

Minutes of the Meeting of Executive Council held on Tuesday, 11th August 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 Acting Financial Secretary (Mr N A Yon)
The Hon Attorney General (Mr A T Cansick)
The Hon C R Beard
The Hon C G Buckley
The Hon A A Green
The Hon L A Henry
The Hon D F Thomas

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)
Senior Press Officer (Mr Liam Yon)

OPEN SESSION

83.1 Welcome

The Governor welcomed all to the meeting and noted the large audience in the Chamber.

83.2 Development Application - Proposed Container Handling Facilities Incorporating Office Buildings, Warehousing, Secure Compounds and Car Parking, Lower Rupert's Valley (ExCo Memo 57/2020)

The Chief Planning Officer, Mr Ismail Mohammed, Capital Programme Manager, Miss Alfreda Yon, Chief Environmental Officer, Miss Isabel Peters and Economic Development Investment Programme (EDIP) Chartered Engineer, Mr Richard Wotton were in attendance for this item of business.

The Chief Secretary reminded Members that they were sitting as the Planning Authority and introduced the Memorandum asking Council to consider and advise whether Full Development Permission should be granted, with Conditions, for the Proposed Container Handling Facilities Incorporating Office Buildings, Warehousing, Secure Compounds and Car Parking in Lower Rupert's Valley. The Land Development Control Authority (LDCA) had initially deferred their representations on the development application and the reason for

deferral was to seek amendments to the alignment of the security fences proposed around and within the development application site. They had since made representations.

The Hon Lawson Henry asked for clarification from the Attorney General of the process for referral of development permission applications to Executive Council. The Attorney General clarified that for applications (such as the current one) that have to be referred to Executive Council by the Chief Planning Officer, the Council cannot make a decision until:

- (i) They have received comments or representations from the Planning Authority; or
- (ii) 28 days have elapsed since the referral.

The Attorney General explained that since the referral the LDCA had submitted representations. The Chief Secretary added that two representations had been received from the LDCA and distributed in advance to all Members.

The Chief Planning Officer took Members through a detailed Power Point Presentation and explained that with the assistance of the Chief Environmental Officer a Screening Opinion had been undertaken with regard to this development whereby it was concluded that there was no particular factor in the proposal which was of significant impact to require a full Environmental Impact Assessment (EIA) to be undertaken. He emphasised that the objective of an EIA was not to prevent a development going ahead. Members noted that a full EIA had been undertaken in 2013 at Ruperts and that formed the baseline for any screening opinion in the area.

The Power Point presentation covered the following matters in detail:-

- 1) The Current Environment for the Development site
- 2) Current uses within the Development Site
- 3) Proposed Development layout
- 4) EIA on pre-application, the Chief Planning Officer advised that all developments would have some impact, there would be a significant impact on the beach with regard to restrictions for recreational/leisure activities.

The Chief Planning Officer explained that some concerns had been expressed by the LDCA and he explained what these were.

In respect of the recent fuel leak at Ruperts, the Chief Planning Officer explained how that had been dealt with advising that the pipes had been decommissioned. The EDIP Chartered Engineer gave further details of what had been done when the fuel leak was discovered and assured Members that the fuel pipes had been purged and trial pits had indicated no soil contamination whatsoever; in any case, both petrol and diesel were biodegradable. He emphasised that there was no risk at all to the general public.

The Governor thanked the Chief Planning Officer for his presentation.

A Member asked if the Screening Opinion document had been shared with the LDCA and made publically available; the Chief Planning Officer replied it was not but had been available on request. Members raised their dissatisfaction of the processes and lack of availability of crucial documents and requested that going forward all documents relating to all development applications should be made available to the LDCA, general public and Executive Council Members in advance.

A Member acknowledged that some consultation had been carried out during the Rupert's Development Plan in 2016 and asked whether any more recent consultation had taken place. The Capital Programme Manager advised that the EDIP Chartered Engineer and herself carried out door to door consultations with Ruperts residents on Tuesday, 4th August with the exception of two; they explained that all residents were 100% supportive but raised concern about access to the beach and to the public toilets but they were able to allay the residents' concerns by advising that there would be a footpath to the beach. They had also been able to allay concerns about the type of fencing that would be put in place as part of the development. The EDIP Chartered Engineer returned to Ruperts on the 6th August and spoke with the two residents who had been unavailable on Tuesday, 4th August.

The Governor thanked the Capital Programme Manager for the update.

A Member asked what would be the impacts of the development on the African Heritage. The Chief Environmental Officer explained that there was a checklist in place for EIA's which covered all aspects such as biodiversity, landscape, cultural heritage, archaeology, water, environment, noise, social and economic, the site is viewed and judgement made on any impacts the development could bring about. She confirmed that two EIA's existed from 2013 and 2007 and re-emphasised that these formed the baseline for development in this area. The baseline for the Heritage aspect of the EIA had not changed since these had been undertaken.

The Governor thanked the Chief Environmental Officer for the explanation.

Members were of the view that the heritage features were critical to development and asked that a review of the condition of the structures be undertaken before the work commenced and every six months thereafter, they also requested development of a Port Access Plan with operational details; more specific details on the fencing design to be used was also requested.

Members noted that this project was to be funded from the Economic Development Investment Programme (EDIP) funding, as such it was important to push ahead with the implementation of the project, which would also offer much needed employment opportunities on island.

Following discussion, Council advised and the Governor agreed, that consideration of the application for development permission should be deferred for two weeks with the following supplementary information being provided to Executive Council before the next Executive Council meeting:-

1. A statement or letter from the EDIP Chartered Engineer confirming the work that was undertaken to remove the source of the fuel leak, identified soil contamination and checks in the surrounding area and what is planned for the future

2. A note to explain the arrangements for community access to key locations in the lower valley, in particular the beach and the old building used to treat sick liberated Africans, as well as clearer details on the new footpath to be laid out along the side of the port area
3. A visual or photographic survey as a new baseline point of reference of the three historic structures within the boundaries of the proposed development which are the Depot, Walled Garden and Rupert's Lines.

(Action: Hon Chief Secretary/Clerk of Councils)

Members also agreed that going forward the Screening Opinion should be made available to the LDCA, general public and Executive Council.

(Action: Hon Chief Secretary)

83.3 Confirmation of Open Session Minutes of 7 July 2020

The minutes of the open session of the 7th July 2020 were confirmed.

83.4 Matters Arising from the Open Session Minutes

83.4.1 (80.4) Business Support Package for Local Businesses to mitigate the impacts of Covid-19 (ExCo Memo 49/2020)

The Acting Financial Secretary advised that an update would be provided at the second meeting of Executive Council in September 2020.

(Action: Hon Acting Financial Secretary/Clerk of Councils)

83.4.2 (80.6) SHG Subsidies Policy 2020 (ExCo Memo 51/2020)

The Acting Financial Secretary advised that development of a Grants Policy was ongoing.

83.5 Confirmation of Open Session Minutes of 28 July 2020

The minutes of the open session of the 28th July 2020 were confirmed.

83.6 Matters Arising from the Open Session Minutes

83.6.1 (81.2) Public Access to Government Information Bill (ExCo Memo 53/2020)

The Attorney General advised that he would liaise with the Chief Secretary on the details for the Information Request Form and added that at the SCDC Meeting on the 12th August 2020, Committee would be discussing the Appeals procedure.

83.6.2 (80.4.2) (78.6) Road Traffic (Amendment) Bill 2020 (ExCo Memo 40/2020)

The Chief Secretary advised that she was still to check with personnel from Solomon & Co Plc under the business continuity arrangements extension if the insurance would remain valid.


(Action: Hon Chief Secretary)

83.7 Any Other Business

83.7.1 Public Freezer Storage

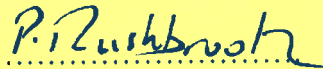
The Hon Clint Beard asked about freezer storage noting that the MV Helena had missed one transshipment so there would be a double supply of frozen goods; the Chief Secretary advised that if there were any issues the goods would remain in the reefer. The Governor advised that this should be raised with the Finance team.

There was no any other business for discussion in Open Session.



Clerk of Councils

27.08.20



Governor

27-8-20

Date

