

EXECUTIVE COUNCIL TOP LINES – TUESDAY 14 JANUARY 2020

Commission for Equality and Human Rights (Amendment) Bill, 2020

- ExCo approved the Commission for Equality and Human Rights (Amendment) Bill 2020 to be printed, published and presented as Government business at the next formal meeting of Legislative Council
- The amendment will allow a much more transparent way of identifying Commissioners for the EHRC
- It provides for a more considered and informed approach to appointments and dismissals to/from the Commission; the Governor will no longer be seen to be able to make these decisions carte blanche
- Unanimous support by Members, the Bill was accepted and will be taken forward to finalise.

Background

- Schedule 1 of the Commission for Equality and Human Rights Ordinance 2015, details the procedure for appointments of Commissioners, the Chair and Deputy Chair. It also details the procedure for dismissal of Commissioners. At present these powers of appointment and dismissal are exercised by the Governor without any legal requirement for recommendations to be made to him
- Representations have recently been made by the Equality & Human Rights Commission (EHRC) for the Ordinance to be amended so that recommendations for these appointments and dismissals are made by the Judicial Services Commission (JSC). The EHRC has stated that they consider this will lead to a fairer selection procedure and be more in line with the Paris Principles (benchmarks for national human rights institutions adopted by the United Nations)
- The Amendment Bill brings into effect the EHRC request and means that the Governor can only exercise these powers of appointment and dismissal following a recommendation from the JSC. However the Governor does not have to accept the recommendation
- The JSC is established under Section 94 of the Constitution. It consists of the Chief Justice, the Attorney General, the Public Solicitor and a Lay member. The Chief Justice is the presiding member.
- The Constitution gives the JSC the function of making recommendations to the Governor for appointment and removal of judicial officers and any other function conferred on it by Law. EHRC Commissioners do not fall under the definition of judicial officer in the Constitution. However, given the experience and expertise of the JSC in this area it is considered they are the appropriate body to make recommendations for appointments and dismissals of EHRC Commissioners. The Amendment Bill confers this further function on the JSC.

Development Application – Proposed Coffee Picker Eco-Lodges, Water Storage Ponds, Container Storage Shelter & Pump House for Hunt’s Vale Coffee Estate Development

- Executive Council approved Full Development Permission with Conditions for Coffee Picker Eco-Lodges, water storage ponds, container storage shelter & pump house for Hunt’s Vale Coffee Estate Development as recommended by the LDCA
- ExCo sat as the Planning Authority for this item
- The development makes best use of existing land with minimum excavation
- Good initiative for development of coffee plantation
- An Investment opportunity and good news for St Helena
- Concerns were raised on how the project would benefit our local economy with job opportunities but Members recognised there would be potential for training and local employment which would really support economic development
- Members welcomed this investment, St Helena needs more of this, Aid money is shrinking and if we need to make the most of our economy then we should be seeing more of these developments
- Eco lodges will be used solely for tourist use and not for residential domestic accommodation - this will form one of the Conditions
- Excellent proposal in principle, there is a desire to actually increase exports and enhance our reputation and economy
- The proposed development ticks boxes for renewable power, recovery of water and zero-carbon emissions
- The one objection which was mainly concerned with lack of detail, size of containers, use of eco lodges, visibility of solar panels has been suitably dealt with. Solar panels will be non-reflective and will be a Condition
- Containers and eco lodges will blend in with the surrounding environment
- A concern was raised around the water storage ponds as the water in this area also flows into lower catchments at Chubbs Spring and Members questioned whether this will impact water in the Jamestown area. However it is understood that mitigation measures will be put in place and there have been no objections from Connect
- The development application has been well put together and thought through - the applicant wants to develop St Helena and has addressed the issues we sometimes forget
- The proposal supports the alignment of many strategies – economic and investment
- There is always talk about this type of project and it’s good to see this coming forward
- Welcomed form of investment.

Background

- The proposed development forms part of an eco-friendly Coffee Farm within the Green Heartland on the property known as Hunt’s Vale. The proposal seeks to develop Hunt’s Vale into a coffee estate with all the amenities

needed for a successful business to help enhance St Helena's coffee and tourism industry. Special care and effort has been made to ensure that the whole development is as eco-friendly as possible and contributing towards a zero-carbon emission setup.

- A big development covering 838.7m²
- Everything will be eco-friendly and generated by solar energy
- Runs on its storage water
- The development will include two Eco-Lodges for tourists one containerised processing and storage facility, two water storage ponds and a pump house
- The development and investment in the local economy is important to the economic prosperity of the Island and the development of coffee growing is an important sector. The coffee growing and related tourism development falls within the vision of the SEDP and 10-Year Plan and the ongoing programme for encouraging future investment in this sector will create employment opportunities and development of skills for the local people
- The proposed entire development will become part of an eco-friendly Coffee Farm, with an endeavour that all structures be part of a Zero Carbon Emission Energy Management Plan. Where possible, the development will focus on sustainable energy; mainly solar. Presently about 3,500 coffee seedlings have been cultured, 10,000 are proposed to be transplanted
- Coffee expansion is key to increasing exports and generating income for St Helena. Currently St Helena coffee is of high regard, fetching relatively high prices and accounting for around one third of St Helena's goods exports. Demand outstrips supply for St Helena coffee and therefore all endeavours should be used to support the expansion of quality coffee production
- The delivery and implementation of the development will promote growth in the construction sector and will contribute towards economic growth and prosperity. The construction sector faced some downturn after the Airport Project came to a close, and therefore this will be a boost to the sector, improving employment and reducing those claiming Income Related Benefits
- The development will also stimulate collection of Government revenues to some extent through the sale of plots, stamp duty and import duties related to house building, as well as corporation tax income related to profits on the estate.

Development Application – Proposed Construction of Access Road at Breakneck Valley and Donkey Plain

- Executive Council approved that Full Development Permission be granted with Conditions for the proposed construction of an Access Road at Breakneck Valley and Donkey Plain as recommended by the LDCA
- Executive Council sat as the Planning Authority in considering this application
- A screening opinion in consultation with the St Helena National Trust was sought as part of this application and it was concluded that a full EIA is not needed
- Conditions include further detail of actual alignment of road, the Planning team will also undertake a walkover of the route with specialists to assess if any endemic invertebrates will be affected and to minimise impact to the fortification wall. An archaeological assessment will be undertaken during construction to establish any potential archaeological impact

- Members were also keen to have in place a Condition that anyone using this road uses it at their own risk
- This is a positive move for the applicant to enable him to carry out his work and enhance his business
- It is a self-funding project that should allow in future for further development and might be able to assist other organisations in development prospects
- Members noted that the lease agreement will dictate use of road by people but SHG will have statutory access and right of way
- Even after life of the quarry there is potential further use for this route
- There was broad consensus that this development is a sensible one for removing heavy vehicles from the public highway including through the town centre.

Background

- 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
- The location and the area to be covered by the new road is through Breakneck Valley from Donkey Plain, where the applicant operates a quarry, as shown in the plan. Part of the area is an access track created through its use by walkers over the years. 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
- The applicant is intending to create an Access Road that is usable by heavy goods vehicles. The construction is very much like a number of unconstructed access roads around the Island. The material used for the construction will be mostly materials excavated from the quarry that will be compressed and rolled so it will provide natural drainage. To allow for accessibility and gradient, there will be some rock blasting to create a route usable by large vehicles
- Representations have been received from the Heritage Society and Saint Helena National Trust (SHNT) in respect of the proposed development, stating the lack of detail provided on the road design, the impact on the section of fortification wall at the bottom of the valley, impact on potential archaeology in this established, 18th century route, the impact of the natural (endemic invertebrates) and historic (fortification wall) environment of this area and the need for an Environmental Impact Assessment in respect of the proposed development. The representations request further consideration be to the road alignment as it approaches Breakneck shoreline to avoid disturbing the wall altogether and that suitable mitigation be put in place to avoid disturbance to endemic invertebrates or Samphire
- There will be some adverse 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 on the local archaeology and ecology. Through the inclusion of a Condition requiring more details on the exact alignment as the construction is progressed the impact can be managed and measures put in place to reduce the impact. Similarly, the alignment details of the road at the point of fortification wall can be assessed for its potential impact

- The delivery and implementation of the development will promote growth in the construction sector and will contribute toward economic growth and prosperity.

Burial Grounds (Amendment) Bill 2020

- ExCo accepted the Burial Grounds (Amendment) Bill 2020 to be printed, published and presented as Government business at the next formal meeting of Legislative Council in January 2020
- This is a modernisation exercise and reflects that such matters should not need Secretary of State approval. The change has been agreed by the Secretary of State
- This proposal makes more productive use of land, increasing the time necessary to source a new land plot for these purposes.
- This is a procedural change and therefore there will be no public/ social implications
- There is likely to be majority public support since the change would mean that more graves could be accommodated on the site.

Background

- The Burial Grounds Ordinance was enacted in 1895
- In June 2019 a new burial ground at the Dungeon was proclaimed and it was recommended by the Environment & Natural Resources Committee that legislation concerning burials be updated
- The Ordinance will be amended in section 9(2)(d) so that the approval for declarations as to the uses of a disused burial ground by the Council Committee will be obtained from the Governor in Council rather than the Secretary of State.

New Cemetery (Amendment) Rules 2020

- ExCo agreed for the new Cemetery (Amendment) Rules, 2020 to be approved and brought into force on the date of publication
- Members recognised we need to preserve land as much as we can and saw this as a pragmatic and sensible way forward

Background

- In June 2019 a new burial ground at the Dungeon was proclaimed. It was noted that the space allocation for each grave in the New Cemetery Rules, 1953, exceeds the actual requirement, which would result in less effective use of the total space available in the cemetery. The New Cemetery Rules, 1953

permit approximately 1000 plots to be facilitated whereas the proposed change to the size of plots would increase the number of plots that could be accommodated to approximately 2000 plots

- The New Cemetery Rules, 1953 states that 'A plot of ground 6 feet 6 inches by 4 feet 6 inches will be reserved for each grave with a space of 2 feet between the graves
- The space allocation per grave is 2 feet 5 inches (750 mm) by 7 feet (2150 mm) with a space of 2 feet (600mm) between graves
- Changes will be made to job titles to reflect updated job profiles/responsibilities in SHG
- This is a procedural change and therefore there will be no public/ social implications
- There is likely to be majority public support since the changes would mean that more graves could be accommodated on the site.

AOB

The Permanent Under Secretary, Sir Simon McDonald, left the Island today after a three-day visit. The Governor advised that Sir Simon wished to extend his thanks for the valuable and thorough insight of St Helena he was given by the people he met while here.

ExCo

14 January 2020