

ANNEXURE D

Farm Lodge Country House Hotel
Rosemary Plain,
St. Paul's

Chairman
Land Development Control Board

Alfred Isaac
Planning Officer
Essex House

Secretary, Land Development Control Board
Land Development Control Plan
Essex House

9th November 2011

Dear Sirs

Re: Development zoning of land adjacent to Thompson's Hill

We write as a matter of urgency concerning the zoning of certain land as purported by law pursuant to the current Land Development Control Plan (LDCP) 2006 (dated 17 January 2007). The land in question consists of a number of undeveloped plots located on the hillside above Farm Lodge on Thompson's Hill, East. We have been informed that some of these plots have been sold by the former owner to prospective house builders.

Our principle concern is that this land was known and advertised as being Green Heart Land in January 2005. This is evidenced by the photograph of the LDCP map displayed in the Castle on the 7th January 2005, here supplied with the boundaries as shown (see annex A). By the 2007 edition of the LDCP the relevant land had been incorporated into the Intermediate Zone (see annex B). In 2009 we sought an explanation of the process which purported to allow this change and we did not receive a response until April 2011. That response failed to address our query and we must now treat this matter with a heightened sense of concern as we think this alteration of zoning was not lawfully conducted.

Please find the land in question delineated in red at annex A and to further assist your consideration we have annexed relevant background correspondence and summarise it here:

Annex C: Our correspondence dated May 2009: On discovering that this land was purportedly placed in the Intermediate Zone rather than, as advertised, in the Green Heart Land we wrote to highlight the discrepancy and requested that an account of the alteration be provided. We stressed that the change seemed not to have been advertised and that if it had been we would have objected as residents, as proprietors of an adjacent hotel and as citizens concerned to preserve the Green Heart Land characteristics of that site. In particular we made clear that any development would adversely affect the view of the landscape, would struggle to dispose properly of effluent, would scar the hillside irreparably, would be out of keeping with the visual amenity of the area, would potentially invade the privacy of our hotel's clientele and lastly would be inconsistent with the Tourism Marketing Plan's call for '**conservation conscious development**'.

Annex D: Earl H. Henry, Deputy Planning Officer's reply dated 2nd July 2009: This letter acknowledges receipt of ours dated May 2009 but declines to respond substantively in the

absence of the Planning Officer. It was indicated that a response could be expected in September 2009 but none was ever received.

Annex E: Email trail showing chaser and response dated 27th and 28th April 2011 respectively: Although apologising for the lack of response none was given other than with reference to the then upcoming revision of the draft LDCCP.

In view of our continuing dissatisfaction in this matter we must now make the following requests:

To the Chairman of the Land Planning and Development Control Board,

We ask that the Board commission its officers to provide an account of how the land in question came to be moved from the Green Heart Land to the Intermediate Zone and to establish whether, with regard to due processes, this change was lawful.

We don't doubt that lawful modifications have a clear 'audit trail' we ask only that such be evidenced to us and its legality confirmed.

To the Planning Officer,

We ask:

- (i) That we be informed, without delay, as to whether any development permissions have been granted in respect of the land in question and if they have been that the details be copied to us.
- (ii) That we be advised as to whether any such applications are pending consideration.
- (iii) That this letter be taken as standing notice of our interest in the development of relevant land and that we be notified if any such application is received in the future.

To the Secretary of the Land Planning and Development Control Board,

We ask that, in relation to the land identified by the panned boundary at annex A this letter be taken as a formal contribution to the current draft Land Development Control Plan as supporting the inclusion of that land in the Green Heart Land Zone as we believe any development of it would:

- 1) Have a major environmental impact on the view of Thompson's Hill from the east (ie Rosemary Plain etc) and we would suspect development would threaten the skyline.
- 2) Have no availability for the disposal of sewage, grey water etc other than to discharge it down the hill in the direction of the private property of Farm Lodge Country House Hotel.
- 3) Scar the hillside irreparably, especially if the "pushed out dirt" was allowed to go down the hill.
- 4) Not be in keeping with the preservation of the visual amenity of the area known as Rosemary Plain
- 5) Potentially be deemed an invasion of the privacy of our hotel's guests.

- 6) Conflict with the Tourism Master Plan's emphasis to "offer nature orientated holidays based around natural resources (and the) largely unspoiled nature of St. Helena inland" and the stress there given to protecting environmental needs "whilst maximising the opportunities for tourists to enjoy it through selective and **conservation conscious development**"

While this paragraph, the one above and the six points in between will necessarily constitute our contribution to the Public Consultation we leave it to your discretion as to whether to redact from that submission the parts of this letter that do not otherwise directly relate to it.

To all addressees,

Due to the closeness and proximity of this parcel of land, if used for building, is such that it will visually and aesthetically seriously impair the ambience of the setting of the nearby East India Company Grade 1 listed Planters House known as Farm Lodge.

We feel that the spirit in which the Ordinance is written is such that the Green Heartland should be enjoyed by the majority. In this case, by the removal of this particular block of land from Green Heartland into Intermediate Zone would only benefit a minority to the detriment of the majority and as such should be returned to its original Green Heartland status.

We stress our very real concern in this matter and ask that we be provided with acknowledgement of receipt of this letter and confirmation that the requests can be met as expeditiously as possible.

We advise also that this letter is copied to the HE Governor Capes as a matter of courtesy because we have requested that a public body (the LDCB) require Public Officers to provide an account of lawful process in relation to this matter.

Yours faithfully

Stephen Biggs & Maureen Jonas

cc: HE Governor Capes

Enc: Annex A: Photograph taken of relevant LDCP on 7/01/2005.
Annex B: Photocopy of the current LDCP as purportedly in force at this time.
Annex C: Mr. S Biggs's letter to Planning Officer (May 2009).
Annex D: Deputy Planning Officer's response dated 2 July 2009.
Annex E: Email correspondence between Mr. S Biggs and Director, Infrastructure and Buildings (April 2011)