

Planning Officer's Report - LDCA January 2020

APPLICATION	2019/113 – Renewal of Development Permission 2012/66 and 2015/119
PERMISSION SOUGHT	Full Development Permission (RENEWAL)
REGISTERED	07 November 2019
APPLICANT	Paul O’Sullivan
PARCEL	TH24 and 38 (Block 1) and TH 57, 60 and 179 (Block 2)
SIZE	166.12 hectares (410.50 acres)
ACTUAL SITE SIZE	166.12 hectares (410.5 acres)
LOCALITY	Broad Bottom Farm, Thompsons Hill
LAND OWNER	St Helena Leisure Corporation Limited (SHELCO)
ZONE	Green Heartland
CONSERVATION AREA	None
CURRENT USE	Grazing and Arable
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper - 20 December 2019▪ A site notice displayed in accordance with Regulations.
EXPIRY	10 January 2020
REPRESENTATIONS	Representation has been received from the following: Mr B George, Mr A Pearce, and Mr D Stroud
DECISION ROUTE	Delegated / LDCA / EXCO
SITE VISIT	N/A

A. CONSULTATION FEEDBACK

- | | |
|--------------------|--------------|
| a) Water Division | No Objection |
| b) Sewage Division | No Objection |
| c) Energy Division | No Objection |

d) St Helena Fire & Rescue	No Objection
e) St Helena Roads Section	No Objection
f) Heritage	No Response
g) Environmental Management	No Response
h) Public Health	No Response
i) Agriculture & Natural Resources	No Response
j) Property Division (Crown Est)	No Response
k) St Helena Police Services	Not Consulted
l) Aerodrome Safe Guarding	Not Consulted
m) Enterprise St Helena (ESH)	No Objection
n) National Trust	Objection - Comments

B. DEVELOPMENT DETAILS SUMMARY (approximate / rounded figures)

The proposed development application is for the renewal of the development permission granted for 70 Suite Eco-Luxury Hotel, 18 Garden Suites, 30 Bed Staff Accommodation Building, 165 Leisure-related residences, Golf Clubhouse, Lookout Interpretation Centre, Sebastapol Centre, Golf Maintenance Facilities and Golf Course at Broad Bottom granted in 2012 and the permission amended in 2016.

The reports in respect of this development and the amended application have been made to the Governor-in-Council and have resolved to grant development permission and amendment to the original decision.

C. REFERRAL TO GOVERNOR-IN-COUNCIL

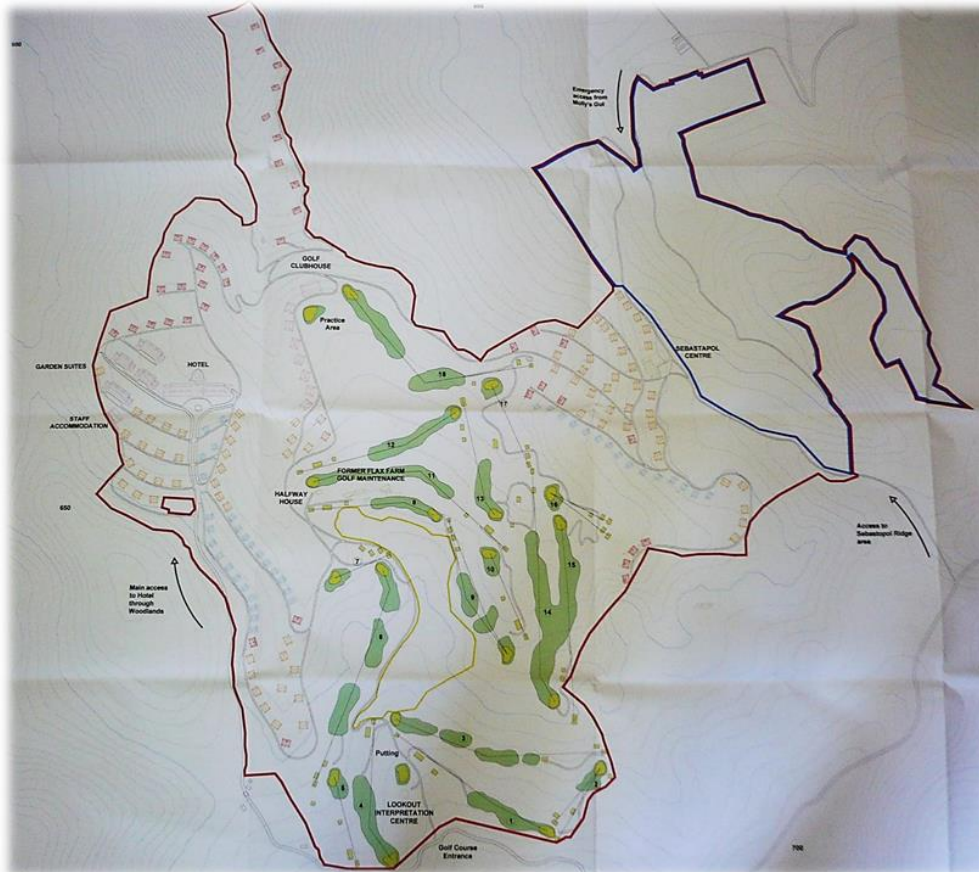
This Application to be Referred to Governor-in-Council (in accordance with Directive dated 17 April 2014): 1 – The development of a site (or a group of two or more sites in the same vicinity) which exceed (or exceed in aggregate) five acres in area.

D. PLANNING OFFICER'S APPRAISAL

This development application is seeking renewal of the previously approved full development permission for the leisure development incorporating 70 Suite Eco-Luxury Hotel, 18 Garden Suites, 30 Bed Staff Accommodation Building, 165 Leisure-related residences, Golf Clubhouse, Lookout Interpretation Centre, Sebastapol Centre, Golf Maintenance Facilities and Golf Course at Broad Bottom, Thompson Hill that was granted consent on 15th June 2012 under development application reference 2012/66/TH and development consent amended on 14th February 2017 under

The land is undulating, characterised by a mixture of pasture and woodland, hills and guts. The land is in agricultural and woodland use at present, owned and farmed by Solomon's and includes the former flax farm buildings. The full extent of the application site is indicated in the location plan.

Diagram 2: Proposed Development Plan



Planning History

The original development application in 2012, reference 2012/66/TH was submitted following number of consultation events around the Island to seek local view on the proposed development. There was considerable support expressed for the proposed development with number of letters supporting the development at development application consultation. The development application was submitted with Environmental Impact Assessment

This is an ambitious housing, tourism and golf course development, that if implemented would be unprecedented in scale on St Helena although golf course and leisure resort development of this kind is commonplace in other parts of the world. The principle of

house building on this commercial scale in the Green Heartland was accepted partly to enable funding of the hotel and golf course construction and ancillary buildings. The application was presented in 2012 as the World's "greenest tourism hotel with environmentally responsible leisure related residences around a world class eco golf course at its heart".

There was surprisingly little detailed design information before the Authority in 2012 but this was accepted by Council acting as the Planning Authority at the time. The approved development permission is accompanied by drawings that refer to different phases of development, a basic layout masterplan and golf course layout, phasing plan and drawings and illustrations of various buildings including the hotel.

The permission is regulated by a decision letter and 6 planning conditions, the first condition referring to schedule and provides for a Construction and Environmental Management Plan that encompasses a wide range of additional environmental work to be undertaken in advance of commencement of construction. No planning conditions have yet been discharged and the development permission was due to expire during June 2017 unless implemented or renewed before then.

The conditions attached to the permission requires the development: to achieve very high environmental standards; restrict the occupancy of the proposed dwellings to holiday use only and impose some restriction on phasing, prioritising commencement of the hotel and golf course. Final building design approval is also reserved.

The conditions also impose relatively light control over the implementation and phasing of the development. Condition 3 does seek to ensure that the main hotel building and staff accommodation is commenced first, in advance of occupation of the housing development. This condition would nevertheless allow a developer to make a meaningful start on the golf course and hotel construction, then suspend or even abort this work but still carry on with house construction.

The phasing plan and approved planning statement gives no indication of commencement of development, the duration of each phase or even stipulate that one phase shall be complete before operations are permitted to commence on a different phase.

Though occupancy of the proposed dwellings is restricted to holiday use it is unclear exactly how compliance with such a condition is to be monitored or enforced. This is actually quite a difficult condition to administer. Holiday homes are still considered to be dwellings (Class C3) and without special controls can be used as permanent

accommodation. Monitoring and enforcement of occupancy conditions can be challenging in practice. Condition 4 refers to a use class C4 that does not exist under current Regulations.

The existing permission therefore raises a number of concerns and questions. Some of these concerns may be assuaged through the submission of additional information required by existing condition but the standard of regulation applied to such a significant development is unusually forbearing which may potentially cause problems later on. However, as this application is for a renewal of the previous decision and there is no single change proposed, the process is very simple and straight forward in that the Government has only two options; it can either renew the previous development consent or alternatively refuse to renew the previous development consent and the reason can be that since the initial application in 2012, whilst the Government recognises the potentials of this development on the Island, the applicant has not shown much enthusiasm for the delivery of this development permission and it considers that since the resolution to grant development consent there have been changes in government priorities with the revised Sustainable Economic Development Plan, the airport has been operational but the expected number of visitors to the Island has not materialised, due to on-going global economic uncertainty such development may be high risk for potential investors and the environmental concern and issues of climate change a new development application with supporting evidence, a renewed EIA, should be requested to enable the Government to reassess the impact of such development proposal on the Island's natural and historic environment.

The applicant SHELCO has been interested in St Helena for well over a decade, well before the decision to construct the new airport. The applicant's vision for this site is pioneering for St Helena: car-free development that achieves very high environmental standards, the use of green living roofs, lime hemp walls, sustainable rainwater management, alternative methods of waste water treatment and a golf course that is naturally grazed.

Development permission runs with the land, not the applicant. The current applicant is a limited company that could sell off the share capital in the company without the permission of Council notwithstanding the Immigration Ordinance. Some caution is needed to maintain effective control over implementation of the development on this scale to ensure that the hotel and amenities are actually delivered; there is coordinated implementation of accommodation, access and servicing provision and landscaping mitigation and that effective planning control is exercised to ensure that the development shall always remain an attractive leisure and tourism asset, accessible to the wider community.

The 2015 application, reference 2015/119, was a slight amendment to the earlier development permission and relate the initial phases of development. A revised planning and environmental impact report was also submitted to support the amendment. The submissions in most respects mirror the application submitted and approved in 2012 although the applicant made few amendments to the text of the Planning Statement and also provided some additional information on levels and drainage which is helpful.

The drawings submitted were still conceptual and inadequately detailed to carry out a complete and professional assessment against development plan policy. The development application was approved and a Planning Agreement was recommended prior to the issues of development Permission. This agreement would ensure that:

- i) that the development be planned and operated to be car free and maintained as such for the lifetime of the development
- ii) that notwithstanding the provisions of the General Regulations all dwelling houses to be constructed on the application site shall be occupied and used only as holiday residences and for no other purpose.

To be effective the Planning Agreement should be binding upon all future subdivisions since the applicant has indicated that many of the homes would be offered as fractional ownership.

In accordance with decision notice issues dated 14th February 2017 under reference 2015/119, the development permission expires on 15th June 2020, unless development has commence in regards to development permission granted under development application reference 2012/66/TH, except for Condition that has been amended under reference 2015/119.

Representation

Representations have been received to the development application seeking renewal of original permission from Mr B George, Mr A Pearce, Mr D Stroud and Saint Helena National Trust. The issues raised as follows:

- during the last decade St Helena has been experiencing a cycle of severe droughts and there has been water restrictions still continue;
- St Helena is caught up in global climate changes with severe weather conditions which in the next decade are going to more extreme;
- St Helena is a small island with a fragile ecosystem, most of the land being barren, particularly regarding its water resources, it is essential not only to address the current drought but plan for the future. This is one of the main objectives of the St

Helena Government in its 10 year development plan 2017 – 2027 not just to plan for the short-term but also to “plan for the future”;

- St Helena Government’s current Sustainable Economic Development Plan 2018 – 2018 (SEDP has as one of its main objectives to “sustain St Helena’s natural resources for this generation and the next”;
- proposal is a major development in the Greenheart area that has traditionally been farming area, this major development has huge impact not only on the environment but socially, particularly on the water resource in that region, drawing water resource that is the water table for the whole of the Western part of the island;
- before any decision is made there should be **(a) an Environmental Impact Assessment and (b) a Social Impact Assessment** for the whole development taking into account of matters raised above addressing current related matters and policies for their impact in the short and long term to meet the St Helena government’s agreed national objectives;
- SEDP states its focus on developing all sectors which can help to increase exports and substitute imports”, what will be the impact of planed development in this location to meet this objective and to what extent will there be a decrease in local meat production from this location;
- development will destroy good quality agricultural land of a type that is rare in St Helena being level enough for machinery to operate, the loss of land will be contrary to the Social and Economic Development Plan which came into existence after the application was first approved and this is one of many changed circumstances that will need to be considered;
- there is now an operational airport and two new government funded hotels and these currently unfairly compete with existing hotel catering establishments;
- proposal for a five storey building in open countryside is complete out of place and should be refused;
- Exco claims to be “sitting as the planning authority” it is not the planning authority, it is the government who must take account of other government policies and changed circumstances that are outside the planning authorities remit;
- it would not be right to rely on any previous EIA as even methods of assessment have changed and that a new EIA is required for this application which should take into account social effects as well as natural considerations such as those above including sustainable water supply;
- since the previous application was approved St Helena has changed significantly and new legislation and policy has been introduced and there has been more development and there obvious sign of climate change and an evolving environment, given this ever changing nature of the Island the proposed development should be a new development application;

- a new application would allow material planning consideration and any environmental and social impact to be realised and appropriate mitigation to be put in place to remove any risks;
- SHG's 10 year plan gives commitment to eco-tourism and agrees to work with partners to preserve the environment and local heritage and whilst the proposed development in the green heartland is sympathetic to the fragility of this area and its eco-system, it is no longer strictly consistent with SHG's commitment to eco-tourism and protecting the environment so that it can be enjoyed by tourist in its natural state, the plan also commits to building multi-faceted economy that is not focused on tourism but also committed to encouraging local fishing industry and agriculture;
- other constructions have had significant impact on the environment at Prosperous bay and surround areas on the wirebird habitat and according to EIA for Bottom Woods there are no birds or habitats in this special area and following the construction of the airport there has been little or no rehabilitation of the area by SHG to encourage wirebirds to use this area and clearly displaced;
- Broad Bottom area is known wirebird area and given the lack of threat in this area it is probable that displaced numbers have returned there and without an there is a missed opportunity to ascertain current wirebird numbers or to ensure alternative land for rehabilitation;
- considerable amount of time has elapsed since approval was granted and the risk that material matters that affect Broad Bottom are have not been previously considered;
- request an extension to the time period for review and submission of a response;
- manner in which consultation has been provided for, with no map or plans, as no details of the proposed development have been provided unable to make an informed response;
- clarity on whether planning permission was previously provided with conditions and, indeed whether an EIA has been conducted and consultation would be aided by circulation of the report;
- application states that public consultation last took place in 2012: 8 years ago as this to be a substantial development and so it would benefit from current dialogue with the community and wider stakeholders;
- concern was previously raised by the proposal to build in the Green Heartland Zone and this is something the Trust would be well placed to advise on further in terms of the impact on our natural capital.

Officer Response: Many of the issues raised by the representation received question the impact of the proposed development on the Island's natural environment and eco-system, in particular the scarce water resources. Whilst the impact on the environment

and Island's water resource is an important issue with water shortage with lack of rainfall, however periods of drought has been cyclical and the development application has previously considered the potential impact of the proposal on the environment. It is now eight years since the first development application was made accompanied by detailed plans and drawings and supporting documents that included an EIA and Environmental Management Plan and over four years since the requested for review of the condition was made. The previous reports to Governor-in-Council set out full assessment of the proposal and permission was granted with number of conditions.

It is considered that environmental conditions in the area of the development application has probably changed little over recent years as there has been little or no change in this part of the Island with other developments whilst there has been some change due to developments in other parts of Island, more noticeably with the development and operation of the airport on the southeast of the Island. There have also been no changes to the Ordinance or development plan policy since the grant of previous permission.

The Island's Sustainable Economic Development Plan has been revised in recent years to promote greater economic diversity and sustainable tourism remains a priority economic and development sector as well promoting sustainable agriculture, forestry and fishing sectors.

The development application seeking renewal of previous consent does not include drawings, plans and supporting document as there is no change to the previous proposal and anyone wishing to review these plans could make appoint to with the Planning Officers to review them to enable them to make an informed response.

POLICY FRAMEWORK

The relevant policies of the Land Development Control Plan (LDCP 2012 - 2022) that are applicable in the assessment of the proposed development are set out below:

- Green Heartland: Policies GH1 and GH2
- Social Infrastructure: Policy SI.1
- Emergency and Public Services: Policy ES.1
- Natural Heritage: Policy NH.3
- Water Supplies: Policies W.1(a) & W2
- Sewage, storm and Drainage: Policies SD1 (a, b & c), SD3, SD.5 and SD7
- Road and Transport Policies: RT1(a, c & d), RT2, RT3 (a & b), RT5 (f) and RT7

The application site is situated in the Green Heartland Planning Zone and the development accords with the thrust of Development Plan Policy. Residential and commercial development on this scale in the Green Heartland would not usually be considered under the Principal Policy GH1, however there is one significant exception set out under the Implementation Policy GH2 and this policy supports tourism related development in the area of Broad Bottom below the contour line of 600m. The proposed development is therefore continued to be supported by LDCP policies and there does not appear to be any material consideration that state otherwise. In view of this, it is considered that the renewal of the development application is in compliance with LDCP.

OFFICER ASSESSMENT

The development proposal as set out in this application for renewal of development permission granted under references 2012/66/TH and 2015/119 accords with the principles of the policy objectives in the LDCP in particular the most significant policy for the Green Heartland Zone. The renewal request also remains in compliance with the various LDCP policies against which the development has been assessed.

The proposed development at Broad Bottom has been in the offering for over eight years and whilst the applicant may still be enthusiastic about the proposal by seeking renewal of the development permission, however there is no evidence of any intention to deliver this development by providing information or discussing details with Planning Officers for the discharge of any of the conditions that shows some commitment to deliver. The LDCP is being reviewed and will be out on public and stakeholder consultation in the near future and in view of this any extension of renewal of the development permission should not exceed three years and if Members are minded to recommend to Governor-in-Council to renew the development permission, the applicant should be advised that further renewal application of this development permission would not be supported in light of revised LDCP having been adopted and future development application would need to be in compliance with then adopted development plan

E. CONCLUSION AND RECOMMENDATION

It is advised that the Land Development Control Authority Recommends to Governor-in-Council to Grant Development Permission to renew development permission granted under development applications reference 2012/66/TH and 2015/119 and decision Notice dated 15th June 2012 and 14th February 2017 respectively and subject to the following Conditions:

- 1) This **permission will lapse** and cease to have effect on the day, 3 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 Development Application form dated 29 September 2015, the Environmental Statement dated September 2015 and the approved drawing reference numbers:

[Purcell Miller Tritton 232266: 100; 200 REV A; 201 REV B; 202 REV A; 203 REV A; 210 REV A; 211 REV A; 212 REV A; 213 REV A; 215 REVA; 220 REVA; 221 REV A; 225 REV B; 230 REV C; 231 REV B; 235; 236; 240; 241; 243 REV A; 244; 250; 251; 252 REVA; 260 REVA; 263 REVA; 264 REV A; 265 REVA; 280; 281, 282, 283; 285; 286; 287 and 288, also Mackenzie & Ebert St Helena Golf Masterplan 6 Series Drawings: Aerial Masterplan; Vegetation Clearance Plan; Ground Re-Modelling Plan; Grazing Plan; Detailed Grazing Plan; Phasing Plan Phase 1; Phasing Plan Phase 2; Phasing Plan Phase 3] Unless the written consent to variation is granted by the Authority. The developer and subsequent operator(s) shall at all times construct and operate the development hereby permitted in accordance with the provisions of the Environmental Statement accompanying the application with mitigation measures adhered to in full, and shall omit no part of the operations provided for by the permission except with the prior written approval of the Authority.

Reason: For avoidance of any doubt and for the purpose of clarity, to define the permission and to ensure that the development is constructed and operated in the manner advanced in the Environmental Statement, upon which the environmental effects of the development have been previously assessed and determined to be acceptable.

Further Advisory:

- i. The applicant is advised that Saint Helena Government as Planning Authority will not consider further development application for the renewal of the development permission granted herewith.
- ii. Application is also required to have undertaken substantial development subject of this permission, to be agreed with the Chief Planning Officer on behalf of the Land Development Control Authority, before the expiration of the day 3 years from the date of the Decision Notice.

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