

Minutes of the Meeting of Executive Council held on Tuesday, 11th February 2020 at
10.30am 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 G Buckley
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 News (Mrs K Yon)

Apologies: The Hon C R Beard (Overseas Leave)
Head of Corporate Support (Mrs C A George)
Head of Governor's Office (Mr Greg Gibson)

OPEN SESSION

68.1 Welcome

The Governor welcomed all to the meeting. Members of the public were in attendance.

68.2 Public Solicitors Fees (ExCo Memo 62/2019)

The Public Solicitor, Mr Duncan Cooke was in attendance for this item of business.

This item of business had been deferred for a decision when first considered by Executive Council on 18th December 2019 and when presented again on 28th January 2020 when Members requested that the Public Solicitor submitted a revised fee structure for Executive Council to consider at its next meeting.

The Chief Secretary recapped explaining that this issue had been discussed on two occasions and the Public Solicitor had made the adjustments requested to the fee schedule so the medical negligence was removed, the expatriate worker was clearly defined and included an income threshold of £43,000. This figure equates to a Technical Co-Operation contractor on £30,000 per annum who is single and will have a tax free allowance of £13,900 per annum.

The Chief Secretary asked Council to advise whether the revised fees proposed by the Public Solicitor in Executive Council Memo 62/2019 as to the charges for legal services by his office, should be published in the St Helena Government Gazette, subject to the approval of the Chief Justice.

Members advised that they were content with the additional information the Public Solicitor had provided to Council and gave their support for the new fees to be implemented subject to the approval of the Chief Justice.

Following discussion, Council advised and the Governor agreed, that the revised fees proposed by the Public Solicitor as to the charges for legal services by his office, should be published in a St Helena Government Gazette, subject to the approval of the Chief Justice.

(Action: Clerk of Councils)

At this point the Public Solicitor, Mr Duncan Cooke, left the meeting.

68.3 Development Application - Proposed modular Cable Landing Station, Manholes and Ducting, Rupert's Bay (ExCo Memo 14/2020)

The Chief Planning Officer, Mr Ismail Mohammed was in attendance for this item of business.

The Chief Secretary introduced the memorandum asking Council to 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).

The Chief Secretary further explained that this application had been brought before Executive Council sitting as the Planning Authority because it relates to the development of land within 50 metres of land covered by water.

The Chief Planning Officer informed members that the applicant had submitted an alternative proposal after the decision had been taken by the Land Development Control Authority. It was now planned for the ducting to be to the West as opposed to the East and one metre below ground level so Executive Council, sitting as the Planning Authority, would be advising on the revised version.

The Chief Planning Officer took Members through a detailed power point presentation pointing out clearly the precise locations of the areas on the maps and what mitigation measures and conditions would be put in place.

Members were of the view that Rupert's was considered to be the most suitable site for the landing of the cable and were pleased to know that the historical properties including the chimney and walls would be protected and there would be a minimal impact on the beach area.

Following discussion, Council advised and the Governor agreed, that with regard to the amended plan, 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) and if there were any significant changes to the planning application, then these should be referred back to Executive Council.

(Action: Clerk of Councils)

68.4 Development Application - Proposed Installation of Three Wind Turbines and Energy Storage System at Deadwood Plain (ExCo Memo 15/2020)

The Chief Planning Officer, Mr Ismail Mohammed was in attendance for this item of business.

The Chief Secretary introduced the memorandum asking Council to advise whether Full Development Permission should 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 Chief Secretary further explained that this application had been brought before Executive Council as the Planning Authority because the site exceeded five acres in the area.

The Chief Planning Officer showed Members the three comprehensive documents namely the Environmental Impact Assessment, Renewable Energy Project, Wind Turbine and Battery Storage (Wind) and Renewable Energy Project, Wind Turbine and Battery Storage (Energy Storage System) that were submitted in relation to the project. He explained that in the first instance only two wind turbines would be installed and the third one installed when needed. He talked Members through a detailed power point presentation pointing out clearly the precise locations of the areas on the maps, explaining what were the benefits and constraints of Deadwood Plain and made Members aware that the construction would require a platform of seventeen metres diameter. All the equipment necessary for construction would be brought to the Island but one crane would remain for maintenance; he stressed to Members that the turbines would be visually seen and would stand out on the landscape.

Members viewed the application as progress for the Island noting the high cost of electricity and stated that an Island expert had assured them and provided evidence that the wirebird population had not been negatively impacted by the Airport construction; they agreed that the key going forward is in renewable energy so choosing between fifty six smaller wind turbines and three visually bigger ones would be offset by less reliance on fossil fuels, increasing the green agenda and making electricity more affordable. However, Members were keen to see the whole network placed underground and overhead cabling wherever possible avoided.

The Chief Secretary thanked the Chief Planning Officer for his comprehensive overview of the project.

Following discussion, Council advised and the Governor agreed, that Full Development Permission should 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) but if there was scope for the powerlines to be put underground then the Chief Planning Officer should enter in to these discussions with the applicant as well.

(Action: Clerk of Councils)

The Governor asked the Financial Secretary to finalise arrangements with PASH.

(Action: Hon Financial Secretary)

68.5 Development Application - 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 (ExCo Memo 16/2020)

The Chief Planning Officer, Mr Ismail Mohammed was in attendance for this item of business.

The Financial Secretary declared his interest stating that the applicant is a family member; the Governor advised that the Financial Secretary could remain in the meeting but be excluded from the discussions.

The Chief Secretary introduced the memorandum asking Council to advise whether Outline Development Permission should 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 (LDCA).

The Chief Secretary further explained that the application had been brought before Executive Council as the Planning Authority because the site exceeded five acres in the area and she asked the Chief Planning Officer in his explanation to clarify the element of the application which is full and which elements constitutes an outlying planning permission.

The Chief Planning Officer explained to Members that a Hybrid development application that sought outline planning permission for one part and full planning permission for another part of the development on a same site was proposed. The planning ordinance on the Island is based on the United Kingdom planning laws. The term hybrid application is not defined in UK planning law, but is now a commonly accepted form of planning application, however they are at the discretion of the local planning authority. For some large developments on the Island it is considered that hybrid development applications are more appropriate.

The Chief Planning Officer showed Members a drone's view of the area and Members saw clearly that the site was not flat and the terrain varied drastically in all areas. The Chief Planning Officer further explained to Members that one parcel of land is in the Alarm Forest area and the other in the Rupert's area. He said that whilst the applicant had shown commitment more detail was needed. A scoping opinion was requested but an Environmental Impact Assessment was produced instead. This was of poor quality but the Chief Planning Officer was of the view that by applying planning conditions, all of these areas can be addressed. The Chief Planning Officer explained to members all the representations received and the responses to them.

The Governor thanked the Chief Planning Officer for his detailed explanations.

The Chairman of the Social and Community Development Committee queried why the Executive Council memorandum asked for advice as to whether outline development permission should be granted but the advice sought verbally was referred to as hybrid development permission.

The Chief Secretary advised this arose as a result of the Chief Planning Officer's professional recommendation as stated in attachment Annex B to the Executive Council memorandum.

The Governor directed that he was content to take the professional opinion of the Chief Planning Officer.

Members agreed that they would support the hybrid application noting the area was very challenging and that construction would be done in parts; it was generally felt that supporting the application would mean the area would be developed providing much needed housing, jobs and add value to the development of the economy. They acknowledged the applicant for taking on such a comprehensive area of development and were pleased to note that the Chief Planning Officer would be working with the applicant. Members also made it clear that they were happy to support the application on the condition that the main access road be addressed and when the site was developed, due regard be given to the endemic species in the area particularly those not in abundance.

The Chairman of the Social and Community Development Committee who raised the query earlier explained that he was worried about the process but had just looked at the Land Planning and Development Control Ordinance in particular Section 21 and now agreed all the processes were in place but asked if in future the precise request sought could be clearly reflected in Executive Council memoranda.

(Action: Hon Chief Secretary)

Following discussion, Council advised and the Governor agreed, that Hybrid Development Permission should 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 (LDCA) subject to the Chief Planning Officer strengthening conditions with regard to the Alarm Forest access road and any significant deviations with regard to the road should be referred back to the LDCA.

(Action: Clerk of Councils)

68.6 Confirmation of Open Session Minutes of 14 January 2020

The minutes of the open session of 14th January 2020 were confirmed.

68.7 Matters Arising from the Open Session Minutes

There was no matters arising from the open session minutes.

68.8 Any Other Business

There was no any other business to discuss in the open session.

Tyson

P. Rustbrook

.....
Clerk of Councils

.....
Governor

11 March 2020

Date