included in the report.

The applicant has acknowledged that in the preparation of the EIA report, the assessment has not been informed by any scientific baseline data as equipment and expertise is not available on St. Helena and procuring offshore expertise would be financially prohibitive. The applicant considers that this report is in cognisance with the Environmental Impact Assessment that was undertaken for the proposed Prison Development at Bottom Woods which will be located approximately 400 metres to the north-west of the proposed Fuel Station Development. Furthermore, it points out that an EIA Report was not required for the developments being undertaken by St. Helena Government (SHG) in the Bottom Woods West Comprehensive Development Area which lies 100 metres to the west on the south side of the Haul Road.

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In acknowledging the limitations of the assessments, the applicant considers that this EIA report, nevertheless aims to provide the Planning Authority with a broad range of information to enable the officers to consider and determines that the environmental impact of the proposed development during the construction and operational phases as well as the cumulative impacts when considering other proposed developments in Bottom Woods as well as along the Haul Road that now connects the two main entry points to St. Helena – the Port facilities in Rupert's Bay and the Airport at Prosperous Bay Plain.

The proposed development, as a fuel service station, has been assessed against number of SHG Ordinance and due to the nature of the proposed use in handling petroleum assessment has regards to the Petroleum Ordinance 1966 (as amended) and the Petroleum Regulations 1978 (as amended) as well other Ordinances and regulations that also apply.

In the formulation of the EIA, the applicant has not had the benefit of a Screening Opinion and/or a Scoping Opinion and the potential environmental impacts are those that have been identified by the company, with the assistant of professional advice provided by those with environmental knowledge, previous SHG Chief Planning Officer and one-to-one discussions with key stakeholders.

The potential impact arising from the proposed development has been identified, assessed and mitigation measures including Fire and Explosion; Ecology; Invasive, non-native species; Landscape and Visual; Cultural Heritage; Noise; Air Quality; Water Quality; Light Pollution; and Local Economy.

**Ecology:** There are no protected endemic plants on the site and there are no records of protected endemic invertebrates or bryophytes as no specific surveys have been undertaken so no further consideration has been undertaken. Sheep and a donkey have been observed grazing in paddocks adjacent to the site but the paddocks are fenced and so the likelihood of the animals being damaged during the construction or operational phases is unlikely.

The endemic wirebird is therefore the primary receptor and therefore at risk of potential adverse impacts and that includes the loss of habitats and direct mortality. It is considered that the site is not used by the wirebirds for breeding, however occasionally wirebirds may try to forage there but as a result of poor vegetation and soil conditions, due to use of this area during airport construction, the main breeding/feeding grounds are further north i.e. nearer to the gumwood forests and

weather station. It is considered that the proposed fuel station development will not be displacing an existing wirebird breeding territory.

During the construction phase, the wirebirds may be attracted to the site due to potential prey being unearthed during excavations, or could become trapped in construction materials or be damaged/killed by vehicles or other machinery. During the construction and operational phases there will be increased traffic on the site as well the presence of humans which could cause disturbance to wirebird foraging but also reduce the likelihood that there will be interactions between wirebirds, humans and traffic.

During the operational phase, there will also be strimmed grassy areas which may entice the wirebirds to nest and so nest surveys will need to be conducted and, if found, notified to ENRD and SHNT personnel so that the appropriate action can be taken. Boundary lines will be demarcated with a combination of chain link fencing, low level wooden logs, and/or low stone walls interspersed with plants. If wirebirds are attracted to nest near the site, the chicks could become trapped in the fencing. Therefore, the mesh size will be such that it will be big enough for wirebird chicks to pass through freely.

In respect of all other residual factors and impacts, the applicant will undertake all necessary mitigation measures during construction and operation of the use to reduce and/or minimise any adverse impact arising.

The applicant is aware of all other developments that will be in close proximity of the Fuel Service Station development and that all of these have the potential to interact with each other and have cumulative impacts on ecology, noise, air quality, light pollution, landscape and visual impact. The breeding areas/conditions and foraging areas for the wirebird could be disturbed.

The current and future residents of Bottom Woods together with Haul road users will also experience the impacts. The applicant is using ISO 31000 to inform and support the company's risk management framework and processes including risk identification, analysis, evaluation and treatment. A standard 5 by 5 risk assessment technique is used and those risks that were deemed medium or high have been tabled. The analysis of the assessment is summarised below and has also been included in the Environmental Management Plan submitted with development application.

### **Table 1: Mitigation Assessment**

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Potential impacts/risks	Phase	Before mitigation	Post mitigation
Fuel Storage - Fire & explosion risk Likelihood - Seldom Consequence - Catastrophic	Operation	Medium risk	Low Risk
Fuel Storage –environmental damage and health risk Likelihood – Occasional Consequence - Moderate	Operation	Medium risk	Low Risk
Solid waste generation Non-hazardous Likelihood – Definite Consequence - Insignificant	Operation	Medium risk	Low Risk
Waste Generation Hazardous Likelihood – Occasional Consequence - Moderate	Operation	Medium risk	Low Risk
Increased demand for water and electricity Likelihood –Likely Consequence - Marginal	Operation	Medium risk	Low Risk
Health & safety risks including spills, slips, trips & falls Likelihood – Occasional Consequence - Moderate	Operation	Medium risk	Low Risk
Increased road traffic and accidental collision with structures, people and other vehicles. Likelihood – Occasional Consequence - Moderate	Construction & Operation	Medium risk	Low Risk
Surface water and drainage - damage to environment Likelihood – Seldom Consequence - Moderate	Operation	Medium risk	Low Risk
Sewerage – damage to the environment and health risk Likelihood – Seldom Consequence - Critical	Operation	Medium risk	Low Risk
Noise Likelihood – Occasional Consequence - Marginal	Construction & Operation	Medium risk	Low Risk
Air Quality Likelihood – Occasional Consequence - Moderate	Construction & Operation	Medium risk	Low Risk
Water Quality Likelihood – Seldom Consequence - Moderate	Construction & Operation	Medium risk	Low Risk
Light Pollution Likelihood – Likely Consequence - Marginal	Construction & Operation	Medium risk	Low Risk
Landscape & Visual	Construction	Medium risk	Low Risk

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Likelihood – Occasional Consequence - Moderate	& Operation		
Flora Likelihood – Unlikely Consequence- - Insignificant	Construction & Operation	Low risk	Positive
Fauna Likelihood – Seldom Consequence - Moderate	Construction & Operation	Medium risk	Low Risk

There is also economic benefit arising from the proposed development, as it will create training and employment opportunities in the construction industry during the construction of the development. Thereafter for the operation of the use there will also number of jobs created in retail and service of the operation.

### **PLANNING OFFICER’S APPRAISAL**

The application site is on the main access road that provides a link between the Airport and Rupert’s Wharf. The site forms part of a larger greenfield site that is approximately 94.0 acres situated in a predominantly agricultural area, also designated as important for Wirebirds. Approximately 10.85 acres of this site taken up for the development of the new HM Prison, of which approximately 5.20 acres is as a built form and the remainder is undeveloped retained as Greenfield. Therefore the total built area is about 6.5% at most is being lost in the northern part.

Given the peripheral position of this application on the southern edge of the designated area, the nature and volume of the development, it is not considered necessary to require a conservation management plan to be put in place as required by the HM Prison development. The applicant will be required to ensure that post construction, the actions identified in the Environmental management Plan must be adhered to in order to minimise the potential impact on wirebird in the vicinity of their operation.

### **REPRESENTATIONS**

There were two representations received to the development application from Saint Helena National Trust (SHNT) and the Heritage Society. The representations received are summarised below followed by the Officer assessment;

#### **St Helena National Trust (SHNT):**

- Acknowledges that the applicant has consulted the Trust during the EIA process and was advised how to reduce risks to our environment; and is generally pleased with the application and the EIA report and that the applicant has the community’s best intentions at heart;
- Has concern related to the quality of the EIA report, specifically in respect of the impacts/risks that the proposed development may have on wirebirds, invertebrates and native flora;

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- report states that it will take 1.41% of the IWA, however it would have been helpful to include a map with the IWA shown to see clearly the amount of land taken;
- if approved, this development may set a precedent for other developments which could, over time, 'chip away' at the edges of our protected areas;
- concerns that the site has been declared as poor quality wirebird habitat, despite being inside at Important Wirebird Area and that the site is not a key breeding area for wirebirds and that 'National Trust management have advised that they aren't overly concerned', the fact is that wirebirds move between Deadwood, Prosperous Bay and Bottom Woods areas;
- does not determine a baseline for invertebrates on the development site and the Trust expertise in invertebrate conservation and holds a database of invertebrate records which can be searched for the general area;
- recommend that an invertebrate survey is conducted before construction, especially in regards to ground dwelling species i.e. beetles.

### **Heritage Society**

- application does not appear to comply with Coastal Zone policies CZ. 3e and CZ. 5 relating to surrounding ground levels, and that commercial development should not be permitted;
- If approved, recommends that measures are established to control or limit further similar commercial developments to ensure that Coastal Zone policies intended to protect the landscape are not undermined;
- consider guidelines for other areas in the immediate vicinity and should be set aside for similar competing commercial developments;
- could involve transfer of this site or other such areas currently in the Coastal Zone to the Intermediate Zone.

### **Officer Response:**

The issues raised by SHNT relate to the baseline information that would have assisted the environmental assessment by establishing the invertebrates present on the application sites. With an established baseline information it also enables appropriate assessment of the potential impact and level and degree of mitigation required and then to assess how the impact may change. It would be necessary to survey the site before construction begins in order to establish the conditions at the time of construction. Although the development site is on the edge of the designated area where it is considered to be of poor quality for the purpose for which it is designated. Nevertheless, it will still result in some reduction of the total site even if the periphery of the area is poor and over a period of time it can begin to considerable impact on the wider site. The southern edge of the conservation area boundary being onto the Haul

Road it would probably be necessary to create a buffer for the remainder of the designated area.

The issues raised by the Heritage Society relates to the development plan policy assessment of the proposal, where is Coastal Zone policy seeks to retain the environmental character and appearance and the development proposal will begin to change the landscape of this area and further commercial developments will begin to have considerable impact. The Haul Road with its quality road access provides an opportunity for a level of development along certain lengths and due its prominent position, there may be a need to optimise future development opportunities created by this road infrastructure. Policy assessment of the proposed development is an important consideration, but also ensuring that level of development does not undermine conservation objectives.

### **Chief Environment Officer Observations and Assessment**

The Chief Environment Officer (CEO) has provided a comprehensive assessment of the EIA report and has raised number of issues, in particular the information base that is considered to be weak and this has impact on the assessment. This is a major area of concern. The CEO also challenges number of statements and assumptions such as:

- “the assessment is not informed by any scientific baseline data” and stating that “equipment and expertise is not available on St Helena and procuring offshore expertise would be financially prohibitive” and considers that this is not altogether accurate as some baselines e.g. an ecological baseline can be established using equipment and expertise available on island and establishment of baselines are required to ensure an accurate assessment of impacts;
- how the estimated land take-up in term of the 1.41% of the total area identifies as Important Wirebird Area (IWA) is assessed and whilst it is on the edge of the IWA that is only occasionally used by wirebirds due to the poor condition of the area;
- this development still sets a precedent that land can be developed in the NCAs even though there is a policy which prohibits this and of course argues that precedent was already set when granting development permission for a new prison to go in the same IWA
- this has raised further issue of the cumulative impacts of developing within an IWA and the overall impact this will have on the wirebird population;
- whilst there are areas of weakness in the EIAR the information provided is considered sufficient to enable the environmental impacts to be adequately assessed;
- key environmental issues relate to the siting of a development within a National Conservation Area and the potentially significant adverse environmental impacts relating to fuel storage and transfer within an environmentally sensitive area;

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- number of mitigation measures are proposed some of these lack detail and for some of the issues identified there is no corresponding mitigation;
- recommends that if the development is given approval the applicant is required to update the Risk Assessment and Environmental Management Plan prior to the start of the construction and operation phases.

#### **OFFICER'S ASSESSMENT**

The EIA report has number of shortcoming as highlighted by the CEO and these all stem from a poor baseline information. It is little concerning that the applicant has been in contact with SHNT to discuss the environmental issues regarding the site, when the appropriate organisation should have furnished the applicant with the relevant information that would have assisted the applicant in its assessment. In the absence of the available information made available to them, the applicant has clearly made an assumption that such baseline information is not available and from its observation of the application site has concluded that there are no protected endemic plant. However, this can be overcome with site walk-over in the company of environment and conservation officers before the start of any construction. This is good practice in order to identify local situation and can be a standard condition. As regards to the number of receptors that have been assessed the CEO is of the view that number of additional assessment would have been useful, but then acknowledges that given the nature of the proposed development, being of small scale and the major environmental impacts of constructing and operating a fuel station has the potential to have a significant negative impact particularly in an environmentally sensitive area. The EIA report has for the most part identified and assessed the environmental impacts and proposed adequate mitigation. Whilst there are areas where the report could have been strengthened the information provided is considered sufficient to enable the environmental impacts of the development to be adequately assessed.

#### **D. PLANNING OFFICER'S RECOMMENDATION**

##### REFERRAL TO GOVERNOR-IN-COUNCIL

The Application is to be referred to Governor-in-Council in accordance with S23(2)(b)(i) of the Ordinance as the grant of development permission must be considered as a departure from the LDCP Coastal Zone and Natural Heritage policies. The proposed development is within Coastal Zone policy area and the use is not directly related to tourism activity or can be classified as being essential infrastructure and the application site is also within a designated National Conservation Area that is Important Wirebird Area. However, it also needs to be acknowledged that the policies do allow for

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development in such areas if it can be demonstrated that it provides economic benefits to the Island.

The proposed development does not fully comply with the LDCP Policies as listed above and therefore, it is advised that the Land Development Control Authority provide its observations and concerns on the proposed development in light of the Recommendations to Governor-in-Council to Grant Full Development Permission for this development application, subject to the following Conditions:

- 1) This permission will lapse and cease to have effect on the day, 5 years from the date of this Decision Notice, unless the development has commenced by that date.

**Reason:** required by Section 31(2) of the Land Planning and Development Control Ordinance 2013.

- 2) The development shall be **implemented in accordance with the details** specified on the Application Form; Site Layout, Floor & Elevation Plans (DWG Nos. B020-CC001, B020-CC002, B020-CC003, B020-CC004, B022-CC006, B022-CC007, Design and Access Statement, Environmental Impact Assessment Report) received on 22<sup>nd</sup> March 2021, as stamped and approved by the Chief Planning Officer (CPO), on behalf of the Land Development Control Authority (LDCA), unless the prior written approval of the CPO (on behalf of the LDCA) is obtained for an amendment to the approved details under Section 29 of the Land Development Control Ordinance, 2013.

**Reason:** Standard condition to define the terms of the development and to ensure that the development is implemented in accordance with the approved details.

- 3) **Site Verification:** All site boundaries, the extent of building(s) footprint and the extent of proposed re-grade of land shall be surveyed, set out and pegged clearly by the developer for verification by the Building Inspectors before commencement of development and verified again following initial earthworks.

**Reason:** To comply with the requirements of Policies IZ1 and H9, in the interests of orderly layout siting and design; to establish and ensure accurate setting out; to reduce cut into slope, protect services and to avoid possible encroachment onto adjoining properties.

- 4) This Development Permission **does not** confer approval under the Building Control Ordinance. Please consult with the Building Inspector(s) to find out

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whether building regulations approval is required, prior to the development commencing.

**Reason:** to ensure development is carried out in accordance with the Building Control Ordinance 2013.

- 5) The development will comply with all Health and Safety regulations required for the development of petroleum storage and sale.

**Reason:** to ensure that there are no risks associated with development and the development is fully in compliance with the regulations

- 6) Before any construction work commences, the applicant will undertake a “walk over” for the development site with a specialist nature conversation professional to assess the impact on any endemic invertebrate that may be affected and set out mitigation measure that will be taken to overcome any adverse impact and this will be submitted to and approved by the Chief Planning Officer on behalf of the Land Development Control Authority in writing.

**Reason:** To ensure all possible effort is made to protect the endemic invertebrates and reduce the adverse impact on the natural and historic environment.

- 7) **Construction Practices:** During construction of the development, no obstruction shall be caused on any public road and prior to occupation of the development the developer shall reinstate damage to any public road and other public or private infrastructure arising from implementation of the development permission.

**Reason:** To ensure safe vehicular access and reinstate damage to public infrastructure arising directly from the approved development in accordance with LDCP IZ1 (g).

- 8) Excavation into slope and infilling to form level platforms or embankments shall be in accordance with the approved plans. Deviation to be agreed with the Chief Planning Officer and Building Inspector. Land made unstable as a result of implementation of development shall be satisfactorily stabilised, consolidated or retained in consultation with the Chief Planning Officer and Building Inspector.

**Reason:** In the interests of safety to maintain the stability of land and visual amenity and also to accord with LDCP Policy IZ1 (f).

- 9) Dust monitoring on site shall be undertaken on a daily basis. In the event that dust is at any time generated that is likely to travel outside of the site and towards neighbouring properties the following mitigation measures shall be taken:

- The erection of dust screens

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- The damping down of materials that have the tendency to be carried by the wind
- Reducing the speed of site operated machinery
- In the event of adverse dry and windy weather conditions, site operations should be temporarily restricted or suspended

**Reason:** To assist the control and limitation of environmental particulate pollution.

- 10) All Regraded Land (including fill-faces and cut-faces) to be appropriately vegetated and landscaped, within a year following construction.

**Reason:** to ensure that the development blends into the natural landscape and that soil be effectively re-used in garden areas in accordance with LDCP IZ1 (h).

- 11) The proposed dwelling shall not be occupied until its Foul Drains (to include both black & grey water) have been completed, approved and connected to the approved individual Septic Tank and Soakaway System. The system to be appropriately designed based on:

- i) Percolation test results submitted.
- ii) Standard engineering design principles to be endorsed by the Building Inspectors.
- iii) All parts of the sewerage system, including any septic tank and pipework to be laid underground, apart from access covers and vents unless otherwise agreed with the Chief Planning Officer in collaboration with the Building Inspectors.

**Reason:** To avoid creating pollution and to accord with LDCP policies SD1 and SD7.

- 12) Occupation of the development is not permitted until it is adequately served by a potable water supply, adequate energy supply as well as a foul drainage system, as approved by the Building Inspectors in consultation with the Chief Planning Officer.

**Reason:** To accord with LDCP IZ1, SD1, RT7 and W3.

- 13) **Roof Water Practices:** No Roof Water or other Surface Water shall be connected to or directed to any foul drain. Roof water shall be piped to storage tanks of minimum capacity 450 litres with overflow piped to landscaped areas.

**Reason:** to conserve rainwater and to avoid overloading the Septic Tank, in accordance with LDCP SD1.

- 14) **Storm water Practices:** Storm water should be managed on site and not allowed onto the public roadway or neighbouring properties.

**Reason:** To protect public and private amenity and accord with LDCP SD1.

15) All **external lights** attached to the building shall be designed and sited such that they do not emit light at or above the horizontal and the light source (lamp, bulb or LED) shall not be visible beyond the site boundaries.

**Reason:** to avoid light pollution and to protect the dark skies status of the island in accordance with LDCP policy E8.

16) The **colour of the roof** shall be dark slate grey or red.

**Reason:** to match the existing and blend the building into the landscape, in accordance with the Adopted Policy on Colour of Roofing Materials.

17) Development shall be such as to protect existing infrastructure:

- i) No excavations shall take place within 3m of any Low Voltage (LV) Pole or Pole Stay anchor and 5m within any High Voltage (HV) Pole;
- ii) No building construction to take place below any LV or HV Lines;
- iii) No excavation or building construction to take place within 3m of the nearest overhead LV Line and 5m of the nearest overhead HV Line;
- iv) Excavation or construction does not pose any restriction for access to HV/LV lines and poles; and

**Reason:** to ensure safety and to protect the public electricity supply.

**Right of Appeal:** If you are aggrieved by this decision you may, within 28 days of the date of this Notice, appeal to the Land Development Appeals Tribunal, with payment of a fee of £150, addressed to the Clerk of the Tribunal, using the prescribed form which is available from this office.