

## Planning Officer's Report – LDCA JANUARY 2020

<b>APPLICATION</b>	<b>2019/111</b> – Proposed modular Cable Landing Station, Manholes and Ducting
<b>PERMISSION SOUGHT</b>	Permission in <b>Full</b>
<b>REGISTERED</b>	5 <sup>th</sup> December 2019
<b>APPLICANT</b>	St Helena Government
<b>PARCEL</b>	RV0031, RV0033, RV0075, RV0085
<b>SIZE</b>	5.26 acres (2.155Ha)
<b>LAND OWNER</b>	Crown Estates
<b>LOCALITY</b>	Rupert's Beach, Rupert's Valley
<b>ZONE</b>	Coastal Zone
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Vacant
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"> <li>▪ Sentinel Newspaper on 5<sup>th</sup> December 2019</li> <li>▪ A site notice displayed in accordance with Regulations.</li> </ul>
<b>EXPIRY</b>	20 <sup>th</sup> December 2019
<b>REPRESENTATIONS</b>	None
<b>DECISION ROUTE</b>	<del>Delegated</del> / LDCA / EXCO

### A. CONSULTATION FEEDBACK

1. Water Division	No Objection
2. Sewage Division	No Objection
3. Energy Division	No Objection
4. Fire & Rescue	No Objection - Comments
5. Roads Section	No Objection
6. Property Division	No Response
7. Environmental Management	No Response
8. Public Health	No Response
9. Agriculture & Natural Resources	No Response

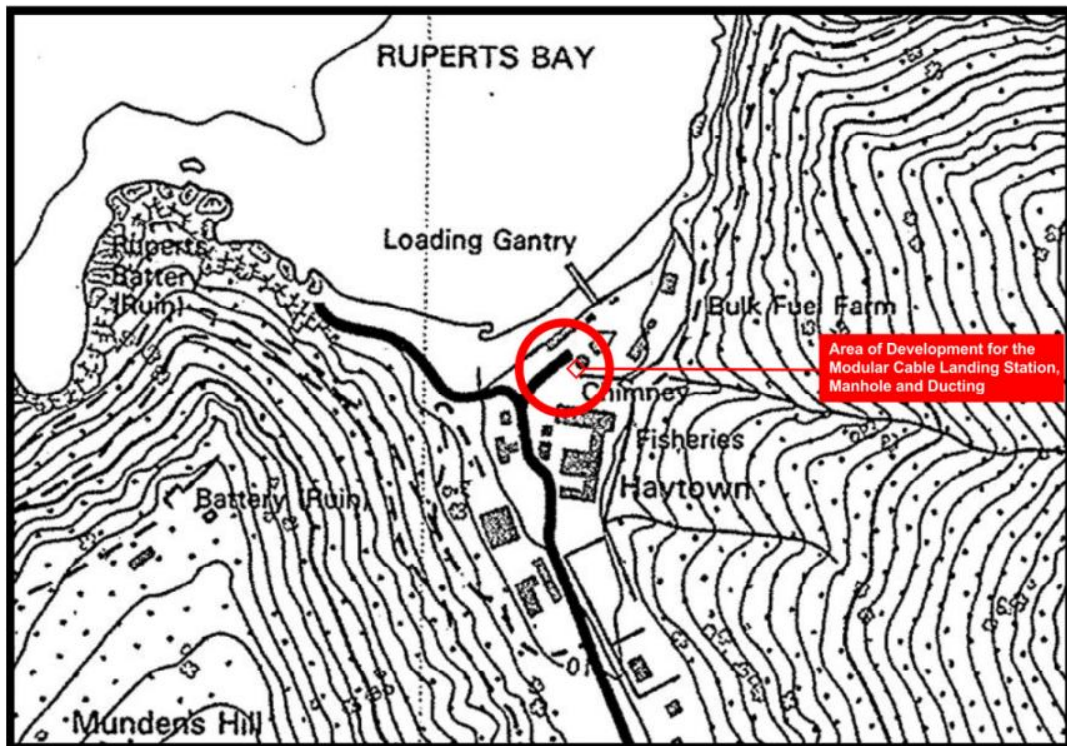
10. St Helena Police Services	Not Consulted
11. Aerodrome Safe Guarding	Not Consulted
12. Enterprise St Helena (ESH)	No Objection
13. National Trust	Objection – Comment (9 <sup>th</sup> Jan 2020)

**B. PLANNING OFFICER’S APPRAISAL**

**LOCALITY & ZONING**

The location for this proposed development is the area around Rupert’s Beach and into part of Rupert’s Wharf. This area is within the Coastal Zone and there are no conservation area restrictions. However within the area of development and the adjoining areas there is a level historical and heritage sensitivity and interest with listed building.

**Diagram 1: Locality**

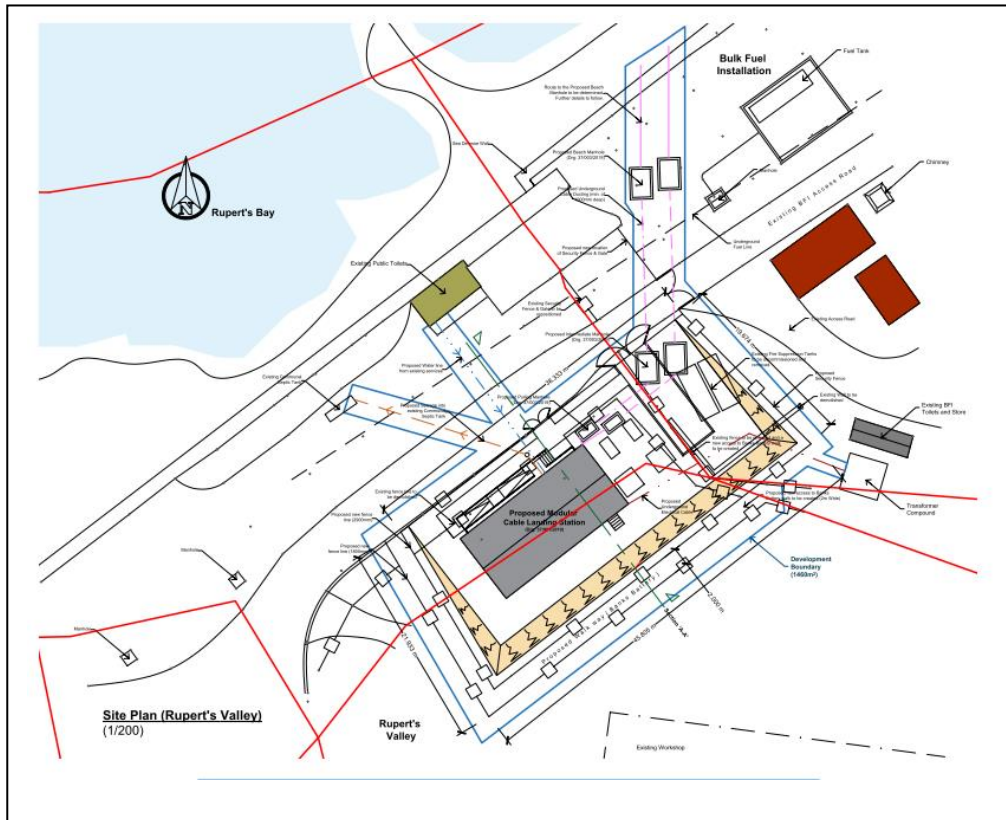


**THE PROPOSAL**

The application is part of a larger project for the development of fibre optic cables that will initially be landing on Saint Helena early in 2020. The fibre optic cable will be rested on the seabed to the point of the shoreline and then via ducting and through the sea wall to a manhole chamber on the landside of the seawall. There will be number of duct channels constructed within the development application area to lay the fibre optic cables to the Landing Station building that will be located to the south

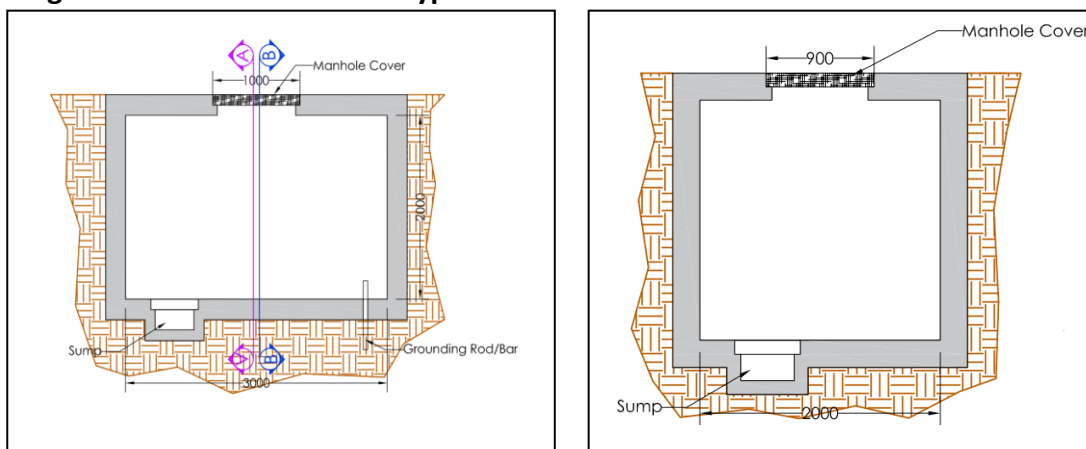
of the service road, which runs almost parallel to the sea wall, and to the east of the main access road into Rupert's Wharf. There will be a need to build number of ducts in the area to provide other services into the building.

**Diagram 2: Development Area**



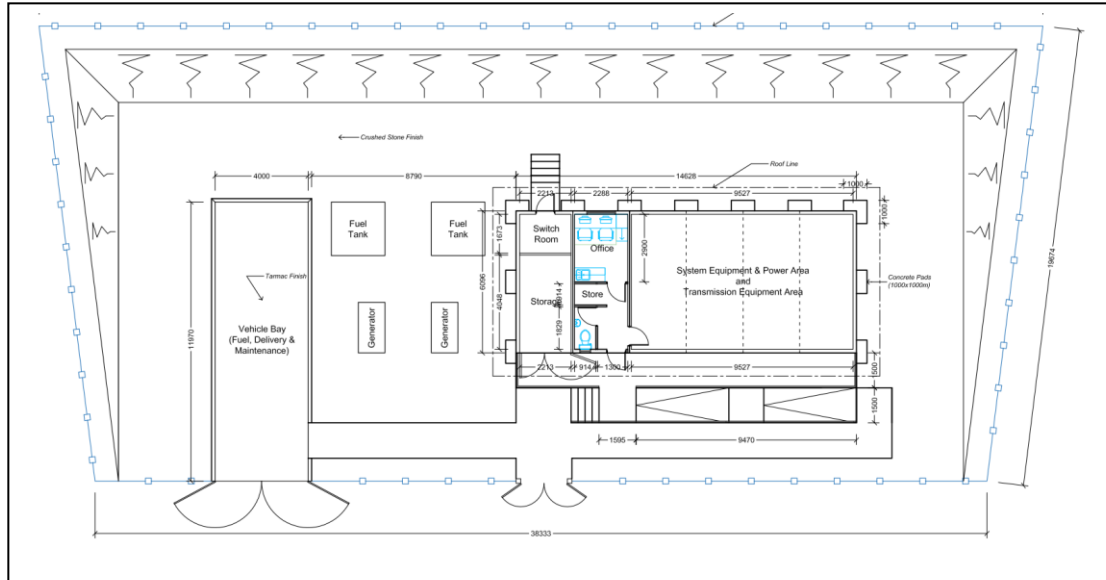
**Manhole Chambers:** There will be number of manhole chambers to be constructed to enable the cable link from the landing point to the landing station building for the initial construction and for the future maintenance. The manhole chambers will be of varying dimensions with some up to 2.0m, 1.8m or 1.2m deep and between 2.0m and 3.0m in width and length with manhole cover of 1.0m and 0.9m.

**Diagram 3: Cross-Section of a Typical Manhole Chamber**

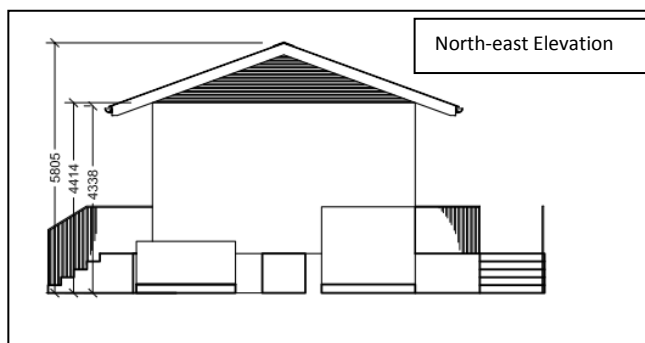
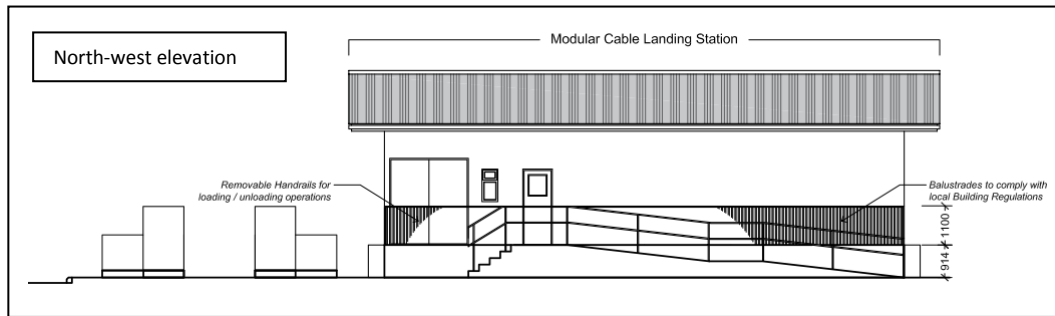


**Landing Station Building:** The landing station building will have a footprint of 355sqm (29.620m by 11.97m) with a hipped roof standing 5.8m high to the ridge and 4.34m to the eaves and with a ramped and step access on the southern side. The building will house generators, transmission equipment, fuel tanks and vehicle maintenance bay. For the purpose security, there will be a need to erect fence around building. No details of the proposed fence have been submitted with the application however details of the security fence can be considered with an appropriately worded condition that will require approval before it is erected.

**Diagram 3: Lay out of the cable Landing Station Building and Infrastructure**



**Diagrams 4 and 5: Elevations of the Landing Station Building**



## **Planning Background**

The Rupert's Bay and Wharf area has been identified as a strategic development area for the Island with the development of shipping transportation and wharf related operations to be transferred from James Bay. Over recent years, there has been considerable infrastructure development in the area to support the future economic growth of the Island and to enable supporting services to be located in the area. Whilst there is no strategic heritage designation in Rupert, however, the area is of significant historic importance with two areas of slave burial ground. Future development in the area has to be sensitive to the historic and heritage importance of this area to the Island. The proposed development subject of this development application has no direct bearing or adverse impact on these areas of historic significance, however there are concerns that cumulative impact arising from the developments with increase traffic movement could have adverse impact on number of local receptors. The applicant will be required to undertake archaeological assessment of the area given the historic sensitivity of the area, and during ground excavation work care must be taken to ensure any discovery is carefully note and photographic recorded.

**Environmental Impact Assessment:** In compliance with Land Planning and Development Control Ordinance for the assessment of the proposed development, the applicant requested Screening Opinion from the Planning and Building Control Services. The Screening Opinion was prepared to consider whether Environmental Impact Assessment (EIA) was necessary in this respect. It was concluded that in view of the scale of the proposed development, full EIA would not be required. Whilst there will be some un-quantified impact on the marine life and marine conservation activities with the development of Fibre Optic Cables that will be delivered to the shoreline on the sea bed, however this will be managed through the Environmental Protection Order (EPO). It is inevitable that construction of the ducting channel at the point of the shoreline and sea bed, there will be some disturbance during the construction process, but with the experience of previous developments in recent years this can be managed through the environmental management plan (EMP) or construction management plan (CMP). However post construction, once the cables are laid the marine life should recover and there will be no long-term negative impact to marine conservation activities.

As regards to the terrestrial area of the proposed development, there are number of structures of heritage importance in the area, more significant of this is the sea wall. As the ducting will be below ground, the impact can be managed with CMP. The general ground area for the building and the ducting channel is all on previously disturbed area, previous developments with construction of road and infrastructure, it is likely to have none or very little archaeological or ecological value. If significant land excavation is required for land assembly, watching brief for archaeological evaluation

may be required to ensure that any discovery or artefact uncovered are recorded with the assistance of the museum service.

The major impact arising from the proposed development is in respect of health and safety concerns due to a number of sensitive infrastructure and activities within the area, particularly petroleum transportation and storage. The land assembly operation and construction activity will require careful management. This has been assessed in the Screening Opinion and it was concluded that this can be managed effectively through the EMP or CMP that will be required. There is also a need to relocate number of existing services and access points in and around the application site. There is also a need for some flexibility as some issues still need to be finalised. These can also be managed through the EMP/CMP.

**The view of the Chief Environment Officer:** The Chief Environment Officer (CEO) is in agreement with the conclusions that EIA is not required in respect of these proposed developments and that the trigger for the requirement of EIA would be the potential for significant environmental impacts. The Screening Opinion Checklist shows that whilst a number of environmental impacts have been identified, however these are not considered to be significant to trigger EIA.

## **REPRESENTATION**

One representation has been received in respect of the development application from Saint Helena National Trust (SHNT) on 9<sup>th</sup> January 2020. SHNT has raised number of issues in respect of this development and these are summarised below:

- historic assets; the development is in close proximity of the early twentieth-century brick chimney built by Boer prisoners of war as part of a desalination plant and is an important feature of the island's Boer and industrial/engineering heritage. The condition of the chimney is deteriorating and the concern is that vibrations from heavy plant machinery or ground disturbance may further affect the brick structure. In view of this there should be a complete condition surveys to assess the chimney before and after development works and if the condition of the chimney is found to have deteriorated owing to development works a suitable programme of conservation be instigated;
- proposed development is located on a known occupation site of the Liberated African population that was resident and buried in Rupert's and given its international significance and the ongoing issues with the 325 disinterred individuals awaiting burial following development works in Rupert's in 2008 the development application should have been to the Liberated African Advisory Committee;
- a desk-based assessment, as minimum, should be undertaken to ascertain the potential for encountering archaeological material related to the Liberated African population and all ground interventions must also be accompanied by an archaeological watching brief; and

- natural environment; the proposed development has the potential to impact native and endemic invertebrates for which the preferred habitat is samphire, need to be considered with appropriate mitigation.

## **OFFICER RESPONSE**

The issues raised by SHNT have been considered although received very late. The points raised has been carefully assessed in preparing the Screening Opinion and have been brought to the attention of the applicant. The condition of the chimney is a major concern due to the number of cracks in the structure and use of heavy machinery for excavation works and excessive vibration in close vicinity may cause further damage to the structure. The applicant has been advised that a condition survey of the listed structure should be undertaken prior to work starting on site and consideration should also be given to the repair and maintenance of the building structure.

As regards to consolation with Liberated African Advisory Committee, it was considered that there was no issue in this area of the Rupert's however discussion have taken place with Chair of the Committee and she has raised no issues. Given historic sensitivity of the area the applicant has also been advised on the need for archaeological watching brief in respect of this development, although much of this area is already disturbed.

As regards to any ecological issues, it is considered that there is no evidence in the area, however applicant can be advised to keep a watching brief on any ecological disturbance.

## **OFFICER ASSESSMENT**

The fibre optic cable projects is major development for the Island that will provide broadband and internet communication worldwide. There has been significant pre-application discussion with the internal project team and the external project advisors. There has also been close liaison in the design stage of the project to assess potential impact and resolve any conflicts. Through the Screening Opinion undertaken to assess the potential impact of the development on the area, it was concluded that full EIA was not required and any impact, particularly at the construction stage of the development, can be managed effectively through EMP or CMP. Some of these details for management of the construction have already provided with development application. Any potential impact on the marine life and issues of marine conservation will be addressed through the Environmental Protection Order (EPO) in liaison with the Planning Services.

The main area of land assembly and construction is mainly on previously disturbed land that has had considerable development and construction in the past. There is no

direct impact on the historic assets of this area from the development proposed in respect of this development application, although there is level of sensitivity for the area of Rupert's Valley, however these areas of sensitivity can be guarded against to ensure there is no disturbance and any visual impact is effectively managed.

There are considerable economic and social benefits to the Island and its wider business and residential communities with potentials for cheaper, improved and speedier electronic access and communication worldwide and with further potentials for economic growth and prosperity. Whilst there is some potential impact to the island's localised natural and historic environment that can be effectively managed through the EMP/CMP, however the economic and social benefits that will arise from this development are significant and at the present time difficult to quantify. The LDCP has specific policies related to the development, delivery and implementation of telecommunication and in particular for the delivery fibre optic cables to the Island. The development application is very in line with these LDCO policies.

### **C. PLANNING OFFICER'S STATEMENT & RECOMMENDATION**

The proposal complies in terms of the following policies:

- Coastal Zone Primary Policy CZ1
- Water Supplies Policy W2
- Sewage, storm and Drainage: Policies SD1(b, c) and SD7
- Road and Transport Policies: RT7
- Telecommunications: Policies TX1 and TX4
- Built Heritage: Policies BH2 and BH3

The proposed development is assessed against the LDCP policies. In view of the Screening Opinion undertaken in assessing the proposed development there is some impact on the local natural and heritage environment, however it is not considered to be significant and any negative impact is minimal and can be mitigated against through EMP or CMP. The most significant LDCP policies are those related to telecommunication which supports the development and implementation of the fibre optic cables on the Island. Similarly the proposed development is in compliance with the LDCP policies to enable the development to be delivered. There are also significant positive economic and social benefits arising from this development that will improve electronic communication worldwide.

The overall conclusion of the proposed development is that it can be supported as it is compliance with LDCP policies and any adverse impact on the environment can be mitigated.

### **D. RECOMMENDATION to Governor in Council: That Development Permission be GRANTED subject to 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 commenced 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, Floor & Elevation Plans (DWG No. 37/002/2019) received on 5<sup>th</sup> December 2019 as stamped and approved by the Planning Officer, on behalf of the Land Development Control Authority, subject to the Condition of this Decision Notice and unless the prior written approval 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.
  
- 3) This Development Permission does not confer approval under the Building Control Ordinance. Please consult with the Building Inspector(s) to find out whether building regulations approval is required, prior to the development commencing.  
**Reason:** to ensure development is carried out in accordance with the Building Control Ordinance 2013.
  
- 4) Before the security fence is erected around the Landing Station Building, details of the security fence (design and materials) shall be submitted to and approved by Chief Planning Officer on behalf of the Land Development Control Authority.  
**Reason:** to ensure the development is in keeping with the general environment of the area.
  
- 5) Before land excavation works are carried out, archaeological assessment of the area must be undertaken by a qualified archaeological professional to establish any potential archaeological impact and in light of any discoveries care must be taken during excavation and details recorded for historical records.  
**Reason:** to ensure that any potential archaeology is not damaged or destroyed and care is taken where deep excavation is undertaken archaeological or artefacts finds are properly recorded and passed over to the Saint Helena Museum Service for recording and safe-keeping.
  
- 6) **Construction Practices:** During construction of the development, no obstruction shall be caused on any public road and prior to occupation of the development

the developer shall reinstate damage to any public road and other public or private infrastructure arising from implementation of the development permission.

**Reason:** To ensure safe vehicular access and reinstate damage to public infrastructure arising directly from the approved development in accordance with LDCP IZ1 (g).

- 7) Occupation of the development is not permitted until it is adequately served by a potable water supply, adequate energy supply as well as a foul drainage system, as approved by the Building Inspectors in consultation with the Chief Planning Officer.

**Reason:** To accord with LDCP IZ1, SD1, RT7 and W3.

- 8) **Roof Water Practices:** No Roof Water or other Surface Water shall be connected to or directed to any foul drain. Roof water shall be piped to storage tank of minimum capacity 450 litres with overflow piped to the sea.

**Reason:** to conserve rainwater and to avoid overloading the Septic Tank, in accordance with LDCP SD1.

- 9) Any External Lights shall be designed and sited so that they do not emit light at or above the horizontal and the light source shall not be visible beyond the site boundaries.

**Reason:** to protect the Dark Skies status of St Helena in accordance with LDCP E8.

- 10) The Colour of Roof shall be dark slate grey.

**Reason:** to blend the building into the landscape, in accordance with the Adopted Policy on Colour of Roofing Materials.

**Please note that the LDCA, Planning and Building Control Division nor any of its employees warrant the accuracy of the information or accept any liability whatsoever neither for any error or omission nor for any loss or damage arising from interpretation or use of the information supplied by your Designer/Contractor.**

**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.