

**Memorandum for Executive Council**

**SUBJECT** **Development Application – Rockfall Mitigation Work in James Valley and Rupert’s Valley**

Memorandum by the Chief Secretary

**ADVICE SOUGHT** 1. **Executive Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, for the Rockfall Mitigation Works at James Valley and Rupert’s Valley as recommended by the Land Development Control Authority (LDCA).**

**BACKGROUND & CONSIDERATIONS** 2. At the Land Development Control Authority meeting held on 6 November 2019, it was recommended that Full Development Permission be granted for the Rockfall Mitigation Works at Jamestown Valley and Rupert’s Valley, subject to conditions as set out in Section C of the 6 November Report in Annex A and the Decision Letter in Annex B.

3. In accordance with the directions issued by the Governor in Council to the Chief Planning Officer on 14 April 2014 under Section 23(1) of the Land Planning and Development Control (LPDC) Ordinance, 2013, the Chief Planning Officer is required to refer to the Governor-in-Council all applications for Development Permission for projects which are included in the current or proposed Capital Programme projects as clarified in paragraph 6 and 7 of the April 2014 letter.

4. A copy of the directions is attached at Annex C for easy reference.

5. **Section 17 of the Ordinance** reads:

(a) Outline Development Permission, the effect of which is to give **Approval in Principle** to the proposed development which is the subject of an application, but not to permit (except to the extent, if any, allowed by conditions attached to the permission) commencement of development to take place, or

(b): full development permission, the effect of which is to permit the development, subject of the terms and conditions of the grant of full development permission.

## Open Agenda

6. The following are the relevant Primary Policy clauses from the LDCP that are applicable in respect of this development and these include:

- Nature Conservation Area
- **Coastal Zone:** CZ1, CZ6
- **Intermediate Zone:** IZ1, IZ2
- **Built Heritage:** BH1, BH6

Whilst the proposed development has some direct and indirect implications in respect of the policy identified for consideration, it is considered that the general principles of the policies are not being compromised. In the spirit of wider protection of the built and natural environment of the Island and the promotion of heritage and nature conservation, these policies would support the proposed rockfall mitigation.

## 7. RATIONALE BEHIND THE PROPOSAL

7.1 Rockfall hazards have been a fact of life on St Helena and extensive protection measures that have been carried out since 2008 have eased fears, but still significant concerns remain. A site visit in 2018 concluded that based on the observations by the Engineers and discussions with SHG Rock Guards no significant changes to the outcrops have occurred in the previous 12 months, as such the current issued risk assessments and mitigation measures/management actions are still current for Jamestown Valley West and Rupert's Wharf. Additional remedial works are required on Jamestown Valley East on the catchment fence bases displaying erosion to slow/stop the erosional process. Therefore, the proposed further mitigation works outlined in the Fairhurst Rockfall Mitigation and Management Strategy 2017 aim to reduce the risk of future serious rockfall events.

7.2 The proposed rockfall mitigation works are intended to ensure greater safety and protection to people and property. It is recognised that there is a need for a level of sensitivity for works in areas of historic and heritage importance. The previous mitigation works undertaken whilst having some visual impact on the landscape, have become an acceptable feature. It is also recognised that health and safety is important for the future economic prosperity of the Island and these will ensure a level of protection.

7.3 The details of the proposed protection works is mainly located in five main areas in Jamestown and Rupert's, namely; James Wharf, James Valley West-side, Rupert's Wharf, Rupert's

## Open Agenda

Valley East-side and Rupert's Valley West-side and works include catchment fences and netting. These works are similar to the previous mitigation work undertaken around Jamestown on both sides of the valley.

7.4 The Sustainable Economic Development Plan (SEDP) for Saint Helena sets out the strategic vision for the island to 'achieve development which is economically, environmentally and socially sustainable by increasing standards of living and quality of life; not relying on aid payments from the UK in the longer term; whilst affording to maintain the island's infrastructure; achieve more money coming into St Helena than going out and sustain and improve St Helena's natural resources for this generation and the next.'

7.5 To achieve this vision, the SEDP sets a goal to improve infrastructure' by 'using tax revenue and other funding streams for investments to improve health, education, water, electricity, transport, risk management and other infrastructure.

7.6 The improvement in the safety and protection of the community and places of living and working is an important element of the future economic growth and prosperity of the Island. Improving safety and protecting life and property falls within the vision of the SEDP and 10 Year Plan and the on-going programme for improving safety through rockfall mitigation is essential.

## 8. BACKGROUND OF THE DEVELOPMENT APPLICATION AND REPORTS

8.1 Prior to the submission of the development application, Screening Opinion for a Environmental Impact Assessment (EIA) was requested by the applicant to assess the potential impact of these works on a number of environmental receptors. It was considered that there were a number of receptors that would have some impact during the construction of the mitigation works in respect of noise, dust and ecology, however these are considered to be minimal and through remedial action their impact can be reduced. Regarding ecology, it is important to ensure that work is undertaken when there is unlikely to be any breeding birds nesting within the cliff face. Similarly with the installation of netting this may have some impact on nesting birds that may nest within the cliff face and these birds would need to be located elsewhere. However, there is little evidence that there is any significant activity. In view of the information provided in the Screening Opinion it was concluded that full Environmental Impact Assessment in respect of proposed development was not required. However, there would be a

## Open Agenda

requirement for an Environmental Management Plan or a Contractor's Environmental Management Plan should be prepared and approved prior to the works commencing. These Plans should identify all potential environmental impacts and the mitigation measures that will be used to avoid or minimise these impacts.

8.2 The rockfall mitigation measures are similar to those previously undertaken in the Jamestown area and whilst there is some visual intrusion from the catch fences and netting on the landscape, over time these have become an accepted feature in many locations and further extension of these installations are considered to be acceptable.

### 9. DETAILS OF THE DEVELOPMENT

9.1 The areas and locations covered by the development application are shown in Diagram 1 below and the full nature of the proposed works include;

- The installation of rock catch fences of low and medium capacity, up to 4m high in both Jamestown Valley and Ruperts Valley;
- The installation of a small rockfall catch fence above Jamestown Wharf and immediately below the existing retaining wall of Mundens Path;
- The installation of high capacity rock fall netting on the cliffs above Ruperts Wharf;
- The installation of draped rockfall netting above Ruperts Wharf and on the Airport Link Road and,
- The construction of a rock trap at the toe of the slope adjacent to Ruperts Wharf.

9.2 Additionally the following works may also be required:

- Localised scaling, rock reinforcement and anchor dowels and cable strapping.

9.3 The length of existing fences within Jamestown totals at approximately 4,608m, with a maximum height of 4m above ground level. The length of the proposed new fences within Jamestown Valley is 890m (< 20% increase on the exiting total fence length). The total length of fences within Ruperts Valley is approximately 1,305m, with a maximum height of 4m above ground level. However, none of the proposed fences exceed the maximum height of existing rock fall protection fences.

**Diagram 1: Site and Location Plan**



## 10. REPRESENTATION

10.1 No representation has been received in respect of the development application.

## 11. CONCLUSION

11.1 There is a positive social and economic impact arising from the proposed development as it will ensure greater protection to life and property from rockfall for number of areas that are built up to slopes.

11.2. There are two burial areas of 'slave graves' within Ruperts that would be affected by the proposal. However, the proposals have been amended to have regard to the sensitivity of this area.

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## Open Agenda

Fences are all proposed above the known area and are to be drilled into rock as opposed to soil, therefore very low to no impact on the site, creating a buffer around the edge of the affected area.

11.3 The Chief Environmental Officer (CEO) has raised no objection to the proposal and is in agreement that after the assessment of the EIA Screening Opinion that full EIA is not required in respect of this development. This is in light of the previous report and the protection works undertaken.

11.4 In view of the process that has been followed to ensure the development proposal is considered in light of all the available information, the LDCA recommends to the Governor-in-Council to grant Full Development Permission with a number of conditions, as set out Section C of the LDCA report for 6 November 2019, attached as Annex B to this Memorandum. It should be noted that part of this development is within the Heritage Conservation Area and the area is supported by strategic vision of the SEPD.

### **FINANCIAL IMPLICATIONS**

12. Executive Council acts as the Planning Authority in this case.

### **ECONOMIC IMPLICATIONS**

13. The primary economic benefit of the rockfall mitigation measures is the reduction in risk of death, injury and damage to property (including historic buildings) that would be caused by a rockfall event. The probability of an event occurring, the specific location of the event and the time which it occurred would all influence the potential impact. For this reason, SHG has not attempted to place a monetary value on this benefit.

14. In addition, rockfall protection measures in the Ruperts Wharf area are a critical enabling step toward operationalising Ruperts for cargo handling. Fully relocating cargo handling operations to Ruperts will save SHG £500,000 in costs for transporting cargo from Ruperts to Jamestown Wharf. This will also open up Jamestown Wharf for more economically beneficial development.

15. While the project will be implemented by external contractors, there will be benefit to the local economy from local individuals employed by the primary contractor as part of the project. In addition, retailers, service providers, hire car owners and accommodation providers will benefit from additional business from the team who come on-Island to complete installation of the mitigation measures.

16. The rockfall mitigation project will ensure that an historic area

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## Open Agenda

and buildings will be protected from potential damage that can be caused by rock fall and ensure it continues to contribute to the economic well-being of the Island through jobs in the construction sector. Furthermore, the project also ensures safety for the local communities and visitors.

### **CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES**

17. The development and delivery of the Capital Programme for the wellbeing of the Island and its assets is consistent with the Investment policy. The following principles apply:
1. Make St Helena a desirable and competitive destination to do business by removing barriers to investment.
  2. Promote fair, consistent and transparent decision making.

### **PUBLIC / SOCIAL IMPACT**

18. Ensuring that the historic environment of the Island and its assets are protected from potential damage from rockfall creates a positive social impact for the Island and the development makes a positive contribution to wider visual enhancement in the landscape.

### **ENVIRONMENTAL IMPACT**

19. Ensuring that historic buildings and built heritage assets are continued to be protected and make a positive contribution for the environment and creates confidence for future investment.

### **PREVIOUS CONSULTATION / COMMITTEE INPUT**

20. The development application was advertised for a period of 14 days to seek comments from the community and stakeholders on the development proposal.
21. Key Stakeholders have responded and their views have been considered by LDCA.

### **PUBLIC REACTION**

22. There were no representations received from the general public to the consultation.
23. This could possibly generate public and media interest once the rockfall mitigation works are completed.

### **PUBLICITY**

24. The decision will be covered in the media briefing following the ExCo Meeting.

### **SUPPORT TO STRATEGIC OBJECTIVES**

25. This paper supports the Effective Infrastructure goal and Strategic Objective 1.1 – ‘Ensure effective investment in physical infrastructure’. It also supports the Altogether Wealthier goal and Strategic Objective 3.1 Ensure sustainable economic development.

## Open Agenda

**LINK TO  
SUSTAINABLE  
ECONOMIC  
DEVELOPMENT  
PLAN GOALS**

26. Goal 7 of the SEDP is to improve public infrastructure, to provide an environment that promotes investment.

*SOB*

**OPEN /CLOSED  
AGENDA ITEM**  
Corporate Support  
Corporate Services

27. Recommended for the Open Agenda.

19<sup>th</sup> November 2019

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