

Planning Officer's Report - LDCA December 2019

APPLICATION	2019/89 – Proposed Construction of access Road
PERMISSION SOUGHT	Permission in Full
REGISTERED	8 October 2019
APPLICANT	Stephen McDaniel
PARCEL	NG0264, NG0371 & HTH1025
SIZE	
LOCALITY	Donkey Plain and Breakneck Valley
ZONE	Intermediate Zone, Coastal Zone
CURRENT USE	Access track and open space
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none"> ▪ Independent Newspaper on 11 October 2019 ▪ A site notice displayed in accordance with Regulations.
EXPIRY	25 October 2019
REPRESENTATIONS	None Received
DECISION ROUTE	Delegated/ LDCA/ EXCO
PREVIOUS APPLICATIONS	None

A. CONSULTATION FEEDBACK

1. Water Division	No Objection
2. Sewerage Division	No Objection
3. Energy Division	No Objection
4. St Helena Fire & Rescue	No Response
5. St Helena Roads Section	No Objection
6. Heritage	Objection
7. Environmental Management	No Objection
8. Public Health	No Response
9. Agriculture & Natural Resources	No Response
10. Property Division	No Response

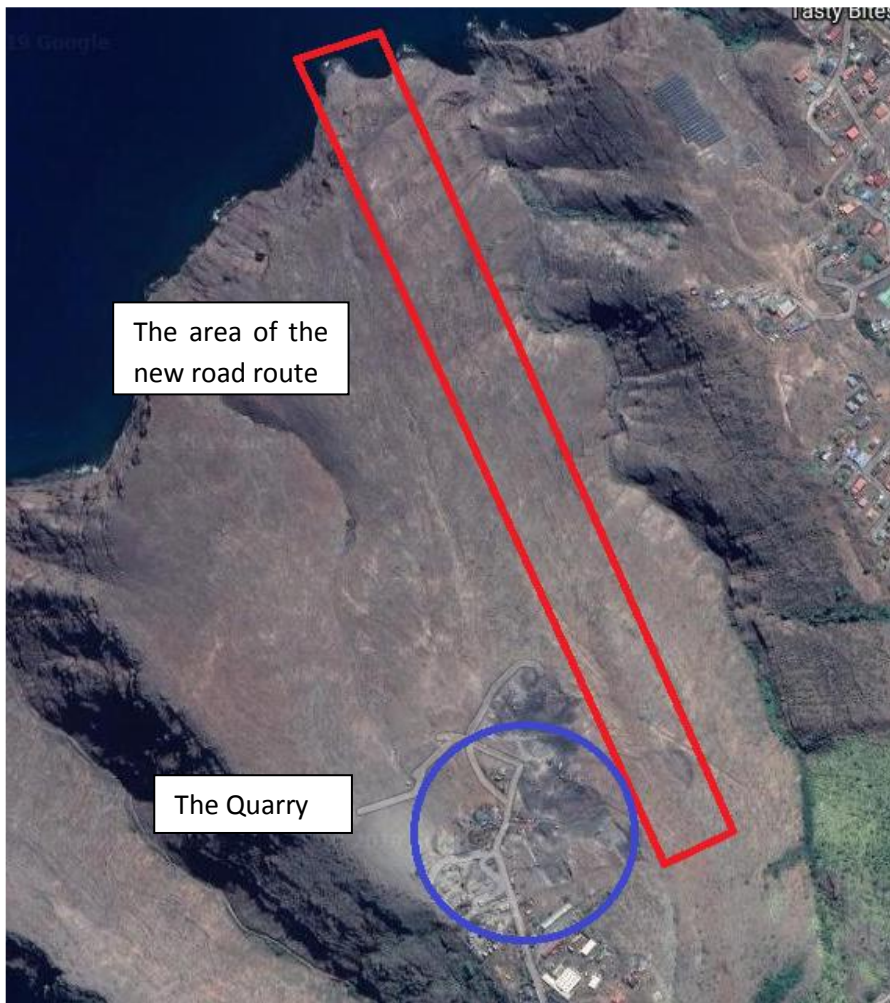
11. St Helena Police Services	No Response
12. Aerodrome Safe Guarding	Not Consulted
13. Enterprise St Helena (ESH)	No Objection
14. St Helena National Trust	Objection

B. DEVELOPMENT DETAILS SUMMARY

Proposed Development: The applicant operates a quarry in the Donkey Plain and Breakneck Valley area and is seeking to construct a private access road from the site to the shoreline to transport the materials excavated from the quarry at Hickshall Point. It will be for the sole use of the operator. The quarry provides vital material for the construction industry on the Island. Currently the excavated materials are transported in large lorries by road and have to travel through the town. The new road would provide an easily accessible route to transport material via the sea.

Part of the application site is within the Coastal Zone, however there are on other heritage or conservation designations affecting the development.

Diagram 1 & 2: Location Plan

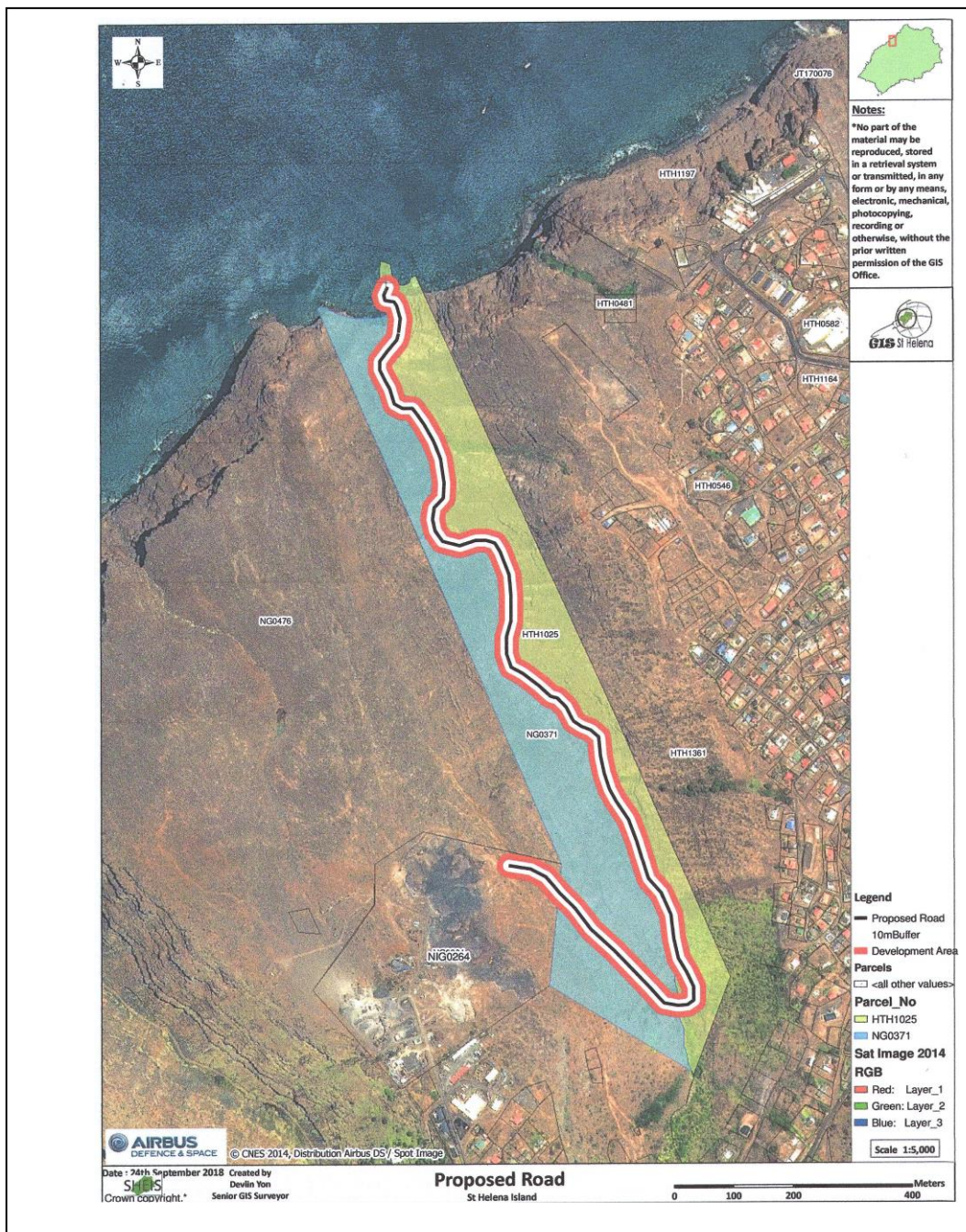


Location: The location and the area to be covered by the new road is through Breakneck Valley, as shown in the plan. Part of the area is access track created through it use by walkers. However, in more recent years the area is now less used by walkers, so much of the original track may now be well over grown.

Proposes Proposed: The applicant is intending to create an access road that is usable by heavy goods vehicles. The construction is very much like number unconstructed access roads around the Island. The material used for the construction will be mostly materials excavated from the quarry to compressed and rolled so it will provide natural drainage. To allow for accessibility and gradient, there will some rack blasting to create a route usable by large vehicle.

**Dia
gram 2:
Propose
d Road
layout**

Backgro
und: It has been consider ed that in respect of this propose d develop ment no Environ mental Impact Assessm ent (EIA) is required . Prior to the submissi on of the



development application, the applicant submitted a request for Screening Opinion in compliance with the EIA requirement. The Screening Opinion undertaken in this respect concluded that whilst there is some environmental impact arising from the proposed construction of a road in this unspoilt natural environment, however the nature of the construction and EIA is not required. This view was supported by the Chief Environment Officer and Stakeholders who were consulted on the Screening Opinion. It was requested that the applicant prepares a Construction Method Statement in support of the development application setting out how the construction will be managed and in particular how some of the environment receptors such as noise, dust and scarring will be managed during construction.

As part of the application, the applicant has provided a Construction Method Statement which deals with all these issues. It is considered that if applicant complies with the method statement then these receptors can be adequately managed.

C. LEGAL AND POLICY FRAMEWORK

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

Coastal Zone: Primary Policy CZ1 :

Road and Transport: Policies RT1 RT.4

Representation: Two representations have been received in respect of the proposed development and these are set below:

Heritage Society: The issue raised by the representation relate to the lack of detail provided by the applicant on the road design, the impact of the proposed road to the wall at the bottom of the valley and possible demolition of the wall. It also highlight that the route may of considerable archaeological importance as it was a well-established route to the sea in the 18th century when the wall was rebuilt. Concern also raised in respect of the need for EIA. The respondent also considers that this valley with the construction of a road could potentially be an alternative route for sewage discharge from Half Tree Hollow.

SHNT: The representation raises concern on the impact of the proposed construction on the natural and historic environment, in particular the effect on the historic Break Neck Fortification Wall and the secondly the potential impact on endemic invertebrates. The representation considers that the road approached to the Breakneck shoreline can be realigned to avoid disturbing the wall all together and further assessment can be made once the haul road reaches this chainage and query how the assumption made that there is no heritage significance. Secondly it also consider potential for endemic

invertebrate interest in undisturbed rocky areas or significant Samphire and further assessment is required with suitable mitigation being put in place.

Officer Comments:

There is no doubt that there will be an impact on the natural environment arising from the proposed development, being an area that has been undisturbed by any development activity. Whilst the area is accessible to walker and may have in the past been very popular with fisherman accessing the shoreline, however in recent years this activity has decreased considerable allowing for the nature to take greater hold on the area. When the proposal was first considered, the potential route was walked over by the officers and their observation was reflected in their assessment on the impact and screening opinion.

As regards to fortification wall, which need to be breached in order to access the shoreline at the bottom of the valley. The applicant has indicated that they are prepared to review the exact alignment once the construction reaches that point to see how the wall can be avoided. Through an appropriate worded condition the impact of the access around the wall be reviewed.

As regards to the potential impact on the natural environment and in particular the endemic invertebrates, it is an unfortunate consequence of the development process that there can adverse impact, however through mitigation the potential impact can be reduced. Similarly with an appropriately worded condition the applicant can be required to provide more detailed assessment of the areas along the route of locations where endemic invertebrates could potential found and all effort is made to ensure that these are relocated or the alignment of road can be reassessed to avoid where there is concentration.

PLANNING OFFICER'S APPRAISAL AND RECOMMENDATION

The information provided with the application on the route and design of the new road it has been difficult to make clear judgement, however as the construction of the road is generally a formalised track that is suitable for lorries to access the shoreline with the material and not a primary or secondary public road built to high specification, the details provided are sufficient to assess the proposal in this location.

There is likely to be some impact on the natural and historic environment of the area from the new road, however it is difficult to quantify exactly what the impact will be. Through the inclusion of condition requiring more details on the exact alignment as the construction is progressed the impact can be managed and measure put in place to reduce the impact. Similarly, the exact alignment of the road at the point of fortification wall details of the road around the wall can be assessed.

D. RECOMMENDATION

As the development application is within 50m of the sea, the it is recommended that Governor-in-Council is recommended to **GRANTED** development permission with 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 been begun 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 and Plan dated 8th October 2019, 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) Before any construction work commences on site detail construction method for the new road will be provided and approved by the Chief Planning on behalf of the Land Development Control Authority in order to assess the suitability of the access road for the suitability of the vehicles that be using it.
Reason: To ensure that road is constructed to an acceptable and safe standard for purpose set out in the development application.
- 4) Before any construction work commences, the applicant will undertake a “walk over” along the route 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 Panning Officer on behalf of the Land Development Control Authority.
Reason: To ensure all possible effort is made to protect the endemic invertebrates and reduce the adverse impact on the natural and historic environment..
- 5) Before any work is undertaken within 150m of the fortification wall at the bottom of the Breakneck Valley, detailed road alignment assessment must be

undertaken to align the road to minimise the impact on the of the fortification wall and the details to be provided to approved by the Chief Planning Officer on behalf of the Land Development Control Authority.

Reason: To ensure to all possible effort is made to protect the fortification wall to align the road with a minimum impact on the historic features.

- 6) During construction, particularly where there will be considerable excavation work necessary, archaeological assessment of the area will be made to establish any potential archaeological impact, advice should be taken from qualified archaeological professional and details recorded for historic records.

Reason: To ensure that any potential archaeology in area is not damaged or destroyed and care is taken where deep excavation is being undertaken.

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.