

## Open Agenda

Copy No:

No: 14/2020

### Memorandum for Executive Council

SUBJECT

**Development Application - Proposed modular Cable Landing Station, Manholes and Ducting, Rupert's Bay**

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 Proposed modular Cable Landing Station Building, Manholes and Ducting at Rupert's Bay and Rupert's Wharf as recommended by the Land Development Control Authority (LDCA).**

BACKGROUND & CONSIDERATIONS

2. At the Land Development Control Authority meeting held on 15 January 2020, it was recommended that FULL Development Permission be granted for the Proposed modular Cable Landing Station Building, Manholes and Ducting at Rupert's Bay and Rupert's Wharf, subject to conditions as set out in Section D of the report in Annex A and the Decision Letter in Annex B. In view of the minor changes to the decision of the LDCA, Executive Council is requested to note Para 11.2 of this report in its deliberation of the discussions and decision.
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 which proposes the development of any land covered by water or land within 50 metres of land covered by water site (Section 3) and the development public facilities (water, electricity, telephone or road) where the scale of the development is such that it has significant strategic or socio-economic implications (Section 6).
4. A copy of the directions is attached at Annex C for easy reference.
5. **Section 17 (a)** of the LPDC Ordinance reads:

A grant of Development Permission may be of either of the following types:-

- a) Outline Development Permission - the effect of which is to give approval in principle to the

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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.

## 6. PLANNING POLICY CONSIDERATION

6.1 The proposed development is assessed against the LDCP policies and the proposal complies in terms of the following policies:

1. Coastal Zone Primary Policy CZ1
2. Water Supplies Policy W2
3. Sewage, storm and Drainage: Policies SD1(b, c) and SD7
4. Road and Transport Policies: RT7
5. Telecommunications: Policies TX1 and TX4
6. Built Heritage: Policies BH2 and BH3

6.2 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 an Environmental Management Plan (EMP) or Construction Management Plan (CMP). The most significant LDCP policies are those related to telecommunication which supports the development and implementation of the fibre optic cable 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.

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

## 7. BACKGROUND OF THE DEVELOPMENT APPLICATION AND REPORTS

7.1 The Fibre Optic Cable development project is part of an international project being managed by Alcatel Submarine Networks (ASN) who are contracted to undertake a pre-survey

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Cable Route Study (CRS) for the proposed EQUIANO fibre optic communications cable system and covers a route from Portugal, Madeira, Tenerife, Cote D'Ivoire, Ghana, Nigeria, St Helena, Namibia and South Africa. In the development of the project site visits were conducted to assess the most appropriate location for the landing of the cable on the Island and the new infrastructure required to support the delivery. The diagram below shows the route of the fibre optic cable project in the international context.

**Diagram 1. International Context of the Fibre Optic Cable Project**



### 7.2 The Sustainable Economic Development Plan (2018 – 2028)

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presents a 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.’

1. 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’.
2. In addition, the SEDP sets a goal to develop the digital economy by ‘Opening up St Helena to new economic markets by investing in broadband services and infrastructure, working towards delivering a fibre optic cable for the island.’
3. The development and investment in the local economy is important to the economic prosperity of the Island and the development of the fibre optic cables on the Island is an important strategic development and investment for its future economic growth and prosperity that will improve communication with high speed connection internationally. The development of a high speed connection will boost the local economy and promote the Island for tourism related development that also falls within the vision of the SEDP and 10-Year Plan and the ongoing programme for encouraging future investment in all economic sectors and will create employment opportunities and development of skills for the local people.

## 8. DETAIL OF THE DEVELOPMENT

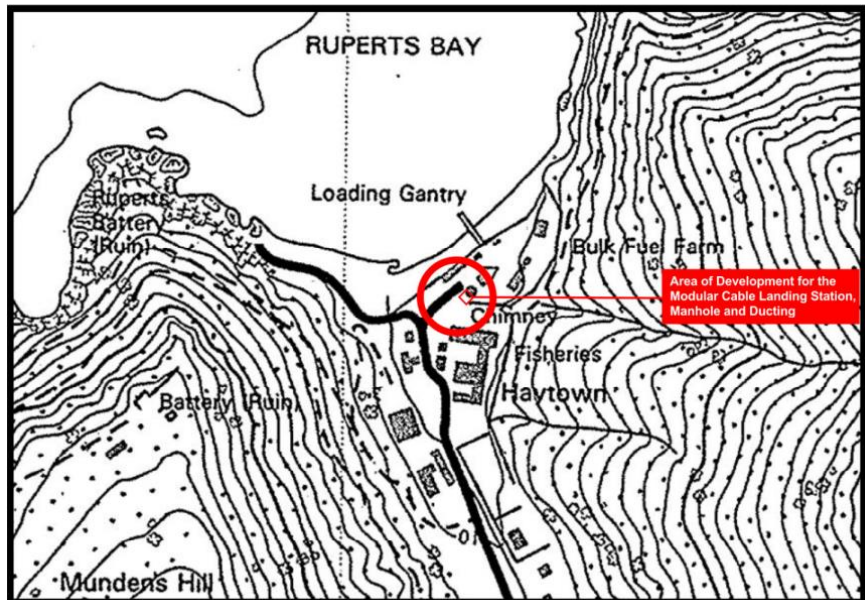
8.1 The Rupert’s Bay and Wharf area have been identified as strategic development areas for the Island with the development of shipping transportation and wharf related operations to be transferred from James Bay. Over recent years, there has been considerable infrastructure development in the area to 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 Ruperts, the area is, however, 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.

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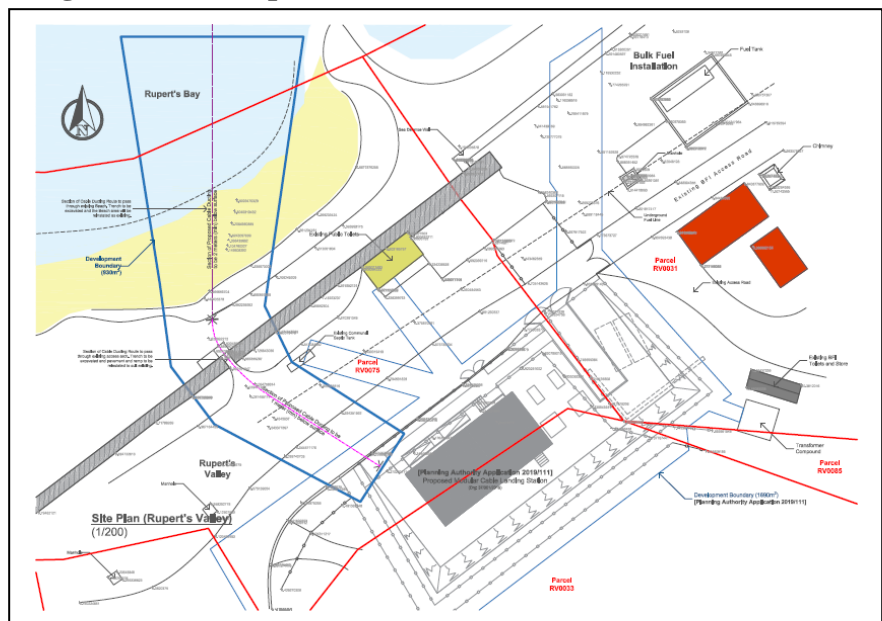
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### Diagram 2: Locality



8.2 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 the cumulative impact arising from the developments with increase traffic movement could have adverse impact on a number of local receptors. The applicant will be required to undertake an 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 photographically recorded.

### Diagram 3: Development Area



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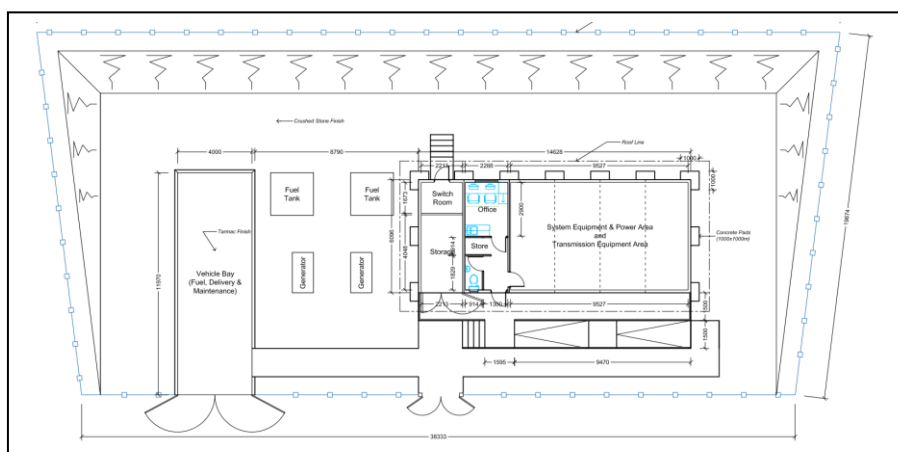
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8.3 The application is part of a larger project for the development of fibre optic cables that will initially be landing on St Helena early in 2020. The fibre optic cable will be rested on the seabed to the point of the shoreline and then via ducting and through the sea wall to a manhole chamber on the landside of the seawall. There will be a 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 a number of ducts in the area to provide other services into the building.

8.4 Cable Ducting Channel: The cable ducting channel will run from the west of the beach area in the bay and below the fortification wall at the point where there is an opening in the wall. This is a change from the original proposal where the cable ducting channel is from the east side of the beach area in the bay and the proposal included two manholes to the west of the fueling pipes.

8.5 Manhole Chambers: There will be a 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. These will be within the area of the boundary of the site identified for the cable landing station building. 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 covers of 1.0m and 0.9m.

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



8.6 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

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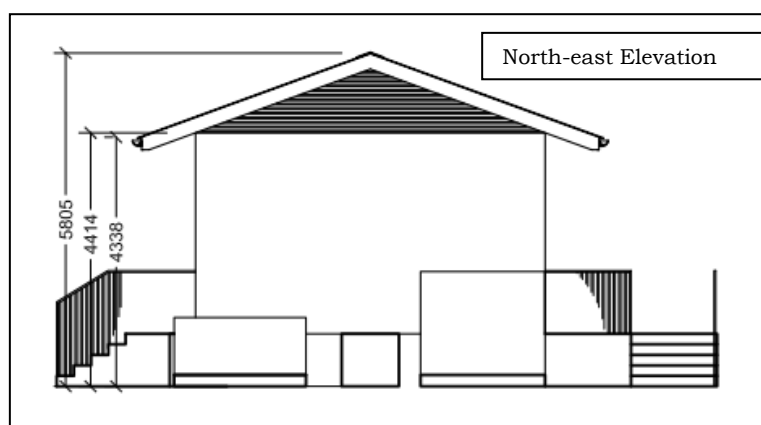
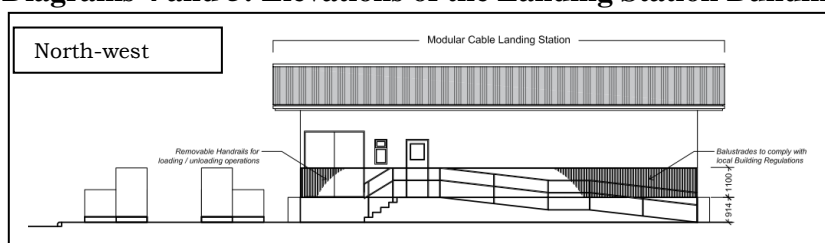


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house generators, transmission equipment, fuel tanks and vehicle maintenance bay.

For the purpose of 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.

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



8.7 Environmental Impact Assessment: In compliance with the Land Planning and Development Control Ordinance for the assessment of the proposed development, the applicant requested a Screening Opinion from the Planning and Building Control Services. The Screening Opinion was prepared to consider whether an Environmental Impact Assessment (EIA) was necessary in this respect of the proposed development in an environmentally sensitive area. The Screening Opinion concluded that in view of the scale of the proposed development and potential impact on the area and the adjoining installations, a 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, this will be managed through the Environmental Protection Order (EPO). Any potential impact during construction from the point of the shoreline and sea bed can be managed through the Environmental Management Plan (EMP) or Construction Management Plan (CMP), as shown by the more recent experience of development and post construction, once the cables are laid the marine life should recover and there will be no long-term negative

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impact to marine conservation activities

8.8 There are a 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 a CMP. As the building and the ducting channel will generally be on an area that has been disturbed by previously developments with construction of road and other infrastructure, it is likely to have none or very little archaeological or ecological value. If significant land excavation is required for land assembly, through a watching brief potential impact on archaeology can be assessed and any discovery or artefact uncovered are recorded with the assistance of the museum service.

8.9 The major impact arising from the proposed development is in respect of health and safety concerns due to a number of sensitive infrastructures 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 a number of existing services and access points in and around the application site.

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

## 9. REPRESENTATION

9.1 One representation was received from the Saint Helena National Trust (SHNT) on 9 January 2020. The SHNT raised a number of issues in respect of this development and these are summarised in the report to LDCA and included:

1. Historic assets; the close proximity of the development to 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 vibrations from heavy plant machinery or ground disturbance may further affect the brick structure. There should be condition surveys to assess the chimney before and after development works and any deteriorated owing to the development works a suitable programme of conservation be instigated

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2. 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
3. Archaeological assessment to ascertain potential material related to the Liberated African population and all ground interventions must also be accompanied by an archaeological watching brief
4. Natural environment; potential impact on native and endemic invertebrates for which the preferred habitat is samphire, need to be considered with appropriate mitigation.

### 10. OFFICER ASSESSMENT

10.1 The fibre optic cable projects is a 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 a full EIA was not required and any impact, particularly at the construction stage of the development, can be managed effectively through an EMP or CMP. Some of these details for management of the construction have already been provided with the 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.

10.2 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 a 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.

10.3 There are considerable economic and social benefits to the Island and to the 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. Potential impact to the Island's localised

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natural and historic environment arising from the development can be managed effectively through the EMP/CMP. The economic and social benefits that will arise from the development will be significant although it is difficult to quantify. There are specific policies related to the development, delivery and implementation of telecommunication and in particular the delivery of fibre optic cables to the Island in the LDCP. The development application is much very in line with these LDCP policies.

### 11. LDCA CONSIDERATION AND DECISION

11.1 The LDCA at its meeting on 15 January 2020 agreed to recommend to the Governor-in-Council to approve the development application with a number of Conditions. Since the LDCA meeting the applicant's Project Team has advised that a minor change to the proposal is required and this includes the ducting channel for the FOC to be moved further west from the previous location. As a result the cable ducting channel will be aligned northwest of the cable landing station building, rather than to the northeast of the building. This means that there will be no requirement for manhole chambers to be constructed close to the twentieth-century brick chimney that has visible cracks to the upper level of the structure.

11.2 The LDCA members were consulted via communication on the proposed changes to the layout of the development and they have agreed that the revised plan can be approved as it does not adversely impact the area in comparison with the previous proposed layout. In order to ensure that stakeholders have the opportunity to review the revised layout, the amended proposal has been advertised allowing seven days to make any response. Email consultation has also been sent to consultees. Two representations have been received from SHNT and Heritage Society, the issues raised by both representations are similar to those previously raised SHNT. They also raise concern on the shortened time period for consultation. The Heritage Society considers that the proposed change is significant and should be a new development application. It is considered that the revised lay out will have reduced impact on the heritage assets with the ducting channel being at the point of the opening in the wall and at least one metre below the ground level. As there will be no manhole chambers in close proximity to the chimney structure it will ensure that there is no undue disturbance through vibrations during excavation works. The Heritage Society representation also includes a lengthy transcript from the recent presentation from an historian. It is considered as the final decision on this development application by Governor-in-Council that the development application can be considered as minor variation to the LDCA decision and the LDCA members have been consulted to support the process.

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### 12. CONCLUSION

12.1 There is some adverse impact on the local natural and historic environment in the area and this impact can be mitigated against through a number of Conditions that will be included with development permission. There are also a number of positive social and economic benefits to the Island and its residential and business communities arising from the proposed development with improved and speedier communication.

12.2 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 a full EIA is not required in respect of this development. Any potential impact during the construction can be effectively managed with an Environmental Management Plan.

12.3 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 16<sup>th</sup> January 2020, attached as Annex B to this Memorandum.

### FINANCIAL IMPLICATIONS

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

### ECONOMIC IMPLICATIONS

14. Landing of the fibre optic cable is a critical step toward the delivery of high speed internet on St Helena. Improved digital access is expected to present new opportunities for economic growth and employment.

### CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

15. The development and delivery of the development is in compliance with the Investment Policy Principles. The implementation of the development will deliver and create training and employment opportunities and has potential for further economic growth on the Island with the tourist and visitors.

The following Investment Policy principles apply:-

1. Make St Helena a desirable and competitive destination to do business by removing barriers to investment
2. Support an economy which is accessible to all potential investors and promote investments across the economy
3. Support the locally based private sector to compete in an open economy but, where possible, avoid being overly

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4. Promote fair, consistent and transparent decision making.

### **PUBLIC/SOCIAL IMPACT**

16. The investment arising from this development will create training and employment opportunities in the IT and Communication sector and promote a tourism industry on the Island, particularly as the delivery of high speed broadband will improve communication and improvement in economic activity is seen as having a considerable impact in the future. The proposed development has the potential to make the Island as an attractive destination of business location that has been previously hindered by the poor IT communication link internationally.

### **ENVIRONMENTAL IMPACT**

17. There is likely to be some adverse environmental and visual impact on this historically sensitive area. This impact is not considered to be significant when balanced with the economic and social benefits arising from this development. The development will also create a positive impact for the Island in terms of improved and speedier electronic communication.

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

18. The development application was advertised for a period of 14 days to seek comments from the communities and stakeholders on the development proposal.
19. The revised plan for the development application was advertised for period of seven days to seek comments from the stakeholders on the revised scheme.
20. Key Stakeholders have responded and their views have been considered by the LDCA.

### **PUBLIC REACTION**

21. There was representation received from St Helena National Trust to the proposed development and further representation SHNT and Heritage Society to consultation on the revised plan and the issues raised have been assessed and responded to in paras 9.1 and 11.2 of the report. There has been no representation received from the general public to the consultation.
22. This could possibly generate public and media interest once the Fibre Optic Cable development works are completed.

### **PUBLICITY**

23. The decision will be covered in the media briefing following the Executive Council Meeting.

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### SUPPORT TO STRATEGIC OBJECTIVES

24. This paper supports the *Effective Infrastructure* goal and Strategic Objective 1.1 – ‘Ensure effective investment in physical infrastructure, including improved access to and around the Island’ as well as the *Altogether Wealthier* goal and Strategic Objective 3.3 ‘Ensure Digital Strategy and Fibre Optic Cable delivers intended benefits to the whole community’.

### LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS

25. Supports Goal 7 of the SEDP is to improve public infrastructure, to provide an environment that promotes investment and Goal 9 to develop the digital economy.

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### OPEN/CLOSED AGENDA ITEM

26. Recommended for the Open Agenda.

Corporate Support  
Corporate Services

28<sup>th</sup> January 2020

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