



# MINUTES

## Of Land Development Control Authority Meeting

Date : Wednesday **22 November 2017**  
Time : 11am  
Venue : The Education Learning Centre, Jamestown

---

### Present

Mr Paul Hickling	Deputy Chairperson
Mr Raymond Williams	Member
Mr Ralph Peters	Member
Mr Karl Thrower	Member

Mrs Riana de Wet	Chief Planning Officer (CPO)
Mr Shane Williams	Trainee Planning Officer (TPO)
Mrs Janice Young	Secretary (S)

### Apologies

Mrs Ethel Yon	Chairperson (incapacitated through foot injury)
Mr Gavin George	Member (off Island)

### A. Attendance and Welcome

The Deputy Chairperson welcomed members and stated the business of the meeting.

There were six members of the public present, which included two representatives of the Applicant (namely Connect Saint Helena in respect of Applications 2016/136, 2016/137 and 2016/138), the Chief Engineer / Acting Director of ENRD, the Director of St Helena National Trust as well as two members of the public.

### B. Declarations of Interest

There were no declarations of interest.

*When impelled by a member of public during the meeting, the CPO highlighted that she submitted and signed a Preliminary Statement on the 28<sup>th</sup> of June 2017 as per advice from the Attorney General who indicated that she is not required to Declare an Interest as she is not a voting member of the Authority and has no vested interest over the land or the development relating to Applications 2016/136 - 138.*

### C. Applications for Determination

The following Four (4) Outline Development Applications were determined by the Authority for referral to Governor-in-Council:

1)	<p><b>Application 2017/96 – OUTLINE Development Permission – Proposed Alteration to Rear of Court House, Jamestown – ENRD for Judicial Services (Capital Projects)</b></p> <p>Due to the sensitivity of this Application and given objections being received, this Application was deferred from the previous meeting to allow a greater representation by the Authority in deciding the recommendation and outcome.</p> <p>CPO gave a concise presentation together with photo illustrations and the submissions of this Outline Application and explained the rationale behind the request for Outline Development Permission in this instance. Existing versus proposed layouts was explained. The CPO highlighted that there are two trees within vicinity of the development, which are protected under the Tree Preservation Order however the proposal does not propose to impact or harm these trees. It was noted that although development will encroach onto a small section of the Castle Gardens, the impact will be minimum as this section of the gardens is greatly unused as well as only developed in part. It was noted that this development will more likely encourage greater interest in this portion of The Gardens.</p> <p>Mr Pearce who spoke at the previous meeting relating to this Application was given opportunity to address the Authority once again. He emphasised that the Court House was a Grade I Listed Building as well as elaborating the significance and heritage value of the Castle Gardens and the Trees and questioned if this application for Outline Permission is in fact legal.</p> <p>The CPO confirmed and the Authority acknowledged that they are familiar with the importance of conservation of Listed Buildings, protection of Trees and the importance of Castle Gardens and take this matter seriously. Mr Pearce was further assured that the Application was in line with the provision of the Ordinance and related Policy and the CPO explained that application in Outline provides opportunity for input by key Stakeholders as well as interested and affected parties at</p>	<b>CPO</b>
----	---	------------

an early stage with the aim to provide meaningful direction and guidance to Applicants and Developers prior to investing significant resources and time into projects which could otherwise be out rightly refused. The CPO further highlighted that the process of requesting for development permission in Outline is an internationally acknowledged and meaningful part of Planning Processes and so understood by the planning society in general.

Members considered the Application and the CPO acknowledged that this was a recommendation to Governor-in-Council who will make a final decision on the outcome of this Application. The CPO highlighted again that this Outline Application can be recommended for Refusal however then Policy-based reasons will have to be provided or can be recommended for Approval with Conditions if Members feel that the merits for the development outweighs the merits against the development.

The Authority acknowledged that this development is situated within the Jamestown Conservation Area and proposals will encompass alterations to the rear of a Listed Building potentially impacting a small section of the Castle Gardens, albeit an underused area. Members acknowledged the importance of protection of the trees and agreed that alterations to the building should be as minimal as possible and that any alterations should be in keeping with the period of the building.

One member highlighted that the proposed veranda, shown on these outline drawings, is potentially impractical and unnecessary as only a section of the pathway will effectively be covered and the same member also noted that the public toilet may in fact be an undesirable extension into the Castle Gardens as it is not necessary in terms of the objectives of making the building fit-for-purpose (considering the objectives of the Judicial Functions) and may in fact only prove to be a nuisance and vandalised by public.

The Authority agreed that if developed sensitively, the proposal may deliver planning gain considering how the rear of the building currently looks in reference to the existing extension and unsightly equipment on the walls.

The CPO noted that if Outline Development Permission is granted, the

	<p>matter over loss of light (due to the one window being affected) should be demonstrated during Full Planning Permission and that the SHNT and Heritage Society be requested to provide input regarding the eventual design and aesthetics.</p> <p>The CPO discussed the proposed Conditions and at this point the Director of SHNT requested that Condition 7 reflect that Heritage Society conducts a Record prior to Alteration. The CPO noted that the LDCP Policy in fact states that this be done by the SHNT however confirmed that the condition can be altered to include the Heritage Society as well.</p> <p><b>Resolution:</b> That Governor-in-Council be advised to grant Outline Development Permission with Conditions as proposed by the CPO (noting the modification of Condition 7) as well as the remarks by the Authority.</p>	
<p>2)</p>	<p><b>Application 2016/136 – Outline Development Permission – Site a Sewage Treatment Plant (underground) Ladder Hill Guns Area, HTH – Connect Saint Helena (Application # 1)</b></p> <p>The Applicant was in attendance for Applications 2017/136, 2017/137 and 2017/138. The CPO provided an overview in terms of the planning background and the planning process. The Deputy Chairperson indicated that Members would deliberate after the CPO presented all three Applications.</p> <p>It was noted again that these Applications are not affected by storm-water run-off as the Members were lead to believe previously. However, since this particular Application (2016/136) encompasses sewage treatment by means of a sophisticated Membrane Bio-Reactor Plant, fluctuations (during storms and heavy rain) into the sewer network (and inevitably the MBR Plant) caused by the roof-run-off from the approximately 80 homes in HTH, which currently feeds directly into the sewer network, are not advisable. One of the disadvantages of the proposed MBR Plant is that it will not be able to cope with fluctuations by these connections and would require separation of the roof runoff connections from the network. The CPO noted that during previous planning regimes developers were not required to separate roof run-off from the sewer network – however in recent years this has become a standard condition for development</p>	<p><b>CPO</b></p>

	<p>permission. She briefly discussed the rationale of the Application, various options considered and the preferred option as highlighted by the Applicant.</p> <p>The CPO further highlighted that on request by the Authority, she conducted a significant analysis into the advantages and disadvantages (Pros and Cons) of the various plant siting options as submitted for each and highlighted key points from these tables. Members noted again that they had been on a site visit and in light of this considered these tables and are prepared to make their recommendations to Governor-in-Council.</p> <p>The Deputy Chairperson noted at this point that the Authority considered the Environmental Assessment Report, which was conducted by the Applicant and submitted as part of these Applications and found it to be very comprehensive thus providing adequate information to inform the Outline Planning Applications. He noted that this Report was advertised as an Environmental Impact Assessment for a period of 28 days by the then Locum CPO (during December 2016) as a supplement to these Outline Applications and concluded that the Authority is of the opinion that this report meets the objectives of the scoping opinion provided by the previous CPO (during 2016) in as far as what could reasonably be required at Outline Application Stage. The CPO at this point noted that one of the conditions for full application would be for the Applicant to at that time submit an Environmental Impact Assessment Report with the aim to put forward proposals to definitively mitigate any impacts relating to final designs.</p> <p>The CPO noted that although this particular Application will hold some significant advantages and even planning gain, it is clear that there are also disadvantages in the long run which the Authority will have to consider against the background of the other proposals. The Authority agreed.</p>	
<p><b>3)</b></p>	<p><b>Application 2016/137 – Outline Development Permission – Site a Sewage Treatment Facility (Pump Station and Amenities) – North-western Area of Jamestown – Connect Saint Helena (Application #2)</b></p> <p>The CPO presented this application and again brought to Members’ attention all background information together with site drawings and</p>	<p><b>CPO</b></p>

	<p>photographic illustrations. She elaborated on the various alternatives to site the facility and amenities and the advantages / disadvantages of each. It was noted that this particular facility will not make use of any chemical treatment and has capacity / ability to accommodate current and future growth of Jamestown. Various options to site the plant was also presented and the advantages and disadvantages of each considered by the Authority. The Conditions were also outlined.</p>	
<p><b>4)</b></p>	<p><b>Application 2016/138 – Outline Development Permission – Combined HTH and Jamestown Sewer Networks by means of a Pipeline in proximity of Jacobs Ladder – Connect Saint Helena (Application # 3)</b></p> <p>The CPO presented the Application with photographs and site drawings and all other background information. Again the advantages and disadvantages of the various siting options were considered by the Authority against the backdrop of the other Applications. It was noted that one of the primary advantages of this proposal is that only one plant (to be accommodated in a relatively small area) will serve the Greater HTH Area as well as Jamestown Area and that in this instance, fluctuations from the 80 houses (roof-run-off currently connected to the network) will not affect the plant as will be the case with the proposed HTH Facility. The Authority noted that in their opinion there is significant potential for planning gain however acknowledges that this will require accurate engineering and proper mitigation which may require the input by various experts and that this can be conditioned.</p> <p>It was pointed out at this stage that there was considerable misperception in the public eye in terms of this proposal such as that it will be an open sewer line which will affect Jacob’s Ladder irretrievably along with the misperception that it will cause a nuisance and health risk. It was further noted that this proposal is merely to lay an underground pipeline in proximity of the Ladder (whether below or adjacent), due to the benefit the Ladder route will provide for construction and it also being the shortest descent, which will carry nutrient rich effluent, similar to water, down to the proposed Jamestown Facility and as such will not have a risk to block up as solids will be screened before the discharge of the effluent to Jamestown from where it will be pumped out to sea to enable bio-degradation.</p>	<p><b>CPO</b></p>

Mr Andrew Pearce, who had asked permission previously, was given an opportunity to address the Authority prior to their decision. He referred to the matter of the environmental assessment which was highlighted previously and again questioned if there was a conflict of interest between the Applicant and the CPO. He requested that members stand by the decision made in January.

Mr Cyril George had also asked permission and was given an opportunity to speak. Mr George mainly asked for clarification of some salient points which Members of the Authority and CPO clarified. He then requested about the opportunity to recycle effluent for irrigation purposes. The Deputy Chairperson called upon the Connect St Helena representative in the meeting to clarify. In his reply, the Operations Director referred to the health hazards and regulations restricting recycling of treated effluent. Mr George was satisfied with these explanations.

The Deputy Chairman invited comments and final decision from members for referral to Governor-in-Council who agreed with the Recommendations as proposed by the CPO based on the extensive assessment conducted.

**Resolution:** Refer to Governor-in-Council Application 2016/136 for Refusal with Reasons and Applications 2016/137 and 2016/138 for Approval with Conditions.

**D. Approvals by CPO under Delegated Power - Nil**

**E. Minor Variations**

The following six (6) Development Applications were approved as Minor Variations by the Chief Planning Officer.

**Application 2016/172/MV4:**

- Requested : Minor Variation
- Proposal : Remove Partition between Storage and Cooler Room
- Location : Ladder Hill
- Applicant : Rosie Bargo
- Official : R de Wet (CPO)
- Status : Approved on 13 November 2017

<p><b>Application 2016/172/MV5:</b></p> <ul style="list-style-type: none"> <li>– Requested : Minor Variation</li> <li>– Proposal : 150mm Pipe for Stormwater</li> <li>– Location : Ladder Hill</li> <li>– Applicant : Rosie Bargo</li> <li>– Official : R de Wet (CPO)</li> <li>– Status : Approved on 13 November 2017</li> </ul>
<p><b>Application 2016/172/MV6:</b></p> <ul style="list-style-type: none"> <li>– Requested : Minor Variation</li> <li>– Proposal : Canopy over ground Floor</li> <li>– Location : Ladder Hill</li> <li>– Applicant : Rosie Bargo</li> <li>– Official : R de Wet (CPO)</li> <li>– Status : Approved on 15 November 2017</li> </ul>
<p><b>Application 2016/57/MV5:</b></p> <ul style="list-style-type: none"> <li>– Requested : Minor Variation</li> <li>– Proposal : Replace Wooden Doors &amp; Frames with Aluminium</li> <li>– Location : Longwood Enterprise Park</li> <li>– Applicant : ESH</li> <li>– Official : R de Wet (CPO)</li> <li>– Status : Approved on 13 November 2017</li> </ul>
<p><b>Application 2016/57/MV6:</b></p> <ul style="list-style-type: none"> <li>– Requested : Minor Variation</li> <li>– Proposal : Install Roof Ventilators</li> <li>– Location : Longwood Enterprise Park</li> <li>– Applicant : ESH</li> <li>– Official : R de Wet (CPO)</li> <li>– Status : Approved on 14 November 2017</li> </ul>
<p><b>Application 2016/57/MV7:</b></p> <ul style="list-style-type: none"> <li>– Requested : Minor Variation</li> <li>– Proposal : Small Canopy over Main Entrance Door</li> <li>– Location : Longwood Enterprise Park</li> <li>– Applicant : ESH</li> <li>– Official : R de Wet (CPO)</li> <li>– Status : Approved on 16 November 2017</li> </ul>

**F. Any Other Business**

<b>1)</b>	<b>Half Tree Hollow Housing Applications</b>	<b>CPO</b>
-----------	--	------------



	<p>A Member enquired about the connection to the sewage system of developments in HTH and specifically relating to restrictions by Connect Saint Helena in terms of connection to the existing facility.</p> <p>The CPO highlighted various ways of potentially dealing with this matter and requested that Members consider these for discussion at a later stage. The Deputy Chairperson highlighted at this point that this matter was discussed by the Authority during 2012 or 2013 and that, from what he can recall, it was decided at the time to include a condition to restrict occupation unless the development can be connected to a suitable facility.</p> <p>It was Agreed that this will finally be discussed and the approach confirmed once applications are tabled. The Planning Office in the meanwhile will notify prospective Applicants with regards to the possibility of restrictions and impacts relating to sewer connections specifically within the greater HTH Area.</p>	
--	--	--

**G. Closed Items**

**H. Next Meeting**

The next LDCA Meeting is scheduled for <b>Wednesday 29 November at 9:00</b> at the Education Learning Centre, Jamestown	<b>CPO / S</b>
---	----------------

**I. Closing**

The Deputy Chairperson thanked Members for their attendance. The meeting closed at 11:50 hrs.	
--	--

**Signed by the Deputy Chairperson of the Authority, as a true reflection of the Meeting.**

\_\_\_\_\_  
**Chairperson to the LDCA**

\_\_\_\_\_  
**Date**