



**St Helena
Government**

MINUTES

Land Development Control Authority Meeting

Date : Wednesday, 15 January 2020
Time : 10 am
Venue : St Helena Community College Jamestown

Present	Mrs Ethel Yon OBE	Chairperson
	Mr Gavin George	Member
	Mr Ralph Peters	Member
	Mr Raymond Williams	Member
	Mr Karl Thrower	Member
	Mr Ismail Mohammed	Chief Planning Officer (CPO)
	Mr Shane Williams	Planning Officer (PO)
	Mr Paul Scipio	Planning Assistant (PA)
	Mrs Karen Isaac	Secretary
Apologies	Mr Paul Hickling	Deputy Chairperson

Also in Attendance - Members of the public, including applicants.

1. Attendance and Welcome

The Chairperson welcomed all present and wished everyone a happy new year. The Chairperson asked for the members of the public to please sign the attendance register before the meeting commences.

2. Declarations of Interest

The Chairperson, Mrs Ethel Yon declared her interest in respect of applications 2019/101 and 2019/111 as she is the President of the St Helena National Trust. The St Helena National Trust submitted representation on these applications. The Chairperson made it known that there is no financial gain and stressed that the then Attorney General was clear

about this but nevertheless she will declare. She said that she will only be the President for just a little longer.

3. Confirmation of Minutes of 4 December 2019

The Minutes of meeting of 4 December 2019 were confirmed and were signed by the Chairperson.

4. Matters Arising from Minutes of 4 December 2019

Minor Variation 2018/25/1 for the change from Single Entrance Doorways to Double Doors with Sidelights (Canister) approved at the 5 June 2019 meeting

The CPO reported that he understands that the applicant now wishes to consider this minor variation.

UPDATE: This will be an agenda item for the LDCA's consideration.

Application 2019/44 – Extensions to Existing House to form a Double Storey – Sea View, Alarm Forest – Brian Paul Fuller

The applicant was informed of the Authority's concerns regarding the design.

UPDATE: A meeting is to be arranged with his Agent to discuss.

Application 2019/97 – Installation of Wireless Communications Antenna – Post Office Building and New Porteous House, Jamestown – St Helena Government.

This application was deferred from a previous meeting for the CPO to speak with the applicant on an alternative as well as details regarding its installation.

UPDATE: Discussions had taken place with the applicant. A decision will be made shortly.

Application 2019/52 – Coffee Picker Eco Lodges, Water Storage Ponds, Container Storage Shelter and Pump House for Hunts Vale Coffee Estate Development – Hunts Vale, Gordons Post, Alarm Forest – Axel Oberem

Application 2019/89 – Construction of Access Road – Donkey Plain and Breakneck Valley – Stephen McDaniel

The CPO reported that the above two applications 2019/52 and 2019/89 were presented to Executive Council at its meeting on Tuesday, 14 January and were approved with a number of conditions.

5. Building Control Activities/Update

LDCA Members were given a list of Building Control Activities for the month of December 2019 for their information. It was noted that the Building Team have everything under control.

6. Current Planning Applications

LDCA Members were given a list of current development applications. There were 23 applications awaiting determination at the time of preparing the Agenda. Some are awaiting further information whilst others are in the consultation period or being addressed. It was noted that much progress has been made with reducing the number of applications for the year 2018. It was also noted that progress is being made with the number of applications being dealt with for the last year as can be seen from the agenda. It was highlighted that the Planning team is busy.

7. Applications for LDCA Determination

1)	<p>Application 2019/95 – Proposed construction of a two Bedroom Dwelling – Barren Ground, Blue Hill – Melanie Richards</p> <p>The Planning Assistant presented this application. The site falls within the Intermediate Zone with no Conservation Area restrictions. It was noted that the Agent was contacted with a view to re-considering the design and layout to suit the steep land. The Applicant however was resolute that the bungalow design was their personal choice. It was noted that there are technical issues surrounding this proposal that will be addressed when the applicant applies for building regulations approval.</p> <p>Resolution: The application for construction of a two bedroom dwelling was approved with conditions as recommended by the PA. A Decision Notice to issue.</p>	PA
2)	<p>Application 2019/85 – Proposed installation of three Wind Turbines and Energy Storage System – Deadwood Plain _ PASH Global</p> <p>The Chief Planning Officer presented this application. There were two objections. The Chairperson stressed at this time that she did not have any involvement in the writing of the objection nor any discussions with the National Trust but said that she will leave the table in view of the concerns that have been raised previously. It was noted that the Chair did not have any financial gain in the matter. After Member Karl Thrower agreed to deputise, the Chair left the table. The site falls within the Nature Conservation Area. The CPO highlighted that three meetings were held on the island by the applicant during the extended consultation period on the development application where members of the public generally sought clarity on the proposed development.</p>	

The report highlights that the biggest impact of the proposed development will be during construction and whilst potential impact could be quite considerable due to physical and environmental constraints, there would be a number of benefits. The storage system would be housed in containers that have been sourced especially for this. Only two of the three wind turbines would be installed, the third would be installed at a later date when the energy need arises. Members raised questions as to the impact during construction on the existing tracks and if any temporary/permanent measures would be put in place. It was pointed out that the track would remain as it is and any damage caused during construction would be made good.

Questions were also raised in respect of the potential impact and disturbance on the wirebird habitat during and post construction. It was explained that Environmental Management Plan (EMP) is an important tool to ensure that potential impact on the environment is carefully managed and monitored and any disturbance to the wire birds is kept to the minimum. Due regard to the wirebird breeding period and there will be on-going monitoring and incidents recorded.

Mention was made of the fact that there could have been other locations for the wind turbines development. It was however, noted that other options had been looked at during previous installation and that Deadwood Plain was considered the best location for the wind turbine and it was unfortunate that this also is a very prominent landscape. It was felt that the containers would stand out as proposed adjoining the Haul Road and it was queried whether other options were considered for the storage system. It was explained that these were not the usual shipping containers that are being used around the Island, but would be specially assembled for this project with the energy Storage system contained within the containers.

The issues regarding the EIA were highlighted and whilst it was noted that there are some concerns with its content, the document does meet the requirements for this proposed development. It has identified all the potential impact of the proposed development, during construction and post construction and has fully assessed their impact and mitigation measures to be adopted to overcome and/or reduce the impact in respect of their adverse and negative impacts and there are a number of environmental benefits of note with carbon emission and climate change. It was further highlighted that the proposal would bring a number of economic benefits and improve local economy with cheaper and cleaner electricity. The comments from the

	<p>EMD were noted. After much consideration members asked that some additional conditions be considered to take account of the potential impact of the container and these should include installation of roof, alternative colour and mitigation measures to overcome any noise pollution issues and these could include sound barrier on site as well as landscaping. The Chairperson returned to the table.</p> <p>Resolution: The application for Installation of three Wind Turbines and Energy Storage System was approved with conditions as recommended by the CPO with additional conditions for the treatment of the containers. This application is to be referred to Governor-in-Council for final determination as the site exceeds five acres of the area.</p>	CPO
<p>3)</p>	<p>Application 2019/96 – Proposed construction of a two Bedroom Dwelling – near A & D’s Mini Mart, Half Tree Hollow – Shawna Leo</p> <p>The Planning Assistant presented this application. The site falls within the Intermediate Zone with no Conservation Area Restrictions. It was noted that permission has been granted by Connect St Helena Ltd to transfer the sewerage connection from the former unoccupied shop being the property of A & D’s to this new residential development. It was further noted that the unoccupied shop was being used for storage purposes only. Permission for access to the new dwelling and for two car parks was given by the Owners of the adjacent A&D’s shop.</p> <p>Resolution: The application for construction of a two Bedroom Dwelling was approved with conditions as recommended by the PA. A Decision Notice to issue.</p>	PA
<p>4)</p>	<p>Application 2019/100 – Proposed construction of a two Bedroom Dwelling – near the former Head O’Wain Clinic, Blue Hill – Neil Patrick Bennett</p> <p>The Planning Officer presented this application. The site falls within the Green Heartland Zone. The PO highlighted that the applicant had submitted an application in 2016 for the same location but the application was refused on the grounds that no development was allowed to be constructed in this locality for residential purposes. The applicant at the time was not aware of the restrictions as laid down in the Land Development Control Plan. The LDCP Review Group have been evaluating issues relating to the boundaries that has been adopted as Green Heartland and has resolved that those owners who have purchased land prior to 2012 could build a house, and be exempt from the GHL Policy. It was noted that the LDCP is very much outdated but with the review taking place, it should be finalised by March 2020 when it will go out for public consultation.</p>	

	<p>Resolution: The application for construction of a two Bedroom Dwelling was approved with conditions as recommended by the PO. This application is to be referred to Governor-in-Council for final determination as the site falls within the Green Heartland Zone and is contrary to current LDCP policy.</p>	PO
5)	<p>Application 2019/99 – Proposed demolition of existing House and construction of a three Bedroom Dwelling – near the Ever Green Tree, Half Tree Hollow – Shaun Keith Jonas</p> <p>The Planning Assistant presented this application. The site falls within the Intermediate Zone with no Conservation Area Restrictions. It was noted that there was no objection from Connect regarding sewerage due to the fact that the new dwelling replaces a residential property that has an existing connection to the communal sewer system.</p> <p>Resolution: The application for demolition of existing House and construction of a three Bedroom Dwelling were approved with conditions as recommended by the PA. A Decision Notice to issue.</p>	PA
6)	<p>Application 2019/101 – Proposed HYBRID (Part Outline, Part Full) Development Permission for Comprehensive Development Area to provide access road, residential service plots for private and social housing, community facilities amenity open space and retail shop – Bunkers Hill, Alarm Forest – Nigel George</p> <p>The Chief Planning Officer presented this application and highlighted a number of issues relating to this development site, including issues of accessibility as there is no road link to the site and accessibility to the starting point of the development would require new access road, this being part of this application. The CPO pointed out that the applicant was encouraged to submit a Hybrid application in respect of the proposed development in order to ensure the applicant provides details of the access road link to the main development site, the access road within the site and lay-out of the future housing development plots and associated proposed uses. The CPO also raised a concern that even as a hybrid application, the level of details provided by the applicant is minimal for the level of development proposed and the acre covered.</p> <p>The site falls within the Intermediate Zone with no Conservation Area restrictions. This site will need to have an access and the main access road for the development is a difficult terrain. Members were given the opportunity of viewing the drone image footage of the site to understand the difficult terrain and that there was a need for a better assessment of the site. The view for this development is spectacular and has the potential to create</p>	

quality development. The CPO and PO had made a site visit to the area and walked part of the site and it was reported that it was quite a challenge terrain. The applicant need to have regard to accessibility to the site. It was noted that the alignment of the road is for full permission, although not sufficient information is submitted.

There are issues relating to water supply and the proposed sewage system due to the gradient and location of the septic tanks. The issue have been raised by Connect St Helena Ltd. The applicant's Engineer is preparing the sewage plan in discussion with Connect officers.

Members sought information regarding phasing of the development and it was pointed that there are three phases of development, with phase one to provide the access road to and within the site and to provide 80 housing development plots on the southern part of the development site, up to 50 housing plots for the middle phase and up to 30 plots for the northern section of the development site.

It was further pointed out that the EIA submitted in support of the proposed development does not provide sufficient information and this concern has also been raised by the Chief Environment Officer in her response. Prior to the submission of the application, no request was made by the applicant for either a Screening or a Scoping Opinion. It would have been beneficial for the applicant to have requested a Scoping Opinion where it would have set out issues that needs to be assessed for the EIA. The level of site assessment and ecological potential of the area would have assisted in considering the mitigation necessary and its impact. In view of the difficulties highlighted with minimum level of information provided the CPO had set out a way forward with regards to working with the applicant, to enable progress with this proposed development and reported that this has been discussed with CEO who is happy to work with the applicant, to undertake targeted environment assessment to establish the ecological condition of the area.

The representation received was noted where it was highlighted by the CPO that the concerns have been taken account of. With regards to the access road it was stressed that the plan is unrealistic as there is not sufficient information. Members expressed concern that this application should not have been presented at this meeting for discussion as not sufficient information has been provided. The Authority asked that the CPO discuss with the applicant all the details and concerns and to advise the applicant accordingly. It was stressed also that the applicant should have a meeting

	<p>with all parties concerned. After much consideration of how this development application could be progressed, the Authority members proposed that the application should be considered for outline development permission only as not sufficient information had been given for those elements of the development for which full permission is being sought. The applicant needs to provide the level of information requested for the development of this nature, capacity and area of coverage before any construction work can commence. The CPO to obtain the required information from the applicant and the applicant would be asked to change the <u>application to outline</u>.</p> <p>Members being mindful of the concerns raised on the proposed application and given the accessibility issues of the development site, approval in principle for the proposed development should be agreed to enable the applicant to prepare more detailed proposals for the development to be progressed and in view of this the permission sought should be changed to OUTLINE. This is to be agreed by the applicant. The members requested a site visit be arranged in order to view the physical environment of the development site. The CPO to carry forward and seek the details from the applicant in what was discussed today.</p> <p>Resolution: The application for Proposed HYBRID (Part Outline, Part Full) Development Permission for Comprehensive Development Area to provide Access Road, Residential Service Plots for Private and Social Housing, Community Facilities Amenity Open Space and Retail Shop was approved in principle as Outline Only with conditions as recommended by the CPO subject to a site visit being undertaken and the applicant providing detailed information as discussed.</p>	CPO
<p>7)</p>	<p>Application 2019/104 – Proposed construction of a two Bedroom Split Level Dwelling – Bellstone, Levelwood – Jeremy Henry</p> <p>The Planning Assistant presented this application. It was noted by the PA that a previous application was refused. The site falls within the Intermediate Zone with no Conservation Area restrictions. There was a change to the house design that was originally submitted where the excavation works would now be split level. It was noted that the soil spill could create a slip problem on the existing hill side and therefore, required to be engineered. It was suggested whether it might be possible that the engineering works could be regarded as a condition and be enforced in all applicable developments. It was highlighted that a policy could be worked upon to reflect this. However, it was stressed that every application should be dealt with on its merit.</p>	

	<p>Resolution: The application for construction of a two Bedroom Split Level Dwelling was approved with conditions as recommended by the PA. A Decision Notice to issue.</p>	PA
8)	<p>Application 2019/103 – Proposed change of use from Office to Dwelling House (Class B1 to Class C3) – Eastbridge, Napoleon Street, Jamestown – Solomon & Company (St Helena) Plc</p> <p>The Planning Officer presented this application. The site falls within the Intermediate Zone and Jamestown Conservation Area. The building is Grade III Listed. It was noted that there is an odd door system on the proposed layout of the first floor. The comments made by the Roads section and the St Helena National Trust were noted. It was further noted that the proposal would not affect the external appearance of the building.</p> <p>Resolution: The application for change of use from Office to Dwelling House (Class B1 – Class C3) was approved with conditions as recommended by the PO. A Decision Notice to issue.</p>	PO
9)	<p>Application 2019/111 – Proposed modular cable landing Station, manholes and ducting – Rupert’s Beach, Rupert’s Valley – St Helena Government</p> <p>The Chief Planning Officer presented this application. The Chairperson having declared interest due to representation made by SHNT asked for a Deputy to chair this report and left the table. Member Karl Thrower took the chair for this report. Comments that were received were noted as well as a late representation. It was noted that a Screening Opinion was undertaken where it was recognised that while there is some impact arising from this proposal to the heritage of the area, it was considered that full EIA was not required. The applicant has submitted Environmental Management Plan to manage the construction in this environmentally sensitive area. The Screening Opinion had highlighted the potential impact to the chimney structure in the area that showing structural damage with a number of cracks.</p> <p>The development consist of the laying of fibre optic cable from the sea bed to the shoreline and ducting them under the historic fortification wall to manhole chamber and through to the Cable Landing Station Building. The proposed development is important to the Island with the implementation of the high-speed broadband. The major area of concern is the ducting under the wall closeness of the proposed construction works to a number of sensitive installations in the area.</p>	

The CPO highlighted that there were objections received to the proposed development raising concerns on the impact on the heritage and natural environment of the area. It was further noted a concern in respect of the listed chimney as there were a number of cracks in the structure and there was potential for further damage due to the use of heavy machinery for the excavation that may be required. The works and excessive vibration could cause further damage and potential damage to the wall, although not listed is considered to be of heritage importance. It was noted that the ducting will be laid underground and will run below the wall. The applicant has been advised that a survey of the listed structure should be carried out before any works starts on site. Consideration should also be given to undertaking repair and maintenance work to the chimney structure.

Members were in support of the development and recommend to the Governor-in-Council to approve the development application.

Post LDCA decision, the applicant has requested changes to the proposed ducting alignment from the shoreline to Cable Landing Station Building (CLSB). As the LDCA has given their consent to the development application, the CPO considers that this amendment to the proposed development can be treated as a minor variation to the approved plans and as the final decision on the development application rests with Governor-in-Council, the proposal is still at the reporting stage for decision. The CPO has consulted with the LDCA Members on the amended lay out plan and they have no objections and support the decision of the CPO to treat it as minor variation to their decision.

To ensure openness and transparency in the decision making, the amended layout plan for this development application was advertised and consultees were informed and given seven days to respond to the proposed amended plan. Any representation received would be reported to the Governor-in-Council. It is considered that seven days for minor amendment to the previous advertised development proposal is a reasonable time for consultees to respond.

For the information of the LDCA Members, two representations have been received from the two stakeholders who made representation to the original application. The issues raised are similar in their nature and also considers that seven days to respond was too short a period for making a meaningful representation.

Resolution: The application for the modular cable landing station, manholes and ducting was approved with conditions as recommended by the CPO

CPO

	subject to member’s approval for the minor variation. This application is to be referred to Governor-in-Council for final determination.	
10)	<p>Application 2019/107 – Proposed two Bedroom extension to existing House – Red Hill, Levelwood – Parry Martin Leo</p> <p>The Planning Assistant presented this application. The site falls within the Intermediate Zone with no Conservation Area restrictions. It was noted that the proposed excavation could undermine the existing 7 metre high excavated embankment and thus it was felt that the installation of gabions along the bottom of the proposed excavation could mitigate against this.</p> <p>Resolution: The application for the two Bedroom extension to the existing House was approved with conditions as recommended by the PA. A Decision Notice to issue.</p>	PA

8. Approvals by CPO under Delegated Powers

The following Development Application was dealt with under Delegated Powers by the Chief Planning Officer.	
1)	<p>Application 2019/98</p> <ul style="list-style-type: none"> – Requested : Full Development Permission – Proposal : Construction of a Carport – Location : Longwood Hangings – Applicant : Delia Henry – Official : Ismail Mohammed, CPO – Status : Approved on 12 December 2019

9. Minor Variations Approved by CPO

The following seven Development Applications were approved as Minor Variations by the Chief Planning Officer. As normal practice key Stakeholders are approached when and where needed for Minor Variation Evaluation.	
1)	<p>Application 2017/44/MV1</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To change position of access road and a larger excavated area – Location : Near Spring Bok, Levelwood – Applicant : Elvis and Nicole Hercules – Official : Ismail Mohammed, CPO – Status : Approved on 29 October 2019
2)	<p>Application 2019/03/MV2</p> <ul style="list-style-type: none"> – Requested : Minor Variation

	<ul style="list-style-type: none"> – Proposal : To invert the first floor layout of the southern building – Location : Clay Gut – Applicant : Nigel George – Official : Ismail Mohammed, CPO – Status : Approved on 15 November 2019
3)	<p>Application 2017/71/MV2</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To change the design of the Lounge extension from a Pentagon shape to squared and to change the Roof from dual pitch to hip – Location : Cow Path, Half Tree Hollow – Applicant : Gladys O’Bey – Official : Ismail Mohammed, CPO – Status : Approved on 23 November 2019
4)	<p>Application 2017/94/MV1</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To excavate a corner of the lower Terrace in order to reposition the house to allow easier access in to the Garage – Location : Near High Knoll, Half Tree Hollow – Applicant : Phillip Yon – Official : Ismail Mohammed, CPO – Status : Approved on 29 November 2019
5)	<p>Application 2018/56/MV1</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To continue with development based upon the site as excavated, to omit the rear Verandah, Workshop and Garage and maintain the current access track onto the site for construction purposes – Location : Near the Kingdom Hall, Longwood – Applicant : Robert Moyce – Official : Ismail Mohammed, CPO – Status : Approved on 13 December 2019
6)	<p>Application 2018/54/MV1</p> <ul style="list-style-type: none"> – Requested : Minor Variation – Proposal : To change from hip to gable Roof design – Location : Sapper Way – Applicant : Shalane Thomas – Official : Ismail Mohammed, CPO – Status : Approved on 13 December 2019
	<p>Application 2019/23/MV1</p> <ul style="list-style-type: none"> – Requested : Minor Variation

– Proposal	: To change the go-kart track surface from brick to a water based slurry mix
– Location	: Merrimens Forest
– Applicant	: Craig and Paul Scipio
– Official	: Ismail Mohammed, CPO
– Status	: Approved on 13 December 2019

10. Strategic Planning Matters

1)	Rupert's Valley Development Plan The CPO reported that there have been progress taking into account the break over the festive season.
2)	Conservation Area Management Plan On hold. The Chairperson advised that this should continue as an item on the Agenda until finalised.
4)	LDCP Review The CPO reported that meetings are still being held every week and progress is being made. As reported already the LDCP review will go out for consultation in May 2020.

11. Any Other Business

There was no other business to discuss.

12. Next Meeting

The next LDCA Meeting is scheduled for Wednesday, 5 February 2020.

The Chairperson thanked Members for their attendance. The meeting closed at 13.20hrs.

Signed by the Chairperson of the Authority, as a true reflection of the Meeting

Chairperson to the LDCA

Date