

## **EXECUTIVE COUNCIL TOP LINES - TUESDAY, 16 MARCH 2021**

Executive Council sat as the Planning Authority for three development applications presented by the Chief Planning Officer.

### **Development Application: Proposed construction of Pet Care Centre, Merrimens Forest**

- **Executive Council granted Full Development Permission, with Conditions, for the development application for the proposed construction of a Pet Care Centre, Merrimens Forest, as recommended by the Land Development Control Authority (LDCA).**

#### **Background:**

- The proposed development is to construct a building that will be used as a pet care centre and provide services that includes kennelling for dogs and cats, whose owners are travelling overseas, kennelling and re-homing of stray dogs, microchipping of pets, sale of worm and flea treatments, general pet care including grooming and nail clipping.
- Executive Council originally discussed this item on 18 December 2020, during which the decision was deferred as Members were concerned on the potential of excessive noise from the development. The Chief Planning Officer was instructed to investigate improvements in the construction of the building that would reduce the level of noise emanating from the building.
- Following the decision of the Executive Council, the issues raised were discussed with the applicant and the construction details have been revised to include wall insulation and the removal of the translucent roofing, both which would reduce, to some element, the noise from the building.

#### **At the meeting:**

- Members were pleased that the further work had been done to review the building construction in the development application to include measures to reduce the potential of excessive noise
- Members asked how the sound insulation would work
  - The Chief Planning Officer advised that the sound insulation would be of a fibre-related material and would be placed between the interior and exterior walls of the building
- It was noted that this development would be done on Crown land
- A concern was raised on whether there is a limit to the number of dogs which the centre could house at one time, noting that a larger number could potentially result in excessive noise
  - It was noted that there are three dog units within the building plan.
  - It was also noted that noise levels can't be ascertained until the development is operational
  - Members suggested the addition of a condition whereby once the development is operational, and if noise from dogs is excessive, that a

review could be held whereby a limit could be set on dog numbers for the centre

- Members suggested that the addition of window shutters should also form one of the conditions to the development
- There was concern from Members that the development was contrary to and did not meet some of SHG's existing policies. Questions around why the development was even being considered was asked
  - It was ascertained that the development conflicting with certain policies was the reason for it needing to be brought to Executive Council for approval
- Members were pleased to note that the lighting within the development application would be Dark Skies compliant
- Executive Council approved the development and granted full development permission, subject to the conditions set out by the Chief Planning Officer, as well as the conditions put forward during the meeting

### **Development Application: Saint Helena Yacht Club, James Bay**

- **Executive Council granted Full Development Permission, with Conditions, for the Erection of a Notice Board to the Front Elevation of the Saint Helena Yacht Club Building in James's Bay**

#### **Background:**

- The proposal is to erect a Notice Board, which was found in storage, on the wall of the St Helena Yacht Club, between the window openings, to enable the club to provide information to members, visitors and tourists on its activities and forthcoming events.
- This development application needed to be brought to Executive Council as it is a requirement of the Chief Planning Officer to refer to the Governor-in-Council all applications for Development Permission for the development on any land covered by water or land within 50 metres of land covered by water as clarified in the April 2014 letter

#### **At the meeting:**

- Members noted that the Notice Board in question was of a timber frame and was thought to have been previously used by the Yacht Club, though there is no evidence to prove this
- The size of the Notice Board was noted and it was explained that due to its width being greater than the space between the windows of the Yacht Club, the Notice Board would overhang slightly once erected
- The Chief Planning Officer recommended approving the development for a period of 12 months after which an assessment of its impact could be made
- The Chief Planning Officer also recommended that the Notice Board be painted an appropriate colour to lessen the impact it has on the building and surroundings

- Members fully supported the development, and granted full development permission, subject to the Notice Board being painted an appropriate colour and for a review of the impact to be conducted after one year, after which further permission would be needed for the continued use of the development thereafter
- Concerns were raised as to why such a minor development was being brought to Executive Council for approval
  - It was explained that this formed part of the April 2014 letter
  - Members felt that, with Executive Council being the highest decision making body on-Island, these smaller matters should not have to be dealt with in this forum
  - It was agreed that a review of the April 2014 letter should take place so that minor developments such as these could be dealt with without being brought to Executive Council

### **Development Application: Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley**

- **Executive Council granted Full Development Permission, with Conditions, for a Proposed Stevedores Building and Public Facilities in Lower Rupert's Valley.**

#### **Background:**

- The proposed development is to relocate the stevedores building and to provide additional community facilities in the area for the beach users at Rupert's Bay to ensure that they 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 during port operations. The proposal also includes the demountable gate for the opening in the Rupert's Line that will be used to close-off the area from the beach to freight operational area when port is in operation and the proposed security fencing details adjacent to Rupert's Line
- The original proposal also included the siting of two Hyperbaric Chambers, but this was withdrawn by the applicant, prior to the meeting of the LDCA on 3 March, due to lack of supporting information on the specification of the Hyperbaric Chambers

#### **At the meeting:**

- Members supported the proposal and recognised that access to Rupert's Beach and community facilities for beach users are important for the whole of the Rupert's Development Project
- Members also noted the importance of looking after stevedores and recognised the proposed development of a new stevedores building as a positive step
- It was noted that the site, once operational, would be open 24/7

- The Chief Planning Officer recommended that the development be approved with the conditions as set out in the report, and a specific condition was highlighted that related to fencing in compliance with the full development permission for Rupert's Development Project
- Members fully supported and approved the development with no added conditions

### **Investment Strategy and Policy update 2021**

- **Executive Council approved the changes to and endorsed the 2021 versions of the Investment Strategy and Investment Policy, subject to a further review being conducted in the near future.**

#### **Background:**

- The Investment Policy and Investment Strategy were previously endorsed in June 2018 and April 2019 respectively
- The wind down of Enterprise St Helena means that the Strategy and Policy require minor updates to replace references to Enterprise St Helena, and include references to the Sustainable Development Team, and to refer to some policy progress
- It is suggested that Approved Investment Status B, which reduces customs duty from 20% to 5% for capital items (which is a 75% reduction in tax) also can reduce the vehicle duty by 75%. This is because currently Approved Investment Status cannot be applied in the same way for vehicles whose customs duty is now a fixed value (rather than a percentage of value). The Approved Investment Status A would stay as an exemption for duty.
- Furthermore, whilst an application for Approved Investment Status was discussed in Executive Council on 2 March 2021, it was proposed that the Strategy be explicit regarding backdating of the certification date, if required. It was felt that the backdating should not be done for a long period, as investors might start applying retrospectively, but it was noted that investors also needed to purchase capital items promptly in order to meet their deadlines, and couldn't always wait for the Approved Investment Status application to be approved.

#### **At the meeting:**

- The Economists were invited to the table to answer questions and provide input for discussions.
- A query was raised as to how the Approved Investor Status would interact with SHG's green initiative policy for import of vehicles
  - It was explained that an Approved Investment shall have a beneficial effect on the economy of St Helena and are particularly encouraged if it meets certain objectives, such as being sustainable; economically, environmentally and socially.
  - It was also explained that to understand whether an investor will contribute to these and other factors, the answers to a number of

questions will be sought, and inputted into an Investor Matrix. This will provide the basis to estimate the effect that an investment will have on St Helena's economy and provide evidence to support an application for Approved Investment Status.

- Therefore the importation of any vehicle would be looked at and considered case by case through the approval process
- It was also noted that the change to specify treatment of vehicles with fixed duty applied related only to passenger vehicles, and there was no change to the Approved Investment Status incentive for other vehicles.
- A query was made with regards to the selling of any assets by an investor after receiving Approved Investment Status.
  - It was recognised that if an investor sold assets within five years of the Approved Investment Status start date then the reduction or exemption would need to be paid back in full by the investor who received it
- It was confirmed that the Chief Secretary sits as the Chair of the Approved Investment Committee, and also as the Chair of the Investment Enabling Group.
- A query was raised with regards to the purchasing and/or leasing of land for investment, with one member suggesting that certain suitable plots should be earmarked for the future development of essential services when needed
  - It was recognised that land issues are the remit of Lands and Planning, and will follow due process in that regard. The awarding of Approved Investment Status does not mean that certain land is endorsed for use.
- It was clarified that the Investment Enabling Group was never intended to be a decision-making authority, but was setup to discuss and provide assistance to investment applications and guide them through SHG's various processes.
  - Members suggested that the wording be amended slightly in the Strategy to make clearer who are the members of the Investment Enabling Group
- Members supported the backdating of the certification date, but advised that this backdate should not be for a long period
  - It was explained that the date of certification would normally be the approval date. However, the date of certification can, if relevant to the applicant's requirements, be backdated to three months prior or backdated to the date of application; whichever is the closest to the approval date.
- Members stated the importance of both the Strategy and the Policy, but also recognised that they must align with other SHG Policies
- Members recognised the importance of investment for St Helena and were pleased that the Approved Investor Status would give incentives for investors
- It was agreed that the Policy would need to be attractive to potential investors
- Members fully supported and approved the changes to and endorsed the Investment Strategy and Investment Policy, subject to further review in the near future

### **Proposed Update to Customs Duty Concessions for Approved Investments**

**Executive Council advised that the Customs Duty concessions for Approved Investment Status should be updated to reflect that Customs Duty on vehicles is now charged at a fixed rate rather than a percentage of value.**

Background:

- In the Investment Policy approved in June 2018, Approved Investment Status provides for a reduction in Customs Duty from 20% to 5% or 0% for the import of capital items.
- In December 2019, the customs tariffs on passenger vehicles were amended to move from a value-based calculation to a fixed rate of duty based on CO2 emissions. Because of this change, it is not possible to apply the concessions for AIS to vehicles in the way that was intended.
- It is therefore suggested that Approved Investment Status B, which reduces customs duty from 20% to 5% for capital items (which is a 75% reduction in tax) also can reduce the vehicle duty by 75%.

**At the meeting:**

- As this relates to changes being made to the same ordinance as the previous item, the Attorney General suggested that these be done together as one amendment and brought back to Executive Council in two weeks.
- An environmental concern was raised that allowing concessions on vehicles through the Approved Investor Status might encourage the importation of more vehicles to the Island
- A further concern was raised relating to the use of vehicles acquired by any investor with Approved Investment Status. That being that the investor does not use the acquired vehicle for personal use more than for business purposes.
  - It was explained that only vehicles important to delivering Investment outcomes would be eligible for the concessions, and that not all investments have a vehicle need.
- Members gave their support for this work to be undertaken

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**16 March 2021**