

Minutes of the Meeting of Executive Council held on Tuesday, 14th January 2020 at 1.30pm
in the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)
The Hon Chief Secretary (Mrs S O'Bey)
The Hon Financial Secretary (Mr D L Richards)
The Hon Attorney General (Mr A T Cansick)
The Hon C R Beard
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas
The Hon R K Yon

In attendance: Clerk of Councils (Mrs C C Johnson)
Head of Corporate Support (Mrs C A George)
Head of News (Mrs K Yon)
Head of Governor's Office (Mr Greg Gibson)

OPEN SESSION

65.1 Welcome

The Governor welcomed all to the meeting. Some members of the public and the media were also in attendance.

65.2 Commission for Equality and Human Rights (Amendment) Bill 2020 (ExCo Memo 1/2020)

The Chairman of the Social and Community Development Committee introduced the memorandum asking Council to advise whether the Commission for Equality and Human Rights (Amendment) Bill 2020, should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council.

The Attorney General advised that there was one minor change required to the Bill "but the Governor is not obliged to make any such appointment or dismiss a member following such recommendation." would be replaced with "but the Governor is not obliged to accept such recommendation." The Attorney General said that his Office would make the amendment and send the correct version to the Clerk of Councils.

(Action: Hon Attorney General/Clerk of Councils)

Following discussion, Council advised and the Governor agreed, that the Commission for Equality and Human Rights (Amendment) Bill 2020, with the amendment outlined by the Attorney General, should be printed, published and presented as Government Business at the next formal meeting of the Legislative Council.

(Action: Clerk of Councils)

65.3 Development Application - Proposed coffee picker Eco-Lodges, water storage ponds, container storage shelter and pump house for Hunt's Vale Coffee Estate Development (ExCo Memo 2/2020)

The Chief Planning Officer, Mr Ismail Mohammed and Planning Officer, Mr Shane Williams, were in attendance for this item of business.

The Chief Secretary reminded the Members that Executive Council was acting as the Planning Authority in considering this Memorandum.

The Chief Secretary introduced the memorandum asking Council whether Full Development Permission should be granted, with Conditions, for Coffee Picker Eco-Lodges, water storage ponds, container storage shelter & pump house for Hunt's Vale Coffee Estate Development as recommended by the Land Development Control Authority (LDCA).

The Chief Planning Officer went meticulously through the planning application with Members.

Members agreed it was good initiative which would support the local economy with the potential for training and employment opportunities but raised concerns about the Eco Lodges use, the water ponds flow to the catchment area at Chubb's spring and the type of photovoltaic panels that were to be used.

The Chief Planning Officer confirmed that he had received written confirmation from the applicant stating that the Eco Lodges would be used for tourism purposes and there were no objections from Connect with regards to the water ponds. He agreed to strengthen the wording of the conditions with regard to the use of the Lodges for Tourism purposes and stipulate that the type of photovoltaic panels to be used should be non-reflective.

Following discussion, Council advised and the Governor agreed, that Full Development Permission, with conditions, should be granted for the Proposed coffee picker Eco-Lodges, water storage ponds, container storage shelter and pump house for Hunt's Vale Coffee Estate

Development subject to strengthening of the conditions for the use of Eco Lodges for Tourism purposes and the type of photovoltaic panels to be installed being non-reflective.

(Action: Clerk of Councils)

65.4 Development Application - Proposed Construction of access Road at Breakneck Valley and Donkey Plain (ExCo Memo 3/2020)

The Chief Planning Officer, Mr Ismail Mohammed and Planning Officer, Mr Shane Williams, were in attendance for this item of business.

The Chief Secretary introduced the memorandum asking Council whether Full Development Permission should be granted, with Conditions, for the Proposed Construction of an Access Road at Breakneck Valley and Donkey Plain as recommended by the Land Development Control Authority (LDCA).

The Chief Planning Officer went methodically through the planning application with Members, explaining the proposed conditions.

The Hon Russell Yon declared his interest and advised that he had worked with the applicant on this proposal for the past 2 years.

Members agreed it was a positive development move which would help to reduce the number of heavy vehicles travelling through Jamestown and would allow for other developments in that area. Some concerns were raised about the terms of the lease, liability issues, the public's right of way and whether conditions should be added to ensure that skips of wet sand should no longer be transported via the town; the question of how the old fortification structure would be safeguarded was also raised, as was the need to consider whether SHG should be allowed to use the road for emergency purposes.

The Chief Planning Officer expressed the view that it might be difficult to insist, as a planning condition, that heavy vehicles should no longer use the public roads into Jamestown, if this application was approved and the road constructed. He also pointed out that the application did not specify a precise route for the access road. The Attorney General advised that the lease holder would carry the liability in the event of an accident involving a member of the public who might use the road; signs would need to be in place to emphasise that use of the road would be at the public's own risk.

Following discussion, Council advised and the Governor agreed, that the Full Development Permission should be granted, with Conditions, for the Proposed Construction of an Access Road at Breakneck Valley and Donkey Plain as recommended by the Land Development Control Authority (LDCA) subject to the fortification wall being protected as best as possible and the Planning Office working with the applicant on the precise route of the access road.

Any substantial changes to the development application would require further consideration by Executive Council.

(Action: Clerk of Councils)

At this point, the Chief Planning Officer, Mr Ismail Mohammed and Planning Officer, Mr Shane Williams, left the meeting.

65.5 Burial Grounds (Amendment) Bill, 2020 (ExCo Memo 4/2020)

The Chairman of the Environment & Natural Resources Committee introduced the memorandum and asked Council to consider and advise whether the Burial Grounds (Amendment) Bill 2020 should be printed, published and presented as Government business at the next formal meeting of the Legislative Council.

Members noted this amendment Bill sought to modernise and tidy up the provisions of the existing Ordinance.

Following discussion, Council advised and the Governor agreed, that the Burial Grounds (Amendment) Bill 2020 should be printed, published and presented as Government business at the next formal meeting of the Legislative Council.

(Action: Clerk of Councils)

65.6 New Cemetery (Amendment) Rules, 2020 (ExCo Memo 5/2020)

The Chairman of the Environment & Natural Resources Committee introduced the memorandum and asked Council to advise whether the New Cemetery (Amendment) Rules, 2020 should be approved and brought into force on the date of publication.

Following discussion, Council advised and the Governor agreed, that the New Cemetery (Amendment) Rules, 2020 should be approved and brought into force on the date of publication.

(Action: Clerk of Councils)

65.7 Confirmation of Open Session Minutes of 26 November 2019

The minutes of the open session of 26th November 2019 were confirmed.

65.8 Matters Arising from the Open Session Minutes

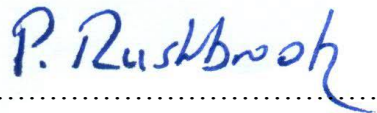
There were no matters arising because all actions were completed.

65.9 Any Other Business

The Governor advised that the Permanent Under Secretary, Sir Simon McDonald, left the Island that day after a three day visit and Sir Simon wished to extend his thanks for the valuable and thorough insight of St Helena that he was given by all the people he met on Island.



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Clerk of Councils



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Governor

11 February 2020

Date