

Planning Officer's Report - LDCA JULY 2020

APPLICATION	2020/41 – Proposed Container Handling Facilities incorporating Office Buildings, Warehousing, Secure Compounds and Car Parking
PERMISSION SOUGHT	Permission in Full
REGISTERED	27 May 2020
APPLICANT	PMU, St Helena Government
PARCEL	Various Land Parcels at these Locations (See Locality)
SIZE	Various Areas of land at these Locations
LAND OWNER	Crown Land
LOCALITY	Lower Rupert Valley
ZONE	Coastal Zone
CONSERVATION AREA	None
CURRENT USE	N/A
PUBLICITY	The application was advertised as follows: <ul style="list-style-type: none">▪ Independent Newspaper on 5 June 2020▪ A site notice displayed in accordance with Regulations.
EXPIRY	19 June 2020
OBJECTION RECEIVED	None
DECISION ROUTE	Delegated / LDCA / EXCO

A. CONSULTATION FEEDBACK

1. Water Division	No Objection
2. Sewage Division	No Objection
3. Energy Division	No Objection
4. Fire & Rescue	No Response
5. Roads Section	No Objection
6. Property Division	No Response

7. Heritage	Objection - Comments
8. Environmental Management	No Response
9. Public Health	No Response
10. Agriculture & Natural Resources	No Response
11. St Helena Police Services	No Response
12. Aerodrome Safe Guarding	Not Consulted
13. Enterprise St Helena (ESH)	Response - Support
14. National Trust	Objection - Comments

B. PLANNING OFFICER'S APPRAISAL

Location and Orientation: The development application is for the northern part of Lower Rupert's Valley locations that includes Rupert Wharf and part of Rupert Valley (central area), for the development and regeneration of the area that will deliver port facilities for the Island.

Diagram 1: Location Plan



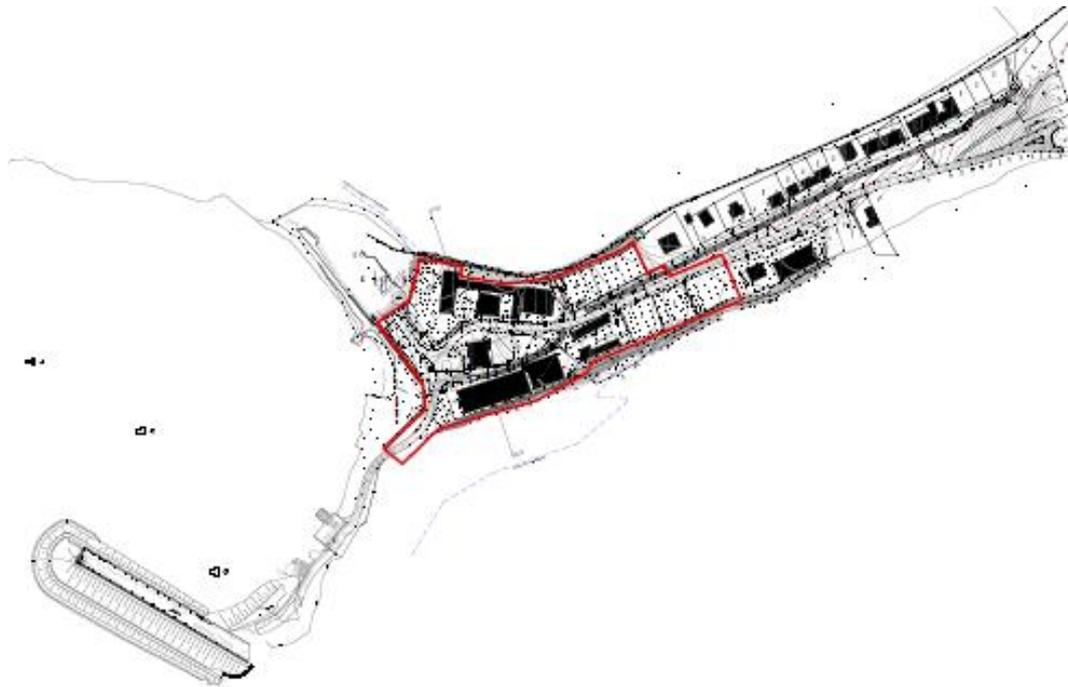
The proposed development is to provide freight and container handling facilities to supplement the existing Wharf operations at Lower Ruperts. The wharf is currently used by the container ship MV Helena to import and export goods. It is currently the only vessel of its kind visiting the island and operates on a four to five-week cycle. Due to the lack of container handling facilities at Rupert's Bay, containers are unloaded at Ruperts, then barged around to Jamestown, where they are stacked and emptied.

Goods are released following, inspection, import and customs procedures. The proposal is to develop Rupert's Wharf as the main port facility for the Island that also meets the minimum international shipping security protocol and procedures (ISPS). The proposed development is to use the Lower Rupert's Valley as the Island's main port facility for shipment and freight handling that will require comprehensive development and regeneration of the northern most part of the valley that already has number of commercial, transport and recreational facilities and uses.

Site Description: The application site is long and narrow with a number modern developments mixed with old historic building, corrugated sheds that provide storage and workshops, shipping containers for general storage and open storage areas that provides very poor physical environment. The area as a whole, however also has a significant historical importance and heritage value.

The whole site covers 2.7 hectares and is bounded on the east and west by the steep valleys, by the historic sea wall to the north, and to the end of plot RV0036 to the south. The site is bisected by the main road that runs centrally through the site. There is no existing physical boundary on the west side of the road, but the east side is bounded by historic stone walls. Haytown house (GIII listed, 1862) is outside of the development area boundary.

Diagram 2: Application Site



There is a gentle slope of 7m from the far south of the site at Haytown house, to the north at the sea wall extending over some 200m. However, it is relatively level from

east to west over a maximum 140m width and a minimum of around 80m, before the topography increases significantly into the steep valley sides.

The views into the application site are from Field road and the Haul road from the south, and also from footpaths to the east and west from high level. There is also a view into the site from the sea, although this is limited by the significant sea wall. There are limited views out of the site, primarily due to the topography, but also the large fisheries building, the BFI and the high sea wall restricting views.

The Rupert's Valley area is steeped in history that is exhibited by the few surviving structures which are listed and need to be conserved, these include:

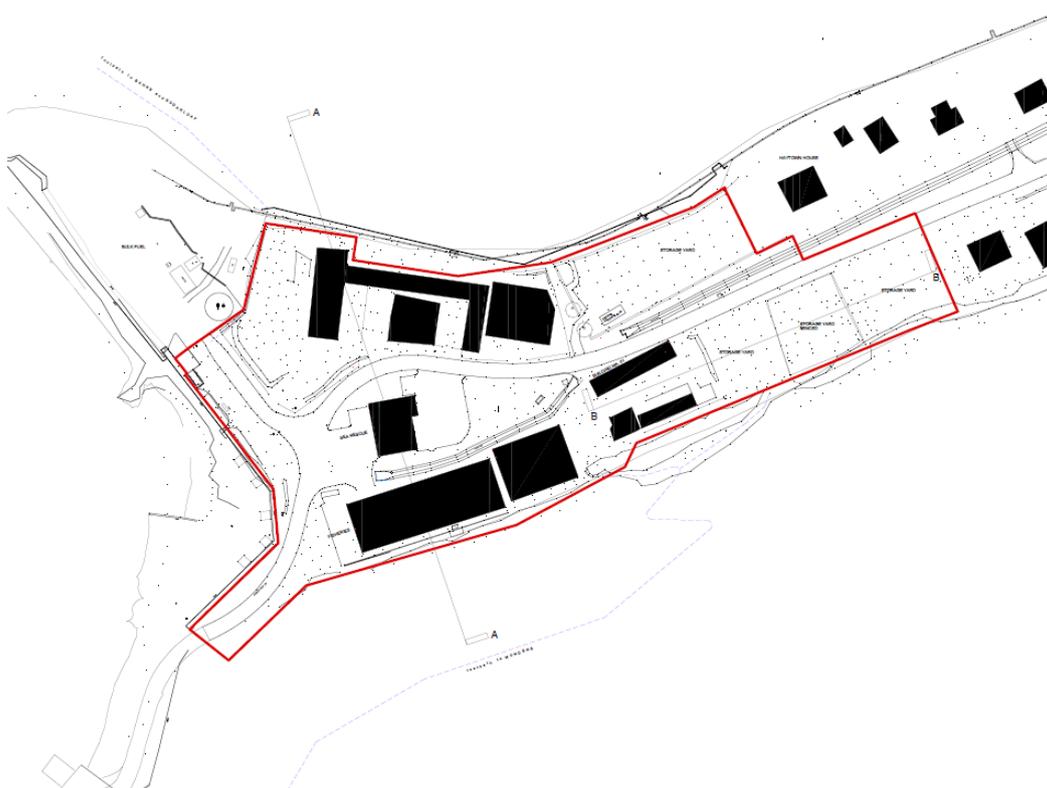
- **Ruperts Lines** : the remaining section of the fortified Sea wall that forms the northern boundary of the proposed site;
- **Chimney Stack** : this structure is outside of the site boundary, however it is significant importance and there is potential visual impact;
- **Building No.1** : a single-storey stone building which is a late addition to the liberated slave camp (circa late C19th) survives alongside its walled garden - this building is central to the application site but does not form part of the accommodation, however the building and its setting need to be respected;
- **Walled Garden** : this area has been utilised for light industrial or storage us for a significant period of time. Whilst the walls in general remain intact, with some minor breaches, however there are two significant trees (not endemic) that form an entrance to the north-west corner. The photographic evidence suggests that these trees are older than the walls;
- **Haytown House** : Whilst the building is outside the development site boundary, the proposal will have some effect on this Grade III listed and its setting. The house was in 1862 building and;
- **Liberated African burials and other sites of archaeological interest** : the proposed sites covered the original liberated African camp yet are of some distance away from the official burial sites and on ground that has been disturbed frequently in recent years, without disrupting additional burials or artefacts. There is, however, some scope that burials and other artefacts may be found onsite; and
- **Natural Heritage** : there is generally a low value across the site, however a small population of samphire (*Suaeda fruticosa*) has been seen. This plant is known to host a number of protected invertebrates.

Existing uses: The general area includes multiple uses that includes residential and social/recreational/leisure and combined with light through to heavy industrial uses, which also includes petroleum installation. Whilst development in the area has occurred over many years from the initial discovery, however much of the

development that remains is mid to late 19th century together with more recent builds. The main uses in and around the development site includes:

- **Light Industrial and Storage Warehouses** : There are some existing light industrial uses (builder's yards) and storage warehouses some of which are in poor physical condition. Several of these will be demolished to provide space for the container yard compound. The commercial fisheries building has operated from Ruperts for a significant period of time, although the future of this building and the fisheries operation are currently being reviewed, the site has been allocated for future port development, should it be required, however the site is currently not incorporated in this phase of the development.
- **Heavy Industrial** : The Bulk Fuel Installation (BFI) is the main located to the east and north-east of the application sites is technically outside the boundary, however this use very much surrounds the development area. Access to the BFI area is through the development site.
- **Sea Rescue** : The Sea Rescue and Emergency Planning building is central located within the development site boundary. Access must be granted to the building at all times and approach to the sea must not be impeded.

Diagram 3: Existing Area Layout and Uses



- **Recreational and leisure** : The Ruperts Bay is one the popular recreational and leisure use area for the local community and these include the following:
 - The beach is a popular location at weekends and school holidays with car parking and BBQ spaces. Rupert's Beach is the only readily accessible

swimming beach on the island. There are toilets and showers facilities available on the south side of the sea wall. The existing access to the beach is currently restricted 3-4 days per month when the MV Helena is docked. During the period of airport construction operations, there were further restrictions imposed on the use beach area and this was accepted by the community. Whilst the beach is outside of the development boundary, the proposed development has impact on the future use of the beach area.

- The wharf and access road is a popular location for fishing and for diver training, again it is restricted for 3-4 days per month.
- Public Footpaths to Mundens to the west and Banks and Sugarloaf to the East are accessed from two separate places from within the development site, however these accessed locations in Ruperts are not intuitive or well signposted.
- **Commercial use within Building No 1** : A Grade III listed single storey stone building with significant heritage value. There have been number business uses located in the building over the years and there is scope for this building to form a separate, potentially publicly accessible use, development unrelated to the port facility.
- **Residential** : The nearest residential dwelling to the site is Haytown House, which is immediately to the south of the application site on the east side of the road. However, there are number of residential properties in the southern area beyond Haytown House. Haytown House is a detached, Grade III Listed building and is the former Governor's house that formed the focal point of a late 19thC new town. There are several cottages further along the east side of the access road into Lower Rupert. Residents are generally accustomed to the existing industrial context of the area and are mainly set away from the main access road with its own service road.

C. PROPOSED DEVELOPMENT

The application site extends from Haytown House in the south to the Sea Wall (Ruperts Lines) in the north and comprises number of developments and uses. The proposed development includes open areas (compounds) for the storage of containers for freight inward and freight outwards, cargo inspection, public and staff parking and the construction of two buildings and a redesign of the port security office building previously granted permission.

The new buildings proposed will cover an area of 1252sqm (01.ha), however this equates to 635sqm less than existing (1887sqm) covered by building structures at present. The proposed use of the whole site will be more intensive with up to 14 working days of each month during unloading and destuffing, the remaining days will

be the use of the area and port activity will be significantly less intensive than the existing uses. The overall proposed development includes the following:

- **Container Compound** : stacking area for full and empty containers on brownfield sites previously used as storage and builders' yards. It is anticipated that there may be a need for additional container yard required for future proofing and ease of operation. There is another brownfield site located within the site boundary to achieve this at a later date.
- **Cargo/ Break Bulk area** : located within the walled garden, with the existing concrete base use for vehicle inspections and containers used as a temporary warehouse and covered storage facility.
- **Container Freight Station** : A large warehouse with offices. Separating public parcel collection, from merchant destuffing is essential for both health and safety and ISPS code compliance. This is a separate facility for the freight forward containers. Offices are for immigration control, customs and security.

Diagram 4: Proposed Development Layout



- **Port Authority, Customs Warehouse and Biosecurity** : a combined building with good surveillance of the whole site, including the wharf. This is located within the Container stacking compound.
- **Gate house** : Security gate house to issue access permits and monitor movements. All access to the lower Ruperts will be via this gate.
- **Perimeter fencing** : ISPS compliant fencing of between 2.8 and 3m will encompass the site, and each individual compound.
- **Stevedores mess facilities** : single storey, potentially portable unit.
- **Car Parking** : Provision of a public car parking on the south of the Container Freight Building.
- **Secure Fencing** : 2.8m high security fence around all the port freight operation sites to ensure security.

- **Public footpath** : Diversion of the public footpath across the area and improvement and signage to the footpath across the area.
- **Landscaping** : Where opportunity exists to improve the physical and natural environment through retention and/or replacement of trees.

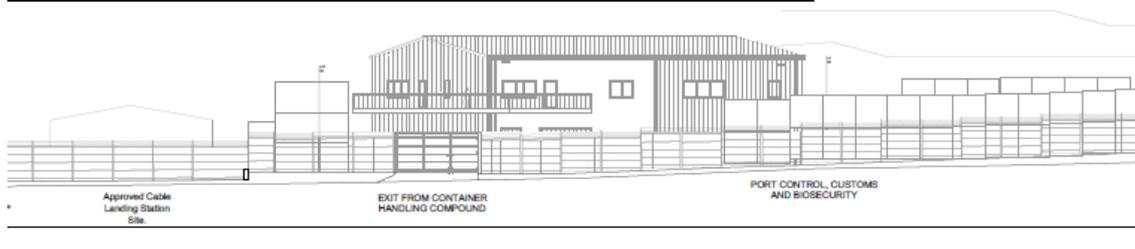
Details of the Development Proposal

Container Compound : This is on the north-east of the application site and will be the largest open area for the freight containers stacking. Currently the site is a mix of number buildings of varying conditions and open storage and car parking. The site adjacent to the Cable Landing Station Building recently granted development permission for the Fibre Optic Cables development project on the Island. As well as the open storage of containers, there will be a two storey building in the north-east part of the site, almost adjacent to the Cable Landing Station Building, to be used for Port Control, Customs and Biosecurity. The total floor space 1,570sqm. The whole area of this compound is 4,350sqm and will include security fencing on the periphery with security gates to control movement.

Diagram 5: Container Compound Layout



Diagram 6 and 7: Street View of the Development - East side



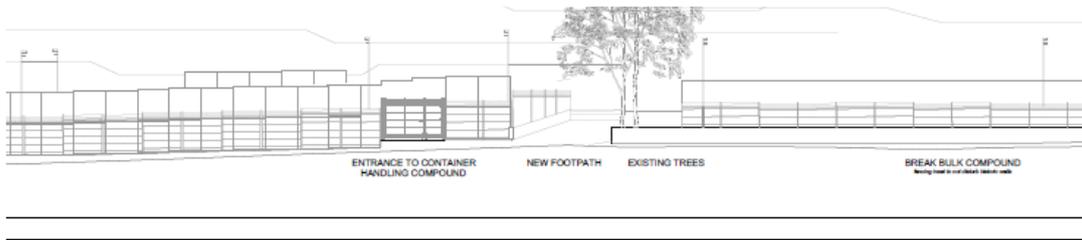


Diagram 8: Main Elevation of the Port Control Building



Cargo/Break Bulk : This proposed use will occupy the area referred to as the “Walled Garden”. The current use of this area is open storage with number of containers used for storage and as workshops. The total area will be 1,500sqm and will enclosed with secure fencing

Secured Compound and Container Freight Station : The secured compound will have an area of 800sqm and a station to the south building will have a total floor area of 1,252sqm and to the south will be the public car park. This will all belocated on the west side of the access road and built almost fronting the road. The station building will be partially opposite Haytown House and will be the most prominent building when approaching Lower Rupert from the south. The compound to the north of the building will provide a reasonable gap between the listed building (Building B1) and the new building to enable this historic building to retain its integrity and not be affected by the new modern building. The main control gates to Lower Rupert during Port Operation will outside this building.

Diagram 9: Street Elevation of the Container freight Station Building

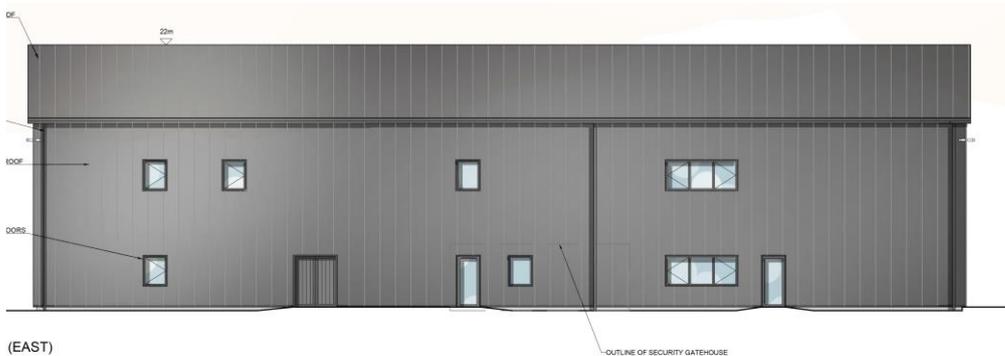


Diagram 10: South Elevation of the Container freight Station Building



Diagram 11: Layout of the Container Freight Station Compound and Building

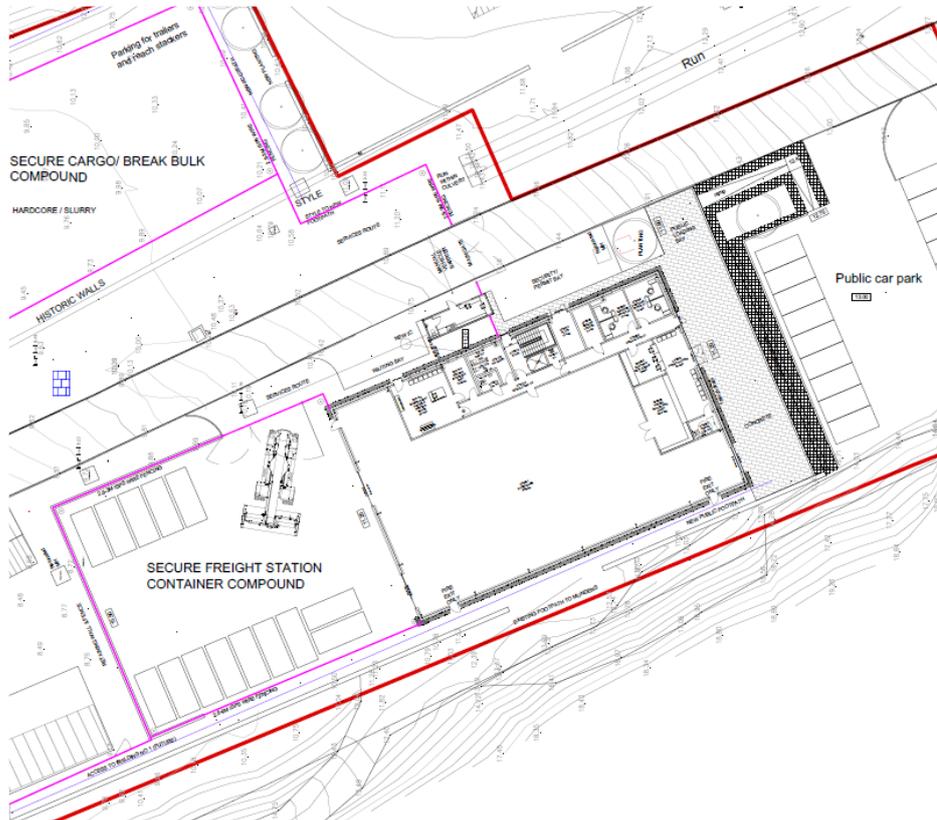


Diagram 11: Street View of the Development - West side





Underground Ducting : The proposal also includes an underground ducting trench about 1.5 deep for electrical and telecommunication lines. This will be on the east side of the access road and run from a location close to the Cable Landing Station building to a location close by the access to the walled garden area. The lines will then be connected to the existing services that run overhead.

ENVIRONMENTAL IMPACT ASSESSMENT

In compliance with Land Planning and Development Control Ordinance (Environmental Impact Assessment Regulation 2013), the applicant requested Screening Opinion from the Planning and Building Control Services. The Screening Opinion was prepared to consider whether a full Environmental Impact Assessment (EIA) report was necessary in this respect. It was concluded that whilst the scale of the proposed development and the potential visual impact arising from the development will be considerable, however given the development involves construction of only two buildings in an area of land that has already been considerably disturbed from previous activities in the area and the other proposed use will be open storage, there would not be a significant environmental impact to trigger the need for a full EIA in the assessment of this proposal.

Within the proposed development application area, together with the immediate surround areas to the application site, there does not appear much evidence of natural environment as most of the area is hard surface and made-up ground, except for a number of tree and some hedges. There are number of buildings and other built structures and chain-linked security fencing surrounding the sites and many of these buildings and structure are in poor condition and in varying stages of dilapidation. Whilst there are also number of more recent developments, the physical environment provides an uncoordinated landscape. Similarly many of the historic structures of heritage importance, like the fortification wall (Rupert Line) and the listed buildings have survived the will not be impacted by the proposed development.

It is inevitable that during the period of construction there will be a level disturbance in the area, but with the experience of previous developments in recent years this can be managed through the environmental management plan (EMP) or construction management plan (CMP). Post construction, there will be some increase in activity in the area with the operation and intensity of port, which may have high level of

activity, particularly associated with the movement of freight during the period when the ship is in port and the containers are unload and load and goods are collected by the merchants. However, the level of activity and potential increase in vehicular traffic into and out of Lower Rupert's Valley may also have on the residential neighbourhood immediately south of the development area, however as these residential properties are set back from the main access road, the level adverse impact would be considered to be minimal.

As regards to the proposed development of two buildings, these are generally on an area that has been disturbed through previous uses and construction. This area is likely to have very little or no archaeological or ecological value. If significant land excavation is required for land assembly, watching brief for archaeological evaluation may be required to ensure that any discovery or artefact uncovered are recorded with the assistance of the Museum Service.

The major impact arising from the proposed development is in respect of health and safety concerns due to a number of sensitive infrastructure and activities within the close proximity of the development site, particularly petroleum installations, storage and transportation. The land assembly operation and construction activity will require careful management. This has been assessed in the Screening Opinion and it was concluded that this can also be managed effectively through the EMP or CMP that will be required. There is also a need to relocate number of access points in and around the application site, in particular public footpaths.

The major adverse impact arising from the proposed development assessed in the Screening Opinion is that associated with the cultural, social, recreational and leisure use of the beach and wharf areas. With the port operation, the cultural, social, recreation and leisure activities will be restricted when these areas will not be accessible to the local community to enjoy. This will mount to around to additional 5 or 6 days, totalling up to 10 days per month. Currently the beach and wharf areas are already not available to the local community to enjoy for 3 or 4 days per month when the ship is in port.

Previously, Screening Opinions have been prepared in respect of a number of development applications in the Lower Rupert's Valley area. The most recent ones were for the Modular Cable Landing Development and the Rockfall Mitigation Project. For both of these proposed development, the Screening Opinion concluded that whilst there is some adverse impact arising from the proposed developments, however the potential of the impact on the environment is not considered to be significant to trigger a requirement for a full EIA.

Since the initial Screening Opinion was given to the applicant, there has been a major incident in the area with the fuel leak being discovered whilst excavation was being undertaken for the Fibre Optic Cable development project. The actual source of the

leak has not been identified, but the direction of the leakage suggest that it may be under any of the buildings on the west side of the access road. The solution being implemented is to isolate the existing fuel pipes and direct through an alternative route. With the capping of the fuel line at the Upper Rupert's Valley Fuel Depot, the fuel pipes are now no longer operational and the matter is resolved. The only issue that remain is the contamination of the area and in particular whether there is any soil contamination within the development application area. In view of the major incident, it is not considered necessary change the recommendation of the Screening Opinion.

Furthermore, as the objective of an EIA is to considered the impact of the proposed on the local environment and identify potential remediation works that would reduce the potential impact arising during construction and post construction, with the decommissioning of the fuel pipes any issue of health and safety is partially resolved. The only issue that now remains is to ensure if the fuel contamination on part of the site that will be used for the construction of building, then ground will need to be cleaned-up (decontamination of the soil) before construction begins, to ensure that there are no issues of fumes emanating from the ground into the building.

The view of the Chief Environment Officer: The Chief Environment Officer (CEO) is in agreement with the conclusions that EIA is not required in respect of these proposed developments and that the trigger for the requirement of EIA would be the potential for significant environmental impacts. The Screening Opinion Checklist shows that whilst there is impact on a number of environmental factors that have been identified and assessed, however these are not considered to be significant to trigger a full EIA.

D. DEVELOPMENT ASSESSMENT

PLANNING POLICY

Land Development Control Plan 2012: The relevant Land Development Control Plan policies that are applicable in respect of this development include the following:

- Coastal Zone Primary Policy CZ1
- Water Supplies Policy W2
- Sewage, storm and Drainage: Policies SD1(b, c) and SD7
- Road and Transport Policies: RT1(c)(d)RT7
- Social Infrastructure SI.11, SI.12
- Employment Premises EP.1, EP.3 and EP.4
- Built Heritage: Policies BH2 BH3 and BH4

The Land Development Control Plan policies identified for the assessment provides some direct and indirect support in principle for the proposed development and for this reason the assessment must be taken as a whole. There is, unfortunately, on one

specific policy which can provide either support for the development in principle or the development being proposed is in principle opposed to the policy objectives.

Draft Rupert's Valley Development Plan (June 2016 Consultation): The proposed development is in general supported by the land use policies in the emerging Draft Rupert's Valley Development Plan (RVDP) (July 2016 Consultation Version). Following number of consultations in the preparation of the emerging development plan, it remains in draft form and has not been progressed to adoption. However it has not been officially withdrawn and/or abandoned. In view of this some limited weight can be afforded to the land-use policies in this draft development plan in the assessment of the development proposal.

The draft LRDP was formulated following the adoption of the current LDCP 2012, the Governor in Council granted Development Permission in December 2013 (2013/92) for a permanent wharf and related infrastructure at Rupert's Valley, amending the airport development permission and reference design.

It is stated in this draft plan that this was a strategic decision to invest in the future of sea access and permanent wharf facilities at Rupert's to shift the freight handling and container storage away from its historic home in Jamestown to Rupert's Valley. To this end investment in the new road infrastructure linking Rupert's Valley with the airport site, construction of the replacement Bulk Fuel Installation and Airport Contractor's temporary occupation of land has further changed the character of the valley in a manner so that it has already become very commercial in its character and physical appearance.

The draft plan also states that the way Rupert's Valley has been used from 2016 and the anticipated pattern of development can no longer sustain designation under the former Coastal Zone Policy and an amended policy response is proposed not just to reflect this reality but also to set out clear standards to guide future development proposals, reserve land to safeguard future port and related operations and to make optimum use of new infrastructure investment.

The principle policy for the assessment of this proposed development of a port container handling facilities in the Lower Rupert's Valley is the **Coastal Zone Policy CZ1** which states:

"There will be a presumption in favour of retaining the natural appearance and ecology of the Coastal Zone and the grant of development permission will therefore be regulated by the following implementation policies with the presumption that all development shall include provision for rainwater collection, storage and re-use, commercial development shall include provision for grey water treatment and re-use, and all development shall include for sustainable treatment of sewage without risk of pollution."

This principle policy is seeking to protect the natural appearance and ecology of the coastal zone area from development and subsequent policies of the Coastal Zone seek

to regulate development that are considered to be acceptable in this zone. Whilst there is no specific support for the proposed development of port facilities in this principle policy, however the implementation policy are designed to ensure that where development is acceptable in the Coastal Zone for tourism and leisure and some element of residential use, it should meet sustainable development objectives in terms of water and sewage. The acceptable developments in the zone include the areas identified for Coastal Villages and development and facilities related to tourism and recreation and in areas that accessible. The Rupert's Valley area has been developed since the beginning of the first occupation of the Island with accessibility issues and this area has been a focal point for access. The application should be considered as an opportunity for the development and regeneration of the previously developed area and to regulate uses however this development proposal need to be considered outside the scope of this policy only because this principle policy makes no mention of or recognition of the industrial and commercial activities in Rupert's Valley and yet at the time of the LDCP being prepared and adopted in 2012, such uses may already have been established substantially.

Policy CZ5 provides support for the development of essential infrastructure in the Coastal Zone. The development of the port facilities may be considered as an essential infrastructure for the Island as it is reliant upon the port facilities for the regular delivery of provision to meet the needs of the community.

Similarly policies in the Employment Section of the LDCP, polices EP.3 and EP.4 provide support for the development of commercial, industrial and storage development in Rupert's Valley and policy EP.4 in particular recognises the need for the Wharf at Rupert's Bay, however this is linked to the development of the Airport. For the delivery of the Airport, the wharf has been delivered at Rupert's Bay. In the interpretation of these two policies whilst in the formulation of the LDCP in 2012, it may not have been considered the longer term future of the Wharf at Rupert's Bay post airport construction, however the draft Rupert's Valley Development Plan has been formulated to utilised the new port facilities in Rupert's Valley and land-use proposals set out are in line with the objectives of policy EP.3. The application site is in Land-Use Zone 1 and partially in Land-Use Zone 2.

The proposed development are is not within a proposed conservation area, however there are number of notable listed buildings and structure within and adjoining the area. The proposed demolition of number of buildings and structures and construction of two buildings are considered to have no impact on the historic environment of the area and there will be no adverse impact against the Built Heritage policies BH2, BH3 and BH4 arising from this development in the historical sensitive area.

In view of the principle policy CZ.1 set out above, the proposed development must be considered as a departure from this LDCP policy.

REPRESENTATION

Number of representations have been received in respect of this development application and these include; Saint Helena National Trust, Heritage Society, Basil George, Pamela Ward Pearce and Ivy Ellick who raise objection to the proposed development. However, there is also support for the development from Enterprise Saint Helena. The summary of the representation is set out below:

- planning in having the breakwater at Ruperts is to avoid congestion in Jamestown, in Main Street and areas connected with the Bridge, particularly Napoleon's Street which is a residential area (with the Queen Mary Store a converted dwelling) as well as passengers from cruise ships unable to land at the Jamestown harbour in rough seas, however, the proposed plans do not adequately address both these aims.
- movement of imports away from the areas stated in Jamestown is also connected with tourism, to preserve the ambience of the built heritage which is a major attraction and part of the tourism product. Provision for the offloading of containers into warehouses was to be simultaneous to avoid congestion on roads and in Jamestown.
- movement of goods from containers at Ruperts directly into Jamestown will cause problems and congestion for traffic through Napoleon's Street which is very narrow and already a problem area and any alternative route via Constitution Hill will also cause problems for flow of traffic especially through Jamestown.
- public understood overall planning was to have a container base and warehouses at the top end of Ruperts Valley where there is more space to allow for future development and Ruperts was chosen for offloading materials and equipment for the airport with a long haul road rather than a shorter route, especially to have another road out of the valley for the movement of goods.
- any warehousing in lower Ruperts will have limited space and clash with other considerations and interests, particularly historical like the fortification, Liberated African Slave Depot and social including restrictions to the beach area, which is a long established important social and leisure amenity for Islanders and people should be at the centre of all development.
- regular fortifications tour incorporates Ruperts lines, Boer connection and Liberated African Depot in Ruperts and the fencing with razor wire top is totally inappropriate as the whole attraction for St Helena as a tourist destination is the ambience of the island reflecting the culture of the people, of freedom of movement, for visitors to be safe to move freely about and the type of fencing will have a negative visual impact and undermine this important element of St Helena as a tourist destination and will give signals that St Helena is like certain places in the world where visitors are at risk and need to be protected, whilst the island is not perfect but visitors come to St Helena because it is different.

- an important aspects of island history is the role St Helena and its people played in liberating Africans in the transatlantic slave trade and in recent years it has gained significant international attention and recognition and there are several grave sites and the whole of Ruperts reflects the suffering of slaves.
- just one building still standing and that is the hospital built especially to care for liberated Africans and it is an iconic building of fine stone masonry and importantly shows the care of the St Helena community at a time after the English East India Company left and Island's people were desperately poor with many emigrating and no attention has been given to this building and its surrounding to reflect the past.
- does not appear to make provision for tourists landing from cruise ships when not able to do so in Jamestown harbour as congestion at the pier head and immediate surrounds when passengers did land at Ruperts, the whole operation has been chaotic and as cruise ship visits are another important avenue bringing tourists to the island, provision should be made in the planning for parking space for buses and taxis to ferry passengers to and from the jetty at Ruperts.
- repair of Ruperts road with more passing bays is essential for the additional flow of traffic for both goods and people to avoid congestion which happens when cruise ships land passengers at Ruperts jetty and should be an essential component of the plan under consideration.
- container handling facilities and warehousing should be part of an overall plan for Ruperts valley taking into account various interests and demands: social, cultural, historic, environmental, economic, putting people at the centre of development, the Island's most important resource.
- beach at Ruperts is the most popular and the most accessible of the islands beaches and has been used for generations as a safe place to swim, to fish, BBQ, picnic, party or just for a contemplative walk along the sand, it is therefore the most heavily used by families from all districts across the island as one of the main recreational spots and to further restrict access to this facility is an erosion of our traditional lifestyle and culture.
- future generations will be denied this as they will be required to seek permission to use and then run the gauntlet with fences with razor wire, CCTV, and tall security lights; the similarity to a prison cannot be denied which is ironic as this is the historical site where slaves were freed.
- plan has changed materially since the one that was publicly consulted on, so where is the public consultation?
- there is a tendency to refer to Ruperts as an industrial area and is to deny the presence of the residents who were there before the onslaught of industrialisation, it should be more accurate to be described as a residential area with pockets of industrialisation.
- given the affect this will have on traditional lifestyle and culture there should be an Environmental Impact Assessment and a Social Impact Assessment.

- application is required by law to be accompanied by an EIA Report, regardless of any Screening Opinion that says otherwise, for such reasons:
 - applicant states in the Planning, Design and Access Statement, “Within the site there are significant heritage features; the site is the location of the liberated African camp...”, the former Liberated African Depot covers the whole area of Lower Ruperts and the application site sails over it and the boundaries of the Depot have not been clearly established therefore the application may effect it and as such it is likely this significant heritage feature could be affected.
 - applicant has not referred to the fact that Ruperts Lines is a Grade III Listed Monument and as such the wall and its setting is protected under Ordinance and LDCP Policy BH.6 and Ruperts Lines forms the boundary of the site but the setting extends to an undetermined position within the site and will affect the setting as the 3m razor wire will abut it in two places.
 - three proposed tall industrial sheds may affect the setting of the Liberated African Depot and the two listed buildings of the Old Hospital (called ‘Building No1’ in the application) and Hay Town House.
 - proposed bright colours may have an adverse effect on the ambience of the area of former Liberated African Depot which the applicant says is of a significant heritage feature.
 - extensive placement of 3m razor wire fencing, three gate houses with gates across what is at present the public highway will affect the ambience of the area of former Liberated African Depot, which the applicant indicates has significant heritage value.
 - proposed gated controlled access to Ruperts Beach and the listed buildings of the Old Hospital and Ruperts Lines will severely curtail the way the people of St Helena have historically used the area for recreation, family life and fishing and free access to Ruperts Beach is part of the culture and heritage of St Helena people.
 - taking all the above, this application will have severe effects upon not only the landscape, of Ruperts it will also have, a severe adverse effect on the inter-relationship between the people of the island and its history, culture and heritage.
 - historic symbol of former Liberated African Depot is of International Significance as stated by Dr Pearson on his recent visit and although the site is not currently listed, officially recognised, fully understood or legally protected, it must be the mark of civilized society to do so for future generations and this application will desecrate a memorial site before its value is properly understood.
 - for the above reasons it is abundantly clear that there must be an Environmental Impact Assessment for this application and that Section 19(1) of the Ordinance applies, which states that,

*“An application for development permission... which **may** have significant effects on the environment, **must** be accompanied by a report... **assessing** the environmental impacts of the proposed development.”*
 - international port Rules – do these rules really need to be applied to the letter to create a prison camp appearance and is there opportunity to be more flexible considering the circumstance of St Helena?

- the 'Emerging' Draft Ruperts Development Plan 2016 is not a plan that can be used to assess this application as indicated in the Planning, Design and Access Statement and as the Ordinance does not allow an un-adopted plan to have any significant, LDCP is the currently adopted plan.
- current Coastal Zones policies do not appear to allow B1 warehouse uses as suggested in the Planning, Design and Access Statement.
- frequent references to Ruperts being an accepted or designated industrial area is not born out in the LDCP and it must not be forgotten that it is a residential area.
- point 11 in the Application Form says the applicant has consulted with neighbours or the local community, including:
 - "Extensive consultation with original Royal Haskoning designs, extensive consultation with regard to Planning Policy since 2015 for new Ruperts Valley Development plan, Consultation with Chamber of Commerce" and there appears to be no record of any consultation with neighbours or the local community in recent years.*
- the applicant's Chamber of Commerce consultation meeting it was agreed by the project leader that much of the 'potential development' area at Lower Ruperts, such as the old fuel farm, the new cable terminal, fishers building etc, was blocked off merely because 'they' were 'told' they couldn't use it and this means that this application appears to have been produced without properly considering all the options.
- Overall the Site Plan has within it a massive discrepancy as the proposed cable terminal appears to be wrongly positioned by some forty feet and this will affect the proposed layout of the container park, building and entrance area. This should bring into question the competence of the entire application.
- there are indications in the Planning, Design and Access Statement that further application will be submitted for new warehouses, their sites are not shown and if this being the case, the application presented here is not the complete plan and the authority should not be determining this application unless the complete proposal is before them.
- for the view above a Social Impact Assessment and Social Impact Report should be required under section 21 (2) of the Ordinance.
- applicant does not mention previous schemes or reasons for rejection, as at 'Zone 6: Land South of Bulk Fuel Installation' (see un-adopted 2016 Ruperts Valley Development Plan), for context the EIA must include, "An outline of any alternatives studied by the applicant and the reasons for choice of the proposed development..." - EIA Regulations 2 (1) (d). Adverse environmental effects need to be balanced with other schemes.
- 'opportunities' listed for this application are misleading ('Constraints and Opportunities' in the Planning, Design and Access Statement) and they could relate to any site outside Jamestown and are not specific to this application and should not be used to outweigh the adverse environmental effects of this application; a) international shipping trade – possibly an opportunity but not a requirement; b) ceasing 'barging' to Jamestown – not an opportunity but a primary purpose; c) releasing Jamestown wharf for other business - not an opportunity but a primary purpose; d) Ruperts has ample space – not an opportunity, just a statement.

- According to Page 9 of the current Procedural Manual for Environmental Impact Assessment, “A copy of the Screening Opinion... should be available for public inspection” and they have been available previously.
- deeply concerned by the lack of an EIA for a mixed use site which will undergo colossal industrial development and that Section 19(1) of the Land Planning and Development Control Ordinance applies to this application that: “*An application for development permission... which **may** have significant effects on the environment, **must** be accompanied by a report... **assessing** the environmental impacts of the proposed development.*”
- **recent fuel leak** at Rupert’s in May (requiring partial evacuation due to risk of explosion) demonstrated the **vital** need for an EIA for any future developments within this area and recycling or relying upon an outdated and non-project specific EIA (page 14 of the EMP) for such a vast development, is simply unacceptable.
- there is no explicit mention of any proposed works on the planting area adjacent to the Sea Rescue Building, these plants are **endemic** – and as such are protected under the EPO, therefore would expect these endemics **not** to be disturbed or relocated at any point.
- the documents recognise the value of Samphire (*Suaeda fruticosa*) to important invertebrates, there are no active actions to protect or enhance any plants impacted (which also aren’t mapped), only to relocate them - therefore development can only be a ‘negative’ rather than a ‘neutral’ effect.
- known to be several invertebrates with **most or all** of their population believed to be in Rupert’s Valley and increased development is likely to further threaten these as their specific requirements are not known.
- no acknowledgements of the need of additional biosecurity measures due to the lengthy storage and opening of containers in Rupert’s or any named measures to reduce biosecurity threats.
- no discussion on removal of soil spoil/overburden or other material during the development.
- fuel leaks should be explicitly included under ‘previously unidentified issues’.
- ‘Opportunities’ listed for this application are misleading (e.g. ‘Constraints and Opportunities’ in the Planning, Design and Access Statement), these ‘opportunities’ could in fact relate to *any* site or application outside of Jamestown – therefore they are not specific to this application and should not be viewed as valid points that compensate for the adverse environmental effects of this application and this is particularly pertinent given the *lack* of an EIA means the application has not considered the full scope of potential environmental impacts in the first place.
- from a cultural perspective, it should be noted that historically, Screening Opinions alone, seem to neglect or at least do not consider the *cultural* significance of a site, in that:

- whilst burials may not have occurred near the centre of the camp, there is still a significant risk of finding more unmarked burials and/or artefacts within the rest of the proposed development area as stated by Dr Pearson in the briefing note submitted to SHG in March 2020 and this forms part of the works commissioned by the Liberated African Advisory Committee (LAAC).
- there are 9 areas of Historic Conservation and it should be noted that this area category is described as *'built heritage and archaeological sites'* which makes no reference whatsoever to the tangible or intangible cultural heritage aspects around the Island, such as links to slave history.
- acknowledge that the detailed NCA description for Lemon Valley does make reference to "A isolated valley with internationally significant features containing ruins and sites **associated with the abolition of slavery and St Helena's military history..... The valley has a major place in the history of the abolition of the trans-Atlantic slave trade** as the early base of the West Africa Squadrons Liberated Africans Depot and the Depot housed, treated and released thousands of liberated African slaves from the 1840s **and the valley contains the remains of those that died and direct evidence for the island's part in one of the most significant events in the 19th century makes Lemon Valley of considerable international significance.**"
- based on the above statement **alone**, it is believe that the Rupert's Valley NCA application should have been expedited and designated, regardless of proposed port infrastructure and proposals for future container handling facilities.
- should also be noted that a previous application for Rupert's Valley to be listed as an NCA was submitted on 14th January 2020 by the Liberated African Advisory Committee (LAAC) to the CPO and within this application, all of the sites listed within the HER were asked to be considered for NCA listing for cultural heritage value.
- **social considerations and need for Social Impact Assessment;** it should not be forgotten that first and foremost, Rupert's is a *residential* area and yet only 1 impact is listed in the EMP table for 'residential' and for those who currently reside and work in Rupert's Valley, the area has significance as a community destination in St. Helenian society.
 - noise would of course be a concern for residents and there is no mention of dust clouds/disturbance owing to construction.
 - need to see dust screens (or other appropriate mitigation measures) listed within the EMP table for residents.
 - access and use of the site for up to 14 **working** days a month equates to almost 3 weeks per month that the site will be active, this is a significant level of activity and consequently a huge restriction to public recreational use of the site.
 - from safety perspective, improvements to Field Road and Side Path are needed before the increase in vehicular use and traffic related to the development, occurs.
 - there appears to be a footpath *around* the site to the beach, the text states only that there **may be** scope to create pedestrian access to the beach and wharf this wording does not give confidence in the level of consideration to public access.

- the proposed footpath has limited accessibility for those with mobility problems
- **Natural Capital:** Rupert's Valley hosts significant community assets which provide access to the sea for recreation, fishing, transport and maritime activities and on page 12 of the EMP, it stated that access to the beach will be '1-3 days' – but it is unclear as to whether this refers to days per week or days per month.
 - access by sea, land, and its leeward location on island, the valley is safe for public use and indeed the beach is one of only safely accessible sites for sea access for the public.
 - JNCC Natural Capital Assessment 2019 evidenced the Islands natural resources for providing opportunities for recreation, spiritual enhancement and cultural connection.
- **African Diaspora:** burial grounds are largely intact, accessible and are regarded as sacred, albeit uncelebrated and preserving the grounds would insure their place as a tangible reminder for the descendant community on island and African Diaspora.
 - as evidence of the greatest crime against humanity, the grounds ought serve to generate much needed discussion on the legacy of slavery, provide insights on the Middle Passage, offer enlightening context for understanding the historical impact to contemporary underrepresented communities and healing.
 - St Helena's role in Britain's worldwide campaign to abolish and suppress illegal transport and sale of African people via the Atlantic, the grounds and community are uniquely placed and rare ties to the Middle Passage.
 - there is a potential for critical research and in-depth study of the Liberated Africans and their descendants on island and worldwide.
- **Tourism Impacts:** no consideration given to tourism impacts and specifically to the future use of Building No.1 and to the current safe access to the Rupert's picnic and beach area.
 - walk to Banks' and Sugarloaf is relatively easy Postbox walk and restricting access would further reduce access for recreation and fishing, future visual impact is also significant as mentioned above, while the EMP refers to the walk locations not being 'intuitive', it would be suggested that future visual impacts from this proposed development could be mitigated through the provision of additional signage and improved path clearance/demarcation.
 - considering the above it is firmly believes that Social Impact Assessment and Social Impact Report should be required under section 21(2) of the Ordinance.
- **Built Heritage 'settings':** historic 'setting' of the valley would be significantly and irreversibly altered due to proposed development and therefore it is inappropriate to state that the current 'setting' has already undergone significant disturbance and therefore will not be adversely affected.
 - **current** operations and building uses should not lessen the **potential future use** impacts these structures would face under this proposal, particularly if the said buildings changed their use (LAAC proposal for the No. 1 Building to change use from an office for fisheries staff (where current impact would be considered negligible), to become an interpretation centre for residents and

tourists to immerse themselves in the slave history of St Helena (where *future use* impact would be considered **major adverse**, which would of course then prompt for considerable mitigation measures to be implemented.)

- acknowledge that efforts have been made to consider the No.1 building (and garden walls) for protection and/or improvement – as listed buildings, this is **expected**, what is highly concerning is the listing of ‘recent planning applications’ (page 3) which leaves no room for **known** Government future proposed developments – such as the ExCo mandated, reinternment, memorialisation and interpretation of the Liberated Africans cultural heritage site of St Helena.
- **Overview of LAAC plans – as instructed by ExCo:** In 2018, ExCo endorsed plans from LAAC and gave a mandate to the group, to: reinter the excavated Liberated African remains; raise funds in order to provide a suitable memorial recognising the thousands of Liberated Africans buried on St Helena; as part of the memorial, provide a suitable contemplative and reflective area for visitors and relatives; explore ways in which the memorial can contribute to education on St Helena’s role in the abolition of the transatlantic slave movement and highlight the role of both St Helena & Royal Navy in abolition of the transatlantic slave trade; final Master Plan encompassing all of the above, was completed in May 2020 for upcoming review by HE Governor, Chief Secretary and ExCo.
 - with reference to file **D2000 CFS SITE_A**; it is felt that No.1 building should be *excluded* from the overall development zone i.e. the red line should circumnavigate the building denoting its exclusion from any future port related development and this exclusion would also then marry with the accompanying EMP table in which a management commitment was made: *‘Design has seriously considered the location of all proposed buildings and refrained from developing near Building Number 1; the space to the rear has been allocated to encourage the heritage asset to be redeveloped into a public use and the new footpath to provide access during port operations as ‘Public car park.’*
 - given that there are indications in the Planning, Design and Access Statement that further application will be submitted for *new warehouses*, these sites are not shown, and this raises concern that there is **potential** for this area to be reclaimed for new warehouses in the future.
 - Regarding the aesthetics relating to trees, while it is acknowledged that landscaping and tree planting has been included as a management commitment on the EMP table, trees that are at least 200 years old you cannot be replaced.
 - prefer to see the current trees retained as they are part of the cultural and historic value of Rupert’s; thereby **complimenting** the management commitment for landscaping and tree planting in other areas.
 - the statement that *‘Rupert’s has ample space’* is not strictly true and it is felt that it should not be identified and promoted as an ‘opportunity’, as in Rupert’s, a % of land is already consumed by the new BFI (an installation that doesn’t work) and of course a % is designated for future infrastructure – which includes the site originally designated by ExCo in 2015 as the reburial and memorialisation site to honour the Liberated African remain

- given the myriad of social, cultural and not fully explored environmental impacts anticipated from the development there is objection to the proposal in its current form and it is proposed that the following conditions be applied to development permission: public consultation to take place; an EIA to be conducted; social Impact Assessment to be conducted; revised EMP based on EIA and SIA; no development to start until improvements to Field Road and Side path have been completed; treatment of development areas adjacent to Liberated African burial grounds and hospital need to be finalised in consultation with Heritage Society, Saint Helena National Trust and LAAC, with focus on a possible exclusion of the No.1 Building within current and future plan boundaries.
- supportive of this application as this sits well within the wider economic development strategy for the island, particularly in terms of the longer term vision for creating a separation between commercial cargo handling operations and public space which facilitates small business opportunities and this project should also generate much needed employment opportunities on the island both in the short and medium terms.

OFFICERS RESPONSE

The major issues raised by the representation are that the proposed development should be subject to a full Environmental Impact Assessment in view of significant impact arising from the proposed development on the natural and historic environment of the area. The representations also considered that in view of the potential impact on the local culture and the community life and its social wellbeing, the proposed development should also have been subject to a Social Impact Assessment in order to consider impact arising from the loss of cultural and recreational space and a with reduced access of the beach, sea and the coast line.

Prior to the submission of the development application, the applicant made a request for a Screening Opinion in respect of the development being proposed. A Screening Opinion was undertaken by the Chief Planning Officer in consultation with Chief Environment Officer. The Screening Opinion considered number of factors in relation to the local natural, built and historic environment and the potential impact of the proposed development in respect of the various uses and facilities in the area. For number of factors there is some adverse impact arising from the development, whilst on other there is little or no adverse impact at all.

The Screening Opinion has to be considered in respect of the current local environment of the area. There has been considerable development in the area over many years which has changed the physical appearance and character and the general environment is considered to be poor. Historically the Rupert's Valley area is very important and this has been highlighted by the unearthing of burial sites during previous developments, in particularly the construction of the new Haul Road with the

airport project. The proposed development is utilising the area of the Lower Rupert's Valley that is all solid ground and there is little or no ecology in this area. There may be potential for unearthing some archaeology, further burial areas or isolated graves which have not already been disturbed by previous ground work. The Screening Opinion concluded that whilst there is some impact arising from the proposed development on the ecology and archaeology of the area, however it is not considered to be significant to require a full EIA.

With the development and operation of the Wharf and port facilities in Ruperts already, the area restricted access for the community when the ship is in port and the beach area is not available for recreational and leisure use. The proposed development of the full port facilities at Ruperts will mean that there will now be an extended period when the beach and wharf access will be further restricted to the local community. This is obviously regrettable, however the development of port facilities is important for the future wellbeing of the Island which will bring with it wider economic and social benefits with improved employment and training opportunities for the local residents. This can be enhance further with the achieving the International requirement for the port which ensure that there is opportunity for other vessels to visit St Helena on route. The international requirement is based on the level of port security, hence the need for the level of security measures being proposed. Other smaller islands like St Helena with similar port facilities, including historic environment and setting, have the same level of security as being proposed in this development. The security is not based on remoteness or low of crime, but on wider worldwide potential threat.

The proposed development is sensitive to the area's history and its association with Liberation African project for the area. Sites identified for protection with burial are in the area further south of Haytown House and are therefore not affected by the proposed development. The Grade III listed building (Building No.1) whilst being within the application site is not affected by the development and there are no proposal to use it for port related use. Other cultural uses can be accommodated within the wider commercial area. If the LAAC project can utilise the building for cultural and tourism related use such as an interpretation centre then this can be accommodate. The proposed development will not impact the fortification wall as all proposed development is set well away the Grade III listed structure.

Similarly, the proposed development with improved port facilities will provide better access for the tourist arriving by ship to St Helena and will be able enjoy the hospitality of the Island. The proposed realignment of the footpath for the Postbox Walk will not be disrupted but will provide a more legible access across the site.

As regards to the transport from Rupert's Valley to Jamestown both for goods and tourist, this will need to be addressed as Field Road is not considered to be suitable to deal with the increased vehicular movement that will arise from the development. The

applicant is aware that this needs to be addressed sooner rather than later. Whilst this needs to be addressed immediately, however it can be dealt with as part of the wider transport assessment of the Island.

There is also support for the proposed development application from one of the stakeholders who consider that this project is in line with the longer term vision and the wider economic development strategy for the island and generate much needed employment opportunities on the island both in the short and medium terms.

OFFICER ASSESSMENT

The proposed development and the use of the area is in some ways no different from the current uses and activity in this part of Rupert's Valley in that it is generally commercial, storage and industrial with recreational and leisure use of the beach and coast line. The proposed use is more related to the intensification of the freight operation that will be more intensive in its use for certain times of the month. The development will certainly help to regenerate this area which has a very poor physical appearance due to low quality of development in the past and the physical regeneration and enhancement would be welcomed.

The overall layout of the proposed development utilises the available space well with the main container compound and the associated office building on the north east side closer to the Wharf. The design of the port control operational building complements the design of the previously approved Cable Landing Station building. The use of the walled garden area as an open area retains open feature of the area by keeping it in open storage for containers. On the west side of the road, the proposed building is set well away from the listed building to ensure it does not become dominant in the street scene. Both of proposed buildings designed to provide details and feature in the elevations, using the tradition modern available materials for industrial buildings. There are currently similar buildings in the area in term scale and height.

The security fences around the perimeter of the each compound is a requirement to meet the international standard for port security. There are currently similar security fences around some part of the Rupert's Valley area, including the lower valley area.

The assessment of the proposed development against the development plan policies has been set out earlier sections of the report. As the proposed development is located in the Coastal Zone, assessment of the development against the principle policy of this area is important. As the main objective of first part of this policy is to retain the natural appearance and ecology of the Coastal Zone the issue here is what constitute the natural appearance and ecology area of the application site and its immediate surrounding. The objective of the second part of this policy is that in granting any development permission, its implementation will be in line with the

subsequent policies for the development to be sustainable in respect of the services. Parts of the Rupert's Valley area has changed considerably over the years, even before the current development plan was adopted and even following the adoption of the current development plan this area has continued to evolve.

As there is no specific support for the development of port facilities or a mention of and/or recognition of the industrial and commercial activities in this principle policy in the Rupert's Valley, the application needs to be considered outside the scope of this policy. With the development of the Wharf to facilitate the delivery of the airport in line with Employment Premises policy EP.4, there does not appear to be any clear evidence of a policy change even following Governor-in-Council's direction in 2013 with the grant of development permission for the airport to enable the construction of the Wharf at Rupert's Bay. The Coastal Zone policies are aimed at the developments for tourism and leisure only and the intensification of commercial and industrial uses cannot be considered within the scope of the leisure and tourism uses, even though at the time of the formulating the development plan (LDCP) and being adopted in 2012, such uses may already have been established substantially. The application should be considered as an opportunity for the development and regeneration of the previously developed area and to regulate the established uses.

The emerging Draft Rupert's Valley Development Plan, 2016 consultation document, includes proposal for the development of the lower Rupert's Valley area for port related facilities. It is considered although this development plan was not progressed following consultation with the stakeholders and the communities, some limited weight can be given to the policies in the assessment of the development application. The policies set out in the development plan support the proposed development as these in line with the LDCP policies EP.3 and EP.4

Prior to the submission of the development application, a Screening Opinion was prepared which considered potential impact of the development being proposed and to consider whether Environmental Impact Assessment is required accompany the application for development permission. The Screening Opinion considered number of environmental factors as well as general economic and social factors and it concluded that whilst there is some adverse impact arising from the proposed development during and post construction, however the impact is not considered to be significant to require EIA report. The number of factors that indicate adverse impact can be addressed in the Environmental Management Plan (EMP) or a Construction Management Plan (CMP). The applicant has submitted EMP.