

EXECUTIVE COUNCIL TOP LINES – TUESDAY 11 FEBRUARY 2020

Public Solicitor's Fees

- **Executive Council agreed the fees proposed by the Public Solicitor as to the charges for legal services by his Office, to be published in the St Helena Government Gazette, subject to the approval of the Chief Justice**
- Public Solicitor Duncan Cook was present for this item
- Public Solicitor's fees had been discussed on two previous occasions of ExCo at which the Public Solicitor was requested to make the following adjustments to the fee schedule:
 - Removal of Medical Negligence fee
 - Tidying up of various wording in the schedule
 - Providing a definition for expatriate workers
 - Adjusting the income threshold
- All adjustments have been taken into account and Members were content that the figures reflected fair and reasonable ability to pay
- This brings to a close consultation with Executive Council. The schedule will now need approval from the Chief Justice before being published.

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

- **Executive Council approved Full Development Permission 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)**
- This is an international project to deliver improved connectivity to St Helena
- The Chief Secretary explained that this had been brought before ExCo as the Planning Authority as it relates to the development of land within 50m of land covered by water
- After the decision taken by the LDCA the applicant had submitted an alternative proposal with the ducting to the West as opposed to the East and 1m below ground level. ExCo as Planning Authority advised on this revised version
- Various sites were considered as part of the process and Rupert's was decided as the best option to land the cable
- During the consultation process, representation had been received from the St Helena National Trust advising that the Liberated African Slaves Group should have been consulted. The Chief Planning Officer advised that this had been undertaken with the Chair of the group and no issues had been raised
- The impact on the environment and heritage is minimal and a Screening Opinion resulted in no Environmental Impact Assessment (EIA) being required
- The impact on Rupert's beach is minimal as the cable will actually be landed on the seabed
- There will be no impact on the existing BFI fuel line
- Any impact can be mitigated against and will be monitored

- The landing of cable is a significant development for St Helena and will have huge benefits however Members noted that this is a sensitive area but were satisfied that protective mitigation measures have been undertaken to protect historical importance
- Noting that Conditions will be in place to protect the Chimney and Wall in this area, Members agreed to approve that full development permission be granted
- Members recognised that the team has done quite a lot of work to address the issues raised
- If at any point there are significant changes to the proposal it will be brought back to ExCo.

Background

- 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 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 development and investment in the local economy is important to the economic prosperity of the Island and the development of the fibre optic cable 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
- 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
- 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.

Development Application - Proposed Installation of Three Wind Turbines and Energy Storage System at Deadwood Plain

- **Executive Council approved Full Development Permission be granted, with Conditions, for the Proposed Installation of Three Wind Turbines and Energy Storage System at Deadwood Plain as recommended by the Land Development Control Authority (LDCA)**
- The applicants had presented this proposal to Council in December which had resulted in this planning application
- Deadwood Plain has been identified as the best location for wind turbines and there are already 12 turbines in the area
- Deadwood Plain is currently used for grazing purposes, has been designated for nature conservation and is a visually prominent location on the Island but Members noted that mitigation measures will be put in place to mitigate against any impact on the environment including on the wirebird habitat. Archaeological recognition will be taken into account during excavation. Members also noted that evidence of rehabilitation of the paddocks and wirebird habitats in the area had occurred following the installation of the previous 12 turbines
- The obvious visual impact is outweighed by the benefits these three wind turbines will have for energy production on the Island through cheaper and cleaner electricity and benefits to the local economy including through job creation
- Visual intrusions are outweighed by energy benefits
- Renewable energy is a positive for St Helena's green agenda to make electricity affordable for today and the future
- Concerns were raised around the height of the turbines but Members recognised that three larger wind turbines would have less visual impact than 54 smaller wind turbines that be needed to generate the same amount of energy
- Members were reassured that during consultation St Helena Airport had not raised any concerns with the turbines being in the flight path
- Concerns around overhead power lines would be taken forward by the Chief Planning Officer with the applicant
- Members recognised that we have signed up to the SHG Energy Strategy which aims for 100 percent renewable energy by 2022. We need to start taking measures now in order to meet that goal. Approving this application is a step closer
- Members gave their full support

Background

- The development application is seeking full development permission for the installation of three wind turbines of 77m height and energy storage system and associated infrastructure (overhead and underground HV cables) to generate electricity on Deadwood Plain area. The development area for the three wind turbines lies to the east of the Haul Road, upper northern part, just north of the existing wind turbines and the energy storage system to the west of the Haul Road, north of the property and in line with the third wind turbines

- The proposed development will be located at the most northerly upper end of Deadwood Plain in paddocks 5/7, 8 and 9. They will form a straight line, placed evenly 195m apart to the west of the gravel track that runs through Deadwood Plain. This area is used for grazing of cattle and sheep on a rotational basis throughout the year in 15 paddocks. The area is fenced off and water pipelines provide water to cattle drinking troughs
- The site provides a relatively flat topography and with it, favourable upstream wind conditions with accessibility for construction and future maintenance. However, the area is also one of the most visually prominent locations on the Island; it is a valuable habitat to the endemic Wirebird; it is both a protected area of historical significance; and it is also one of the largest pastoral grazing areas on the Island. The Deadwood Plain area is also very important for tourism as it is the starting point for three of the most attractive 'Post Box' walks.

Development Application – Bunkers Hill Comprehensive Development Area

- **Executive Council approved hybrid (part outline/part full) Development Permission be granted, with Conditions, for the Proposed Comprehensive Development Area to Provide Access Road, Residential Service Plots for Private and Social Housing, Community Facilities Amenity Open Space and Retail Shop at Bunkers Hill as recommended by the Land Development Control Authority**
- **Full permission was granted for the Access road subject to the Chief Planning Officer continuing to work with the applicant. Outline Development Permission was given for all other areas which would now require individual full development permission on a plot-by-plot basis**
- The Chief Planning Officer provided an overview of the application and Council viewed drone footage of Bunkers Hill to understand the vastness of area, the gradient and the difficulty of access to the site
- The site is extremely complicated due to the nature of the gradient and therefore housing density will be low
- The development will be undertaken in three phases with as less disturbance as possible to endemic species
- Members noted that the developer should also be responsible for upgrading the road to access the site including the existing main road to take into account the increased volume of traffic during the construction phase
- The Chief Planning Officer explained that not all of the information particularly around an Environmental Impact Assessment had been provided in detail from the applicant but appreciated that this would take a considerable amount of time. The Chief Planning Officer will therefore work closely with the applicant on the best solution to enable them to realise their development. Members were pleased to hear that the Chief Planning Officer is working with the applicant
- Many of the issues raised will be dealt with through Conditions
- Developing Bunkers Hill provides much needed housing and jobs and adds value to the development of our economy
- Members were keen to see this project taken forward and felt sure the public would also want to see this progress

- This is a significant development for St Helena and shows that Islanders are wanting a challenge by taking on development and not depending on capital from the Government
- Any significant issues arising from the application will be referred back to the Land Development Control Authority

Background

- The proposed development application provides up to 160 housing development plots, retail use, community facilities, amenity area and open space and amenity space may extend beyond the development application site. The total development application site is 55.0 acres (22.26 hectares). For the purpose of this development application, whilst layout of the application site is detailed there is no detail for the amount of land that will be built upon for each housing plot. The LDCP policy advises that the density of the development for Bunkers Hill should be a minimum of 15 houses per hectare. The density proposed is around 11 houses per hectares
- This was initially a hybrid development application seeking full development permission for the position of the new access road to the development, alignment of the main access road into and through the Comprehensive Development Area at Bunker's Hill, the position of the internal secondary roads to serve the plots, other associated land-use for shop and community open space and the layout of the services (electricity, water and sewage and OUTLINE development permission for up to 160 (one hundred and sixty) home land parcels, the alignment of the internal secondary roads, the position of other land-uses that will includes shops, community facilities, open space and general amenity area for which full development permission will be required.
- The total area of development (excluding the new access road to the site) is 55 acres (22.56 hectares) and the built development would cover a land area of around 30 acres (12.14 hectares) for this development application. The current use of the area is as open landscape with a varying terrain with limited area of land that can be considered reasonably flat and therefore much of the future development in this area will require a degree of excavation to enable housing development on each of the development plots
- There are no distinctive landscape features in the area, however there is considerable vegetation, trees and bushes amongst some very barren areas. The land slopes downwards from east to west and also downward from south to north with contour level varying from 288m in the north-west to 350m in the east at a more central point, with highest contours at 415m in the southern area of the site. Whilst in some areas of the application site there is a gentle slope, some areas of the site are considered to have steep gradient
- In view of the Environment Impact Assessment undertaken in assessing the proposed development there is some impact on the local natural environment of the area. Whilst it may be considered to be significant due to the undisturbed nature of the area, mitigation measures will reduce the negative or adverse impact to make the proposed development acceptable
- There are also a number of benefits arising from the development with the supply of land for future housing to meet the needs of the local residents and in particular, will add to the social housing stock

- The overall conclusion of the proposed development is that it can be supported as it is in compliance with LDCP policies and any adverse impact on the environment can be mitigated
- In view of the lack of detailed plans and drawings submitted with the development application, the LDCA decided that the whole development application should be considered as an outline development application. The applicant has been advised of the views expressed by the LDCA and has agreed that the description of the development application should be amended and application should be considered as OUTLINE development permission

ExCo

11 February 2020