

Open Agenda

Copy No:

No: 16/2021

Memorandum for Executive Council

SUBJECT

Development Application: Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley (As Amended)

Memorandum by the Chief Secretary

ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, for a Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley (as Amended). The Land Development Control Authority (LDCA) considered the report at their meeting on 3rd March 2021. The consideration by the LDCA was for a development proposal that did not include Hyperbaric Chambers as that aspect of the development application had been withdrawn by the applicant prior to the meeting due to lack of supporting information on the specification of the Hyperbaric Chambers.**

BACKGROUND & CONSIDERATIONS

2. At the Land Development Control Authority meeting on 3rd March 2021, it discussed the report seeking FULL Development Permission for the proposed siting of the Stevedores Building and Public Facilities in Lower Rupert's Valley. The Report to LDCA is attached as Annex A. The recommendation of the Chief Planning Officer on the development application is set out in Section E of the Report and in the Decision Letter in Annex B. There was support for the revised proposal that excluded the Hyperbaric Chambers and the comment and observation of the LDCA is set out in Section 10 of this Memorandum
3. In accordance with the directions issued by the Governor in Council to the Chief Planning Officer on 14 April 2014 under Section 23(1) of the Land Planning and Development Control (LPDC) Ordinance, 2013, the Chief Planning Officer is required to refer to the Governor-in-Council all applications for Development Permission which propose the development of any land covered by water or land within 50 metres of land covered by water.
4. The Chief Planning Officer is also required to report on all applications for Development Permission which are capital programme projects in accordance with the direction issued by the Governor-in-Council to the Chief Planning Officer on

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14 April 2014.

5. A copy of the directions is attached at Annex C for ease of reference.

6. **Section 17 (a)** of the LPDC Ordinance reads:

A grant of Development Permission may be of either of the following types:–

(a) outline development permission, the effect of which is to give approval in principle to the proposed development which is the subject of an application, but not to permit (except to the extent, if any, allowed by conditions attached to the permission) commencement of development to take place; or

(b) full development permission, the effect of which is to permit the development, subject to the terms and conditions of the grant, of full development permission.

7. RATIONALE BEHIND THE PROPOSAL

a) The development application is for the northern part of Lower Rupert's Valley adjacent to the western side of the road leading to Rupert's Wharf. The proposed development also forms part of Rupert's Valley (lower and central valley area), for the development and regeneration that will deliver port facilities for the Island, see Diagram 1 in Annex D.

b) The proposed development is to relocate the stevedores building from the east side of the road close to the Rupert's Line to the west side of the road and to provide additional community facilities in the area (toilets, changing area and showers) for the beach users at Rupert's Bay to ensure that visitors/users have access to such facilities following the development of the area as a freight container port that will restrict access to the existing facilities when access restrictions are in place with the port operations. This proposed development is in support of the future changes to the area to ensure that there is no adverse impact to the community for the recreational and leisure use of the area.

c) Development in Rupert's and the critical infrastructure investments outlined in this business case support the goals in the St Helena Government's (SHG) 10 Year Plan (2017-2027)¹ including developing St Helena industry. Further, these activities align closely with the 2018 Sustainable

¹ <http://www.sainthelena.gov.sh/wp-content/uploads/2012/08/10-Year-Plan-20-January-2017.pdf>

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Economic Development Plan² (SEDP) which identifies investment in infrastructure as a necessary component of ‘development which is economically, environmentally and socially sustainable.’ The port at Rupert’s is identified as a priority infrastructure investment in St Helena’s 2030 Vision and Infrastructure Plan and the Strategic Plan for SHG’s Capital Programme.

- d) The SEDP sets a goal to improve infrastructure by ‘using tax revenue and other funding streams for investments to improve health, education, water, electricity, transport, risk management and other infrastructure’.
- e) The development and investment in the local economy is important to the economic prosperity of the Island; the development of the port facilities which meet international standards is considered an important economic objective for the Island and to optimise its location for international shipment rather than relying on a single freight route currently through the MV Helena between Cape Town, St Helena and Ascension. The development of the port facilities falls within the vision of the SEDP and 10-Year Plan and the ongoing programme for encouraging future investment in the infrastructure that will create employment opportunities and development of skills for the local people.

8. BACKGROUND TO THE DEVELOPMENT APPLICATION AND REPORTS

- a) In August 2020, the Governor-in-Council granted development permission for the Freight Container Port Development in Lower and Central Rupert’s Valley. As a consequence of this development there will be some restriction to public access to some areas when the ship is port and the port is in operation with movement of freight. During the process of decision on the development application, ExCo Members raised concerns regarding the location of the stevedore mess building, being too close to the Rupert’s Lines and also the potential alignment of the security fence.
- b) Following the review of details on this small section of the approved development, the applicant has revised proposals to provide some additional benefit to the local community to enable them to enjoy the beach area for recreation and leisure. As a consequence of this review and the relocation

² <http://www.sainthelena.gov.sh/wp-content/uploads/2018/05/SEDP-Final-April-01052018.pdf>

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of the stevedores' mess building to the west side of the road against the hillside, a new disabled toilet, baby changing and shower facilities will be provided that will be available when access to the current toilet and shower facilities would not be available due to restricted access from the beach and wharf areas through the opening in the Rupert's Lines.

9. PROPOSED DEVELOPMENT

- a) The proposed development is to utilise the disused area to the north of the Fisheries Building to relocate the stevedore mess building and provide new community facilities that includes toilets, a disabled toilet, baby changing and showers and erection of the security fencing and a removal gate for the opening in Rupert's Lines, see Diagram 1 in Annex D. The original application included Hyperbaric Chambers that would have been located to the north of the stevedore mess building. However this part of the proposal has been removed due to the need for more detailed information required for the installation of this facility that is not currently available.
- b) The layout of the proposed development is to erect a gabion wall along the hillside against which the community facility buildings would be placed length-ways-on and then to north a shower area and then stevedore mess building that will be side-ways-on. The footprint will replicate that of a standard 20ft container and finished in an external treatment, which is of a smooth metal cladding, similar to the buildings proposed within the port freight container area. The toilet and other facilities (showers) will be of the same dimensions and type, where the external treatment will be smooth painted metal cladding. There would be a bollard erected to the edge of the kerbed area to define the facility area. This would thus create a forecourt area and with the entrance to the stevedore mess on the south side of the building it would provide an element of security for the users and a natural surveillance, Diagrams 2 and 3 in Annex D. These facilities would be on the new direct pedestrian route that will be created for access to the beach area when the road will be closed to visitor traffic due to freight operations in the area.
- c) In view of the revision to the development proposals installation of the security fence in close proximity to the Rupert's Lines are also provided to overcome the previous concern that the security fence should not be erected directly against Rupert's Lines. With the need to meet the minimum security requirement international standard for port security (ISPS) that restricts access to some of the areas and facilities,

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the proposed development of the community facilities will overcome many of the concerns raised during the decision making on the development application for freight container port granted consent in August 2020.

10. PLANNING POLICIES

- a) The relevant policies of the Land Development Control Plan (LDCP 2012 - 2022) that are applicable in the assessment of the proposed development are:
 - i. Coastal Zone Primary Policy CZ1
 - ii. Water: Policy W2
 - iii. Sewage, storm and Drainage: Policies SD1 (b, c), SD3, SD.4 and SD7
 - iv. Built Heritage Policies
- b) The LDCP policies identified for the assessment provide 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, no specific policy which provides support in principle for the proposed development or the proposed development being opposed in principle and in meeting the policy objectives. However, a number of related policies provide considerable support for the commercial uses and the essential infrastructure for the future economic wellbeing of the Island.

11. REPRESENTATION

- a) Representation has been received Enterprise St Helena and the Heritage Society. There is support for the proposed development from Enterprise St Helena who see the wider benefits for the local community for the recreational and leisure use of the Rupert's beach area. The representation from Heritage Society raises a number of concerns as set out:
 - i. saddened that neither the planning office nor the applicant has referred to LDCP policy BH6;
 - ii. still no recognition by the planning office or the applicant that Rupert's Lines is a Listed Monument or that application may affect the integrity of its setting, such as this one, must be given special attention to avoid adverse effects;
 - iii. nature of a setting needs to be established first but that has still not happened and issues raised by the Society in

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- connection with the various applications and work was allowed to commence on the excavation that has dumped all known potential archaeology of international importance and building is now under construction in a style and location that was not part of the application process;
- iv. it is difficult to have confidence in the planning system and same applicant, the St Helena Government and the same planning office is continuing with this new related application as if none of those issues occurred or even matter;
 - v. applicant says they consulted Heritage Society and Museum, in fact we were given just two working days to inspect the finalised drawings; those as submitted and there was no time for us to comment and finalised drawings give no flexibility for suggestions, the concerned are:
 - proposed style of gate to the existing 'hole in the wall'.
 - proposed style of the 4' security fence.
 - style of gates in the security fence which are not shown.
 - overall appearance of the stevedore and public shower complex.
 - vi. world history embedded in Rupert and expressed as part of the World Heritage Tentative List application in 2010 is being eroded away by human actions inconsistent with the protections given under the laws of St Helena.
 - vii. society would ask applicant, planning office, LDCA and all our councillors to give greater consideration to the future ambiance of Rupert and this is even more poignant in view that all this development is taking place in the absence of the long awaited Rupert's Development Plan.
 - viii. concerned that planning office no longer passes the full original comments, such to members of the LDCA or ExCo for them to consider themselves and asks for this to be rectified which should be part of the process of protecting our environment.

Officers Response

- b) Many of the issues raised in the representation are not directly relevant to this current application, and are continuation of the issues raised with the previous development application considered by the Authority and ExCo. These issues were discussed at length in the open forum of the reports before decision on these applications were taken. As regards to the issue of consultation by the

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applicant prior to the submission of the proposal, this is one the Society needs to address with the applicant. Planning Section encourages and advises all applicants to consult with the stakeholders and wider community in the formulation of proposals, but is one the Planning Section cannot control.

- c) The response from the Society, as set out above shows there is little which is directly related to this proposal and its actual impact within the wider context of the area. The issue of design of gates and security fence details that has been discussed at length in the previous development proposals, where it is unfortunate that given the use of the area for port operations and the area's historic significance, some difficult decision for regeneration and economic progress of the Island have had to been made. Whilst the Heritage Society continues to have concerns, it is considered that a balanced decision has been made.

12. OFFICER ASSESSMENT OF THE DEVELOPMENT

- a) The layout of the proposed development is dictated by the physical constraints of the site and the areas of wharf operations. This area in particular is not being utilised at present and is considered to be the optimum location, due to its topography, accessibility to the beach and distance to existing services. The area can be accessed quite easily by pedestrians using the intended new footpath, as well as vehicular traffic. The applicant will undertake other public realm improvements such as installing bollards to improve pedestrian and user safety by preventing traffic coming onto the concrete pad.
- b) The orientation and layout of the stevedores' mess and toilet and changing facility buildings has been designed to form a courtyard appearance to the area. The facing of the stevedores' mess into the court yard area that is created provides an element of natural surveillance and improves security.
- c) In terms of the appearance and aesthetic to the buildings, the development is following the port area theme hence the reason for something similar in scale and aesthetics to a container, which fits in with the overall concept. It was officer's view during pre-application consultation that the building should be clad and roof style changed. The applicant addressed these concerns and it is now considered that the design is more acceptable for this location.

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- d) With regards to the fencing details and demountable gate, these proposals may be considered appropriate however they cannot be fully assessed, without seeing the relationship between other fence lines within the container handling facilities and port area. Therefore it would be necessary to include this as a condition, whereby the location and design will be scrutinised when condition 6 of application 2020/41 has been submitted for discharge.
- e) Condition 6 on application 2020/41 requires that – *‘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 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.’*
- f) Overall the proposal will be beneficial as it will be situated outside the Port Area and will be made available to the public at all times when the beach is open. Furthermore, there is an opportunity to reduce the extent of the fencing required adjacent the Rupert’s Lines, as the existing facilities can now be temporarily closed during cargo operations, and no fencing would then be required to isolate them.
- g) The relocation of the stevedores’ mess will result in the building moving away from the Rupert’s Lines onto the other side of the road, therefore reducing the impact on the setting of Rupert’s Lines.
- h) Considering the impact of the development, this proposal will not detract from amenity of the area. All services can be connected to. The use is consistent with the intended use in the area. The development meets the aims of the policies as stipulated above, and therefore can be supported.

13. CONSIDERATION BY LAND DEVELOPMENT CONTROL AUTHORITY

- a) The Land Development Control Authority considered the development application at their meeting on 3rd March 2021 and raised no concerns to the overall proposal. However, the LDCA Members considered that placing a screen in front of the shower area could provide some privacy and prevent water splashing.
- b) It is considered that retaining the open courtyard feel would be more appropriate given its beach-side location and provide for natural surveillance for the area.

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14. CONCLUSION AND RECOMMENDATION

- a) Having regards to the comments and observation of the LDCA it is consider the proposed developments as set in the report, it is recommended that the Governor-in-Council grant full development permission with conditions as set in Section C of LDCA and Decision Letter in Annex B.

FINANCIAL IMPLICATIONS

15. Executive Council acts as the Planning Authority in this case.

ECONOMIC IMPLICATIONS

16. The development of port facilities at Rupert's Wharf will provide quality container and freight handling facilities for the Island and enable the future development of James Bay for tourist, recreation and leisure facilities. The development of these community facilities will enhance the tourist, recreation and leisure experience that would have been affected by the port container facilities previously approved.

17. In the analysis of the business case for the port facilities at Rupert's Wharf, the monetised benefits were expected to be twice the total cost of construction. Anticipated benefits of this work to SHG and stakeholders include:

- a) Full and safe cargo and container-handling operations at the Rupert's Wharf;
- b) £500,000 avoided annual expense for barging cargo from Ruperts to Jamestown;
- c) Income to local businesses from construction works to complete the cargo handling facility;
- d) The wharf at Rupert's, as already constructed, is more resilient to the effects of climate change, including increased protection at times of large swells and wave heights compared to transferring cargo from ship to shore at James Bay; this reduces operational downtime compared to Jamestown Wharf;
- e) Improved health and safety for users of Jamestown Wharf and
- f) Enabling environment for future economic development of Jamestown Wharf.

18. The development of port facilities that meets international port security requirements is necessary for St Helena to receive

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ships originating from other countries.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

19. The development and delivery of the development is in compliance with the Investment Policy Principles. The implementation of the development will deliver and create training and employment opportunities and has potential for further economic growth on the Island with the tourists and visitors.
20. The following Investment Policy principles apply:-
 1. Make St Helena a desirable and competitive destination to do business by removing barriers to investment
 2. Support an economy which is accessible to all potential investors and promote investments across the economy
 3. Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective
 4. Promote fair, consistent and transparent decision making.

PUBLIC/SOCIAL IMPACT

21. The proposed development is to relocate the stevedores building from the east side of the road close to the Rupert's Line to the west side of the road and to provide additional community facilities in the area (toilets, changing area and showers) for the beach users at Rupert's Bay to ensure that visitors/users have access to such facilities following the development of the area as freight container port that will restrict access to the existing facilities when access restrictions are in place with the port operations. It will improve public facilities.

ENVIRONMENTAL IMPACT

22. There is likely to be some adverse environmental with fume emissions from heavy plants and machinery and noise and some visual impact on this historically sensitive area. This impact is not considered to be significant when balanced with the economic and social benefits arising from this development. The development will also create a positive impact for the Island in terms of ensuring that leisure and recreational use of the beach remains even after relocation of port freight operation to Lower Rupert's, albeit there is a reduced access to Rupert's beach and coastal area for recreation and leisure.
23. The Screening Opinion prepared for the previous development proposal approved concluded that whilst there will be some adverse impact on the local environment (natural, built, historic) in respect of a number of factors assessed, and it was considered not to be significant to require an Environmental Impact Assessment. The adverse impact arising can be mitigated against to ensure it is as minimal as possible.

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PREVIOUS CONSULTATION/ COMMITTEE INPUT

24. The development application was advertised for a period of 14 days to seek comments from the communities and stakeholders on the development proposal.
25. Key Stakeholders have responded and their views have been considered by the LDCA.
26. There were representations received from the Heritage Society and the issues raised have been assessed and responded to in Section 11 of the report.
27. There has also been a representation received from Enterprise Saint Helena supporting the proposed development.

PUBLIC REACTION

28. This could possibly generate public and media interest once the port development works are completed and the community facilities become fully operational.

PUBLICITY

29. ExCo's decision will be mentioned in media briefing following the meeting.
Press Releases regarding the works could be issued upon commencement, during, and completion of works and subsequent opening of the new community facilities.

SUPPORT TO STRATEGIC OBJECTIVES

30. This development supports Strategic Objective 1.1 – 'Ensure effective investment in physical infrastructure'. The development of the new freight container handling facilities in Lower Rupert's Valley will provide much needed modern port facilities that will meet international post security requirements and open the Island to other sea freight routes.

LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS

31. Goals 7 and 10 of the SEDP is to improve public infrastructure, to provide an environment that promotes investment and provide investment opportunities for people living on St Helena to buy into, as an alternative to investing abroad. Ensure some of the returns on overseas investment is kept within St Helena.

IMPLEMENTATION OF POLICY/ LEGISLATION

32. N/A

SO'B

OPEN/CLOSED AGENDA ITEM

33. Recommended for the Open Agenda.

Corporate Support
Corporate Services

9th March 2021

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