

## 4.0 PLANNING CONTEXT

### 4.1 INTRODUCTION

This Chapter of the ES provides:

- A summary of the current planning and legislative context on St Helena of relevance to the EIA for the Airport and Supporting Infrastructure scheme;
- Issues arising from the Airport Development Ordinance; and
- A summary of key planning policies relating to the airport and its supporting infrastructure.

This chapter should be read in conjunction with Figure 4.1 which identifies the boundaries of areas designated in the St Helena Land Development Control Plan (LDCP, Adopted 2007).

### 4.2 PLANNING CONTEXT

Development permission for the airport and related infrastructure will be required. An application will be submitted to the Governor in Council accompanied by this ES and other supporting material.

#### 4.2.1 Airport Development Ordinance

The Airport Development Ordinance came into force in September 2006. This Ordinance makes provisions to facilitate the design, construction and operation of an airport in St Helena. Under sections 4 and 5 power is given (subject to safeguards) to designate any land as an Airport Development Area (ADA).

The effect of this, under the subsequent provisions of the Ordinance, is to enable the Governor to grant exemptions from certain existing laws which (though entirely appropriate for general application) were enacted without contemplation of the possibility of an airport development and which otherwise might impede the project.

The Ordinance states that nothing done in an ADA with the consent of the Governor in Council shall be held to be in contravention of the Land Planning and Development Control Ordinance. (A similar exemption applies to other Ordinance listed in section 7 of that document.)

Applications for development permission on St Helena are normally submitted to the Land Planning and Development Control Agency (LPDCA) which assesses all submissions, taking advice from a range of other governmental authorities including the Environmental Co-ordinator (ECO) who advises on environmental implications of the development. The ECO is also a member of the LPDCA. Under the Airport Development Ordinance, development control responsibilities for the Airport and supporting infrastructure pass to the Governor in Council. (The Ordinance does not enable the Governor in Council to take ownership or possession of private land. That can only be done using the Land Acquisition Ordinance 2006, which contains provisions for the payment of compensation

in such cases. SHG is responsible for obtaining Development Permission for the works.) In this instance the process of designating the ADA and seeking development permission are being undertaken simultaneously.

## 4.2.2 St Helena Land Development Control Plan

The LDCP sets out the St Helena Government's land use planning policies. It aims to guide development and provide policies and criteria for what is or is not acceptable.

### 4.2.2.1 *The LDCP and National Strategic Objectives*

The LDCP is guided by the following National Strategic objectives which are set out in the St Helena Strategy:

- Improve access to St Helena – the aim is to provide more reliable, frequent and effective access, and provision of air access is a priority;
- Improve the standard of education for the people of St Helena – the provision of air access will have a role to play in improving access to tertiary education facilities abroad, as well as stimulating growth in the local economy to provide the basis for improved education and training at home;
- Development of a sustainable and vibrant economy for the benefit of St Helena – the provision of air access and the resulting development of the tourism sector and related activities is one of the key rationales underlying the development of the airport;
- Develop a healthy community in a safe environment – the provision of air access will help to provide the basis for improved cost effective health facilities on the island through the expansion of the population base. The scheme will also provide emergency evacuation facilities for critically ill people. Safety issues have been fundamental to the design and form of the scheme;
- Promote and develop a sustainable workforce – the development of the airport has a key role to play in achieving this objective through the stimulation of economic growth; and
- Continue to develop and establish the democratic and human rights and self determination of the people of St Helena – one of the aims of air access is to enable the island to work towards financial independence, enhancing the possibilities for self determination. The wide-ranging public consultation activities for the airport scheme mean that local people have been extensively involved in the development of the proposals.

These strategic objectives are translated into a 'vision' for St Helena. The vision is for 'continuous improvement in the quality of life for St Helena, achieved through:

- Sustainable growth in its economy.
- Improved social, living and cultural facilities.
- The steadfast protection of its environment.'

### 4.2.2.2 *Relevant LDCP Policies*

Within the broad strategic context summarised above, a set of specific policies have been set out in the LDCP. Policies of relevance to the airport and its supporting infrastructure are summarised in Table 4.1 below. Of particular note are the policies specific to Air Access and for the protection of the environment. Other policies of relevance include those relating to infrastructure associated with the airport including access/haul roads, service infrastructure and temporary construction compounds and accommodation facilities.

**Table 4.1 Summary of LDCP Policies**

Policies	Summary
Access: A2 to A5	A2 - reserves land at Prosperous Bay for an airport A3 – requires that an Environmental Statement must be prepared and sets out the information that it must include. A4 – states that the application for the airport must be accompanied by a comprehensive set of plans illustrating all key components of the airport. An Environmental Management Plan must also be prepared. A5 - The details of all off-site infrastructure must be agreed by the Agency.
Service Infrastructure: SI2 to SI7	SI2 – Encourages electricity generation from non-fossil fuels SI3 – requires that electricity distribution by pole mounted cables considers effects on landscape and townscape SI4 – refers to the methods of electricity distribution in Conservation Areas or National Protected Areas SI5 – protects groundwater SI6 - encourages communal systems of drainage and discourages the use of septic tanks SI7 – refers to developments which would place significant additional demands on service infrastructure.
Agriculture and Forestry: AF1	Change of use which involves the loss of any area of land in excess of 0.4 hectares which has been used for productive Agriculture and Forestry since January 2007 will be refused, with the exception of a limited number of tourism development sites.
Quarrying and Waste Disposal: Q1 to Q3 W1 W2	Q1 - restricts quarrying operations other than that which may be agreed in connection with the construction of the airport or wharf. Q2 - refers to policies A3 and A4 (see above) Q3 - refers to the need for an EIA of a possible quarry in Rupert's Valley W1 – restricts the development of new waste disposal sites other than for bulky materials W2 – requires an EIA for a proposed waste disposal site for bulky refuse.
The Green Heartland: GH1	Planning permission will not be granted for new development in the Green Heartland other than for essential development related to agriculture, forestry, outdoor recreation, tourism and nature conservation or interpretation.
The Coastal Zone: CZ1, CZ2	CZ1 - With the exception of the sites allocated in the Plan for specific purposes ..., permission will not be granted for new development in the Coastal Zone other than for agriculture, forestry, outdoor recreation, tourism and nature conservation or interpretation. CZ2 – buildings in coastal zone should have due regard to maintaining coastal views.
Intermediate Zone: IZ1	There is a presumption in favour of development in the Intermediate Zone, subject to the requirements of the policies in the rest of the Plan.
Employment E4 and E6	E4 - Identifies Rupert's as an area for employment creating development and restricts house building. E6 – Identifies land at Bradleys for employment creating development.
Tourism T3 and T7	T3 – Promotes conversion of buildings for tourism uses. T7 – Presumption against development that would significantly detract from important views.
Listed buildings and conservation: areas CB1 to CB6 CB11	CB1 to CB6 – provide protection for listed buildings. This includes both physical damage and effects on their setting. CB11 – refers to information which must be provided for applications affecting listed buildings and Conservation Areas.
Natural Environment: CN1 to CN3	CN1 – No development in National Protected Areas unless it assists with the conservation or appreciation of geological or wildlife attributes. The airport is exempt and subject to separate policies (see above) CN2 – Presumption against development affecting the Wirebird. CN3 – refers to development affecting possible Wetlands of international Importance.

Policies	Summary
Transport TR1 to TR3	TR1 – need to consider improvements to access or highway improvements for certain developments with more than 100 visitors per day. TR2 – developments falling within the requirements of TR1 will require a traffic impact statement. TR3 – requirement for off street parking.
All Development: AD1 to AD9	AD1 – provides a general checklist of matters against which planning applications will be considered AD2 - development will not be permitted if it unduly damages the landscape or nature conservation interest and in particular endemic species or their habitats AD3 – protects trees AD4 - refers to requirements for landscaping including management of spoil, planting and boundary treatment. AD5 – development will not be permitted which would prejudice the effective use of adjoining land AD6 – refers to services which must be provided as part of development proposals including water, electricity, sewerage and pedestrian / vehicular access. AD7 – refers to external lighting and light pollution AD8 – refers to sustainable development and encourages the reduction of finite resources such as energy, water, timber and aggregates. AD9 – refers to the need for EIA for certain types of application.

### 4.2.3 Other St Helena Environmental Legislation, Policies and Strategies

The St Helena Environment Charter is the key high-level commitment of intent that informs all development policies and strategies. The Charter has been signed by both SHG and Her Majesty's Government in 2001. The Charter contains Guiding Principles including commitments to contribute towards the protection of the global and local environment. The Charter includes commitments from the UK Government and SHG including a pledge to abide by the Rio Declaration<sup>1</sup> on the Environment.

The Environment Charter is overseen by the EACF (Environmental Advisory Consultative Forum) which is made up of representatives from SHG, Non-governmental Organisations (NGOs), the private sector, the Governor's Office and Legislative Council to provide a cross sector forum to fulfil the first commitment of the Environment Charter. In addition, the island has had a number of Multilateral Environmental Agreements extended to it by the UK Government including, for example CITES<sup>2</sup> convention to Ramsar<sup>3</sup> and other issues based international initiatives for environmental protection.

<sup>1</sup> The Rio Declaration is a set of 27 principles covering environmental protection and responsible development. These legally non-binding principles define the rights of people to development, and their responsibilities to safeguard the common environment. The Declaration recognises that the only way to have long term social and economic progress is to link it with environmental protection and to establish equitable global partnerships between governments and key actors of civil society and the business sector.

<sup>2</sup> CITES (the Convention on International Trade in Endangered Species of Wild Fauna and Flora) is an international agreement between Governments. Its aim is to ensure that international trade in specimens of wild animals and plants does not threaten their survival.

<sup>3</sup> The Convention on Wetlands, signed in Ramsar, Iran, in 1971, is an intergovernmental treaty which provides the framework for national action and international cooperation for the conservation and wise use of wetlands and their resources.

A further new policy instrument for environmental protection is the National Parks Ordinance which has been developed to assist in the definition and protection of environmentally significant areas and zones.

It should be noted that the Airport Development Ordinance grants powers such that nothing done within an ADA with the consent of the Governor in Council shall be held to be in contravention of Ordinances for Electricity, Health and Safety, Telecommunications, Highways, Road Traffic, Water, and Forestry.

Within the legislative/planning hierarchy, a further new instrument has been published. This is the Sustainable Development Plan for the island which has been prepared by the economic strategy section within SHG. This sets out the policy environment for decision making at the macro level and endeavours to ensure that sustainable economic principles are embedded into all development decisions and strategies for the future.

In preparation for the development of the airport SHG has put in place a number of other policies. These include the Tourism Policy for St Helena (effective from 1 January 2007), the Investment Policy for St Helena (effective from 26 February 2007), and the Land Disposal Policy (effective from 12 March 2007). These policies are not directly related to the construction and operation of the airport but they do have important implications for development spinning off from improved access to the island and the potential cumulative effects of the airport and other development activity.

#### **4.3 SUMMARY**

The designation of an ADA overrides much of the policy and legislation on St Helena. However, the policy and legislation summarised above has provided guidance during the design of the scheme including the need to avoid proposed protected areas and the development of mitigation measures set out in other chapters in the ES and the EMP. Policy and legislation have also been used to inform the assessment of impacts including their significance. More specific and detailed information is provided in the chapters of this ES which follow.