

Minutes of the Meeting of Executive Council held on Tuesday, 7th April 2020 at 9.30am 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 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)

Apologies: The Hon C R Beard

OPEN SESSION

75.1 Welcome

The Governor welcomed all to the meeting.

75.2 St Helena Equality and Human Rights Commission Framework Agreement (ExCo Memo 28/2020)

The Chairman of the Social and Community Development Committee introduced the Memorandum asking Council to consider and advise whether the draft Framework Agreement between SHG and the Equality and Human Rights Commission (EHRC) should be approved.

The Chairman of the Social and Community Development Committee explained that the EHRC had met with the previous Governor and elected members of the Executive Council in 2019 and agreed that the working relationship between SHG and the EHRC together with respective responsibilities should be detailed in a framework agreement. The draft agreement was based on the Commission for Equality and Human Rights Ordinance, 2015 and the Paris and Belgrade Principles. Members noted that the Social and Community Development Committee had discussed the draft Framework Agreement at their March 2020 meeting.

Members agreed that the framework which was clearly set out would allow a better engagement with SHG and the Equality and Human Rights Commission. Members acknowledged the important role that the Equality and Human Rights Office played in our small community and felt that it was vital that the population be made aware of their rights. They were of the view that the document should also be issued to Government Officers so that they could be better equipped to deal with any issues that arose, noting that it was a working document still but both parties should be working more closely together.

Following discussion, Council advised and the Governor agreed, that the draft Framework Agreement between SHG and the Equality and Human Rights Commission (EHRC) should be approved.

(Action: Clerk of Councils)

75.3 Development Application - Proposed Extension for a Psychiatric Intensive Care Unit, General Hospital (ExCo Memo 29/2020)

The Chief Planning Officer, Mr Ismail Mohammad and Community Psychiatric Nurse, Mr Ian Rummery were in attendance for this item of business.

The Chief Secretary introduced the Memorandum asking Council to consider and advise whether full Development Permission should be granted, with Conditions, for the Proposed Extension to an Existing Building to form a Psychiatric Intensive Care Unit, at the General Hospital, Jamestown as recommended by the Land Development Control Authority (LDCA).

The Chief Secretary reminded Members that the application was being referred to the Governor-in-Council for Development Permission because it proposes to be (or are proposed to be) used for (a) the provision of medical, dental or other health service, including facilities for the custodial, shelter or otherwise supervised, accommodation of the elderly or of persons who suffer psychiatric or psychological illness or disorder.

The Chief Planning Officer described all the details to Members regarding the Units location and site plans and also the built heritage impacts that would be associated with the development application.

The Community Psychiatric Nurse explained that mental health patients should receive the same level of care as any other health patient so the same principles would apply but basically the unit would be used short term for patients in distress and they would follow the UK's guidelines with regard to security. The proposed development would allow for health professionals to treat patients more safely and would also potentially become a isolation room to be used by the Hospital when not in use by the Mental Health Team.

Members were very supportive of the development application which they felt was long overdue; they did raise some concerns over the security and sound proofing of the unit but the Community Psychiatric Nurse advised this had all been addressed. Members acknowledged that there was no additional funding to construct a purpose built building but felt that using the unit as a multi-purpose room was also a good idea.

Following discussion, Council advised and the Governor agreed, that full Development Permission should be granted, with Conditions, for the Proposed Extension to an Existing Building to form a Psychiatric Intensive Care Unit, at the General Hospital, Jamestown as recommended by the Land Development Control Authority (LDCA).

(Action: Clerk of Councils)

The Governor thanked the Community Psychiatric Nurse for his input and at this point, he left the meeting.

75.4 Development Application - Renewal of Development Permission 2012/66 and 2015/119 (SHELCO) at Broad Bottom (ExCo Memo 31/2020)

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

The Chief Secretary introduced the Memorandum asking Council to consider and advise whether the full Development Permission granted to SHELCO under Development Application references 2012/66 and 2015/119 with Conditions, for a 70 Suite Eco-Luxury Hotel, 18 Garden Suites, a 30 Bed Staff Accommodation Building, 165 Leisure-related residences, a Golf Clubhouse, a Lookout Interpretation Centre, a Sebastopol Centre, Golf Maintenance Facilities and a Golf Course at Broad Bottom should be renewed as recommended by the Land Development Control Authority (LDCA).

The Chief Secretary reminded Members that the Chief Planning Officer was required to refer to the Governor-in-Council all applications for the Development of a site (or group of two or more sites in same vicinity) which exceeds (or exceeds in aggregate) five acres in area (Section 1).

The Chief Planning Officer explained all the details to Members, he highlighted the location plan, application development site, layout, the types of different uses the development requested, the planning history, policy framework assessment, context of the development permission and representations received.

The Chief Planning Officer also acknowledged that additional correspondence from the applicant had been sent to the Executive Council Members following the LDCA report and said he recommended a three year extension because the proposal had been ongoing since 2012 and further advised that the following conditions should apply as stated:-

- 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.

One Member advised that he would be happy to follow the advice from the Chief Planning Officer noting it was a substantial development but he wanted to see some progress in developing the area. However another Member had a different view on the recommended time extension, explaining that the development was predicated on Air Access and it was a different scenario now to that which had been predicated when the development was first approved; for the investor to obtain backing he needed to show there was proper Air Access not just once a week flights. If successful it would benefit St Helena and local investment, the developer needed time and three years was quite short so five years would be more applicable to this development which could be reviewed after three years.

The Governor pointed out that in the current global economic climate as a result of the Covid-19 pandemic, 2020 was considered to be a lost year due to circumstances beyond our control. Another Member pointed out the current applicant was not involved in the original application so this time limit would not be in the investor's favour, although it was noted that the investor did have some public consultations on this development and was looking at the possibility of air access from Europe. The investor also attended a meeting with elected members and also highlighted St Helena's water shortage issues and showed plans of building a reservoir further down the valley so he was integrating a lot of this. Another Member added that in 2012 SHELCO was an active investor and we signed up to remove barriers from investment so we should not be putting in any obstacles so that any investor considers withdrawing, so we should be supporting this application unless there were significant planning issues that suggested otherwise.

The Chief Secretary said that the global predication is that not only 2020 is a nonstarter as 2021 could also be as well. The Financial Secretary added that across a global perspective five years' extension would be a more sensible approach with regard to Air Access developments.

The Attorney General advised that he would check the legalities, because the application had been from SHELCO and now stood in the name of Paul O'Sullivan (or Trade Winds).

(Action: Hon Attorney General)

Following discussion, Council advised and the Governor agreed, that the full Development Permission be granted to SHELCO under Development Application references 2012/66 and 2015/119 with Conditions, for a 70 Suite Eco-Luxury Hotel, 18 Garden Suites, a 30 Bed Staff Accommodation Building, 165 Leisure-related residences, a Golf Clubhouse, a Lookout Interpretation Centre, a Sebastapol Centre, Golf Maintenance Facilities and a Golf Course at Broad Bottom should be renewed for 5 years and not 3 years as recommended by the Land Development Control Authority (LDCA), recognising that the global situation had changed dramatically since they considered the application for renewal.

Two further conditions/amendments were added, which were:-

i. The applicant to be advised that Executive Council, in its capacity as Planning Authority, would not consider any further renewal of the development permission beyond the 5 year period; and

ii. The Applicant would be 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 five years from the date of the Decision Notice, with a review by Executive Council of the progress made in June 2023.

(Action: Clerk of Councils)

At this point, the Chief Planning Officer left the meeting.

75.5 Confirmation of Open Session Minutes of 10 March 2020

The minutes of the open session of 10th March 2020 were confirmed.

75.6 Matters Arising from the Open Session Minutes

There were no matters arising from the open session minutes.

75.7 Any Other Business

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

T. Jansen

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Clerk of Councils

P. Rustbroek

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Governor

28 April 2020

Date