

Planning Officer's Report - LDCA AUGUST 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. PURPOSE OF THE REPORT

The purpose of the report is update the Member on the progress of this development application following their decision on the report at the last meeting. The applicant has advised that after consideration of the issues raised by the Members during the discussion on the proposed development and issues raised by the representative who addressed the meeting the do not consider that at this stage they wish to make any alterations to the proposals as submitted. The applicant has stated that objective of the proposed development is that it meet the international port security requirement and in view of this, the details of the development, particularly related to the security fencing, as submitted are in accordance with guidance of ISPS. In due course, should development permission be granted they will for the “Discharge of the Condition” provide the details as requested to meet with requirement of the condition to enable the condition to be discharge and for the development to proceed.

C. OFFICER ASSESSMENT

Following the decision of the LDCA, the officers have discussed with the applicant a way forward to progress this development application, particularly to review the security fencing details. As the applicant has now informed the officers that the details of the proposed development remain as submitted, Members are requested to review the decision made at the last meeting.

Members are also advised that in accordance with Section 23(5) of the Land Planning and Development Control Ordinance the development application will be reported the Executive Council for their meeting on 11th August as LDCA has had the opportunity to discuss the development proposal and to make comments or representation to the Governor-in-Council and also 28 days will have elapsed since the development application was referred to the Authority as reported. This is consistent with the advice given by Attorney General in the past, “should the Authority resolve to defer a decision on the development proposal before them then the observations, comments or representation made by the Authority will be reported accordingly to the Governor-in-Council.

In view of the decision made by the Members at their meeting on 8th July and the response from the applicant that they do not wish to provide any amendment to the proposed development at this stage of the proceedings, opportunity is provided for them to make an affirmative recommendation on the development proposal that is before them. Their decision or comments will be conveyed to the Governor-in-Council and the Executive Council verbally at the meeting.

The report of the Chief Secretary to the Governor-in-Council and the Executive Council is comprehensive in setting out the issues and concerns Members have made in deferring their decision on the development application and the amendment to the details they wish the applicant to consider before decision on the development should be made.

The report of the Chief Planning Officer to Authority for their meeting on 8th July remains unchanged and the recommendations are as per the Addendum that was provided by CPO at the meeting and is set out below:

D. **CONCLUSION AND RECOMMENDATION**

The development application for the port containers facilities at the site in Lower Rupert's Valley has been considered against the relevant development plan policies and the regulations and it is concluded that there is considerable development plan policy support for the proposed development as set in the report. Whilst the proposed development is considered to be not in compliance with the principle objectives of the Coastal Zone policy, however it is considered there is sufficient justification in the number of other development plan policies to support the proposed development. The proposed development will have little or no effect on the historic importance of the area and in particular those areas, buildings and structures identified and considered to be of historic and cultural heritage importance to the Island and its community.

In view of the assessment set out in this report, it is recommended that Governor-in-Council **GRANT DEVELOPMENT PERMISSION** subject to the following conditions:

- 1) This **permission will lapse** and cease to have effect on the day, 5 years from the date of this Decision Notice, unless the development has been begun by that date.
Reason: required by Section 31(2) of the Land Planning and Development Control Ordinance 2013.
- 2) The development shall be implemented in accordance with the details specified on the Application Form; Site Layout, Floor & Elevation Plans (DWG No. D1000/A, D1001/A, D1002/B, D1003/B, D1004, D1004, D1006, D2001/A/Site-

Plan, D2001/A/Floor-Plan, D2002/A, D2003, D3000/A, D3001/A, D3002/A, D4001/A, D5000, D5001) received on 27th May 2020 as stamped and approved by the Planning Officer, on behalf of the Land Development Control Authority, subject to the Condition of this Decision Notice and unless the prior written approval is obtained for an amendment to the approved details under Section 29 of the Land Development Control Ordinance, 2013.

Reason: Standard condition to define the terms of the development and to ensure that the development is implemented in accordance with the approved.

- 3) This Development Permission does not confer approval under the Building Control Ordinance. Please consult with the Building Inspector(s) to find out whether building regulations approval is required, prior to the development commencing.

Reason: to ensure development is carried out in accordance with the Building Control Ordinance 2013.

- 4) Before construction works begin, ground and soil testing must be undertaken to establish whether any of the areas within the development site have been contaminated by the recent fuel leakage and also whether there are other contaminants in the ground from previous uses and if is established that the land is contaminated then the area should be decontaminated before construction commences, particularly for those area where buildings will be constructed. A method statement setting out the affected area, level of contamination and the process of decontamination should be submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.

Reason: To ensure that the contaminated land has been affectively decontaminated before construction takes place and that there will be no health and safety issues for the future occupiers of these *buildings and areas* through any hazardous fumes that may emanate through the ground and into the *buildings and the open areas/compounds*.

- 5) Before land excavation works are carried out, a method statement setting out the archaeological assessment of the area must be undertaken by a qualified archaeological professional to establish any potential archaeological impact and in light of any discoveries care must be taken during excavation and details recorded for historical records. A Method Statement will be submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.

Reason: to ensure that any potential archaeology is not damaged or destroyed and care is taken where deep excavation is undertaken and archaeological

discovery or artefacts finds are properly recorded and passed over to the Saint Helena Museum Service for recording and safe-keeping.

- 6) Before the security fencing is erected around the perimeter of the development site and within the site around the compounds details of the fencing in terms of *exact alignment of the fencing having regards to the historic structures and buildings*, design, material and colour should be submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.

Reason: to ensure the alignment of security fencing around the development does *not overly affect dominate and impinge upon the setting of the historic structures and buildings* and is in keeping with the general environment of the area.

- 7) Before development commences, details of the diverted footpath through the site and its design and construction to ensure it meets the needs of all users, include those with mobility issues, and improved signage through the area is submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.

Reason: to ensure that there is improved access for all users and there is legible signage across the area for the Postbox Walks.

- 8) Before hard and soft landscaping is undertaken, details of the landscaping scheme will be submitted to and approved by Chief Planning Officer in writing on behalf of the Land Development Control Authority. The planting scheme will be implemented during the planting season following the completion of the construction and it will be managed and maintained to ensure it is able to establish.

Reason: to ensure the landscaping scheme is to acceptable standard and is carried out in accordance with the agreed plans and is effectively maintained to enable it to become fully established and become a feature in the street scene to enhance the local environment.

- 9) Before the development use as port becomes operational, a Port Operational Management Plan is prepared setting out the day to day management of the port operations and control of access for all users and in particular for the purposes of the recreational, leisure, cultural and community uses in the area how access to these facilities for the general public will be managed and administered on a daily basis when the port facilities are in full operation and for other periods of general use. The Operational Management Plan is submitted to and approved in writing by the Chief Planning Officer on behalf of the Land Development Control Authority.

Reason: to ensure that due consideration is given to the local community for access to the recreational, leisure, cultural and community facilities in the area to enable them to have access and to be able to enjoy these facilities in a safe environment.

- 10) **Construction Practices:** During construction of the development, no obstruction shall be caused on any public road and prior to occupation of the development the developer shall reinstate damage to any public road and other public or private infrastructure arising from implementation of the development permission.

Reason: To ensure safe vehicular access and reinstate damage to public infrastructure arising directly from the approved development in accordance with LDCP IZ1 (g).

- 11) Occupation of the development is not permitted until it is adequately served by a potable water supply, adequate energy supply as well as a foul drainage system, as approved by the Building Inspectors in consultation with the Chief Planning Officer.

Reason: To accord with LDCP IZ1, SD1, RT7 and W3.

- 12) **Roof Water Practices:** No Roof Water or other Surface Water shall be connected to or directed to any foul drain. Roof water shall be piped to storage tank of minimum capacity 450 litres with overflow piped to the sea.

Reason: to conserve rainwater and to avoid overloading the Septic Tank, in accordance with LDCP SD1.

- 13) All **external lights** attached to the building shall be designed and sited such that they do not emit light at or above the horizontal and the light source (lamp, bulb or LED) shall not be visible beyond the site boundaries.

Reason: to avoid light pollution and to protect the dark skies status of the island in accordance with LDCP policy E8.

- 14) The Colour of Roof shall be dark slate grey.

Reason: to blend the building into the landscape, in accordance with the Adopted Policy on Colour of Roofing Materials.

Please note that the LDCA, Planning and Building Control Division nor any of its employees warrant the accuracy of the information or accept any liability whatsoever neither for any error or omission nor for any loss or damage

arising from interpretation or use of the information supplied by your Designer/Contractor.

Right of Appeal: If you are aggrieved by this decision you may, within 28 days of the date of this Notice, appeal to the Land Development Appeals Tribunal, with payment of a fee of £150, addressed to the Clerk of the Tribunal, using the prescribed form which is available from this office.