

Open Agenda

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Memorandum for Executive Council

SUBJECT

Development Application: Proposed Fuel Station, Convenience Store with In-store Café and Supporting Services

Memorandum by the Minister of the Environment, Natural Resources and Planning Portfolio

ADVICE SOUGHT

1. **Executive Council is asked to consider and advise whether Full Development Permission should be granted, with Conditions, for the Proposed Fuel Station, Convenience Store with In-store Café and Supporting Services.**

BACKGROUND & CONSIDERATIONS

CONSIDERATION OF DEVELOPMENT APPLICATION BY EXECUTIVE COUNCIL

2. In accordance with Section 23(2)(b)(ii) of the Land Planning and Development Control (LPDC) Ordinance, 2013, the Chief Planning Officer is required to report on all applications where granting of Development Permission for development would be inconsistent with a Development Plan but that there are material considerations which suggest that permission should nevertheless be granted.

THE DEVELOPMENT PROPOSAL

3. The development site is an area of open undeveloped land north of the Haul Road and just west of the junction of the road from Longwood. The Haul Road is the most direct route of traffic to and from the Airport and most parts of the Island (see the LDCA Report at Annex A and Diagrams in Annex B). The application site occupies a very prominent location along this strategic road built to link the port and Airport. The site is part of an area designated as an Important Wire bird Area (Bottom Woods), one of the Island's National Conservation Areas (NCAs) and is also within the Coastal Zone.
4. The proposed development is for a Fuel Service Station that will incorporate a fuel station, convenience store with in-store café and supporting services to include an air compressor for customer use, office, staff room and storage rooms with on-site parking for customers.

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Open Agenda

5. The parcel of land for this proposed development is 4,675sqm in area of which 3,862sqm of this parcel will be developed, and the remaining 813sqm of land will remain undeveloped. The undeveloped land will remain in its current state, with some additional endemic planting.

RATIONALE BEHIND THE DEVELOPMENT PROPOSAL

6. The rationale for the development is to build a modern fuel service station facility that will provide wider customer services such as an on-site convenience store and a café. The development will respect the local environment by utilising the local terrain for the buildings. There are currently limited fueling facilities in this area of the Island and the development will serve both the local community and tourists and visitors to the Island.
7. The principal objective of this development is to continue to improve services and facilities for the local community and visitors to the Island. The development of modern fuel station and related facilities along the strategic road on the Island is welcomed and will complement other developments in the area and support future growth.
8. The Sustainable Economic Development Plan (SEDP) 2018 - 2028 for St Helena sets out the strategic vision for the Island to 'achieve development which is economically, environmentally and socially sustainable by increasing standards of living and quality of life; not relying on aid payments from the UK in the longer term; whilst affording to maintain the Island's infrastructure; achieve more money coming into St Helena than going out and sustain and improve St Helena's natural resources for this generation and the next.'
9. To achieve this vision, 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'.
10. Development and investment in the local economy is important to the economic prosperity of the Island and the development of a tourism industry. Development of facilities that supports tourism operations is considered an important economic objective for the Island and to optimise its location for visitors to enjoy the leisure and recreation and sample the quality nature and historic environment.

Open Agenda

11. This development and operation whilst complementing the tourism and leisure uses in this area along the Haul Road and also creating a local facility is assumed to fall within the wider vision of the SEDP and the 10 Year Plan (2017 – 2027) for encouraging future investment in the infrastructure that will create employment opportunities for the local people.
12. The level of investment outlined in this proposed development and the potential to improve and upgrade some of the local community infrastructure also support the goals in the 10 Year Plan including developing St Helena's industry. Further, this development aligns with the general spirit of the SEDP in encouraging investment that also improves local infrastructure as a necessary component of 'development which is economically, environmentally and socially sustainable'.

PLANNING HISTORY FOR THE DEVELOPMENT PROPOSAL

13. There is no previous development planning history in respect of this site, however this wider area has been subject to development with the construction of the Haul Road that provides access to the site. In 2019, full development permission (Dev. App. Ref: 2019/114) was granted for the construction of the new HM Prison for a site lying just north of the application site with an access road of approximately 450m length about 300m west of this site. Prior to the full development permission, this development was the subject of an outline application (Dev. App. Ref: 2018/77) that included an Environmental Impact Assessment (EIA) Report in compliance with the EIA Regulations. This development has not yet commenced due to an external funding decision that is still awaiting confirmation.
14. There has also been a hybrid development permission granted for Bottom Woods Comprehensive Development Area (CDA) for mixed-use housing led development that includes the construction of an access road into and around the site and for a number Government Landlord Houses to be constructed. This development is being progressed. Full details of the development application and its assessment are set out in Section B of the LDCA report in Annex A.

PUBLIC CONSULTATION

15. The applicant has undertaken community and stakeholder consultation prior to the submission of this development application and this included consultation with the stakeholders on the preparation and formulation of the

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Open Agenda

Environmental Impact Assessment (EIA). The Planning Service has consulted with the local community and stakeholders on the proposed development. A full analysis of stakeholder responses is set out in Section B of the LDCA Report.

SOCIAL BENEFITS FROM THE DEVELOPMENT

16. There are a number of social benefits arising from the development application as the development of these facilities along this transport corridor will provide a modern retail outlet as well as a fuel station in an area that will see considerable housing and commercial growth in the near future. The current local fuel station at Longwood supermarket is rather dated. Being along the strategic road network it will also be more accessible for tourist and visitors to the Island. The development will therefore have wider social benefit for the community as a whole. The development will also create additional jobs when operational.

ASSESSMENT OF DEVELOPMENT PROPOSAL AGAINST PLANNING POLICY

17. **The Land Development Control Plan 2012:** The relevant Land Development Control Plan (LDCP) policies that are applicable in the assessment of the proposed development are set out below:
- (i) Coastal Zone: Policies CZ.1 and CZ.5
 - (ii) Natural Heritage: Policies NH.3
 - (iii) Water Supplies: Policies W.1(a) and W.2
 - (iv) Sewage, Storm and Drainage: Policies SD.1 (a), (b) and (c), SD.3, SD.5 and SD.7
 - (v) Road and Transport Policies: RT.1 (a), (c) and (d), RT.3 (a) and (b), RT.5 (f) and RT.7
18. The LDCP policies identified for the assessment of the proposed development is not wholly supported by the principle objective of these policies. The aims of the Coastal Zone policies is to retain the character and protect the landscape of the Coastal Zone area. Whilst it also considers that some form of developments may be acceptable and that these must be related to tourism activities and operations, commercial agriculture or forestry or is an essential infrastructure, however, the proposed developments is not entirely tourism related, but it would benefit tourists as well as local residents and businesses. Similarly it is not considered to be wholly essential infrastructure, however a fuel station can be considered to be an essential service to enable

Open Agenda

movement and travel. There is only one small fuel service point on this part of the Island which is considered to be inadequate for such purpose and is physically constrained to enable improvement.

19. Similarly the Natural Heritage policy allows for some development although this should be related to development that will assist in the conservation of the natural heritage of the area and should include an appropriate level of mitigation to overcome any adverse impact. Given the peripheral location of the development site adjacent to a recently constructed road, the proposed development can be supported due to its wider economic benefits whilst ensuring appropriate level of protection for the protected species and habitats.
20. The proposed development in assessment with these policies needs to be considered as a departure, although in the wider interpretation it may be concluded that there is some support to enable this form of development. In view of this and in accordance with Section 23 of the Land Planning and Development Control Ordinance, the development application needs to be referred to the Governor-in-Council for a decision.
21. The assessment and analysis of the proposed development against the policies is included in Section C of the LDCA Report.

CONSIDERATION OF THE APPLICATION BY THE LAND DEVELOPMENT CONTROL AUTHORITY (LDCA)

22. At their 21st June 2021 meeting, the Land Development Control Authority (the Authority) considered the report on the development application seeking FULL Development Permission for the development of the Fuel Station and ancillary uses and with the supporting Environmental Impact Assessment (see Diagrams related to the development in Annex B). The Authority welcomed the proposed development and the detailed design and raised no concerns or issues. The Authority emphasised the need to ensure that before any construction work commences on site, there should be a thorough reassessment of the development area with a walk over with nature conservation specialists, with a particular observation on the local wirebirds. The Authority was reminded that there is a specific condition included requiring such assessment before development commences.

CONCLUSION AND RECOMMENDATION

23. The Authority has considered the report and gave support for the proposed development and recommends to the Governor-in-Council to grant Full Development Permission subject to

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Open Agenda

the Conditions as set out in Section D of the report attached as Annex A to this Memorandum.

FINANCIAL IMPLICATIONS

24. There are no financial implications arising for the St Helena Government from the application for development, as financing of the development will be the responsibility of the Applicant. The issues of lease and financial issues arising from the grant of lease is not a planning issue.

ECONOMIC IMPLICATIONS

25. The proposed development could facilitate private investment on the Island and provide future growth and economic prosperity if there is sufficient demand for the recreation, leisure and entertainment use that also delivers on the tourism sector of economic growth. The focus of the development is on providing additional and varied community related facilities in a quality environment. This use and development is consistent with the recommendation of the SEDP for developing recreation, leisure and tourism facilities.
26. This development could support growth in the tourism sector which is an important economic objective for the Island. The development will optimise the location for visitors and local communities to enjoy the leisure and recreation and sample the quality nature and historic environment.
27. If it proceeds local contractors in the construction industry could also benefit of this development and could create or support existing employment for local people. It would also create additional local employment in the hospitality and leisure sector.
28. The development proposal and its delivery is in compliance with the Investment Policy Principles. The implementation of the development could create employment opportunities if local contractors are used.

CONSISTENCY WITH INVESTMENT POLICY PRINCIPLES

29. The following Investment Policy principles apply:
- (i) Make St Helena a desirable and competitive destination to do business by removing barriers to investment
 - (ii) Support an economy which is accessible to all potential investors and promote investments across the economy
 - (iii) Support the locally based private sector to compete in an open economy but, where possible, avoid being overly protective
 - (iv) Promote fair, consistent and transparent decision making.

PUBLIC/SOCIAL IMPACT

30. There is no Social Impact Assessment (SIA) accompanying the planning application. The proposed development will

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Open Agenda

have some positive social impact due to the quality of the development and the provision of new facilities in an area which will considerably enhance facilities for the future occupiers of the housing and developments in the area. The use will also benefit the tourist and visitors to the Island with the development on a main access road.

ENVIRONMENTAL IMPACT

31. The development application was supported by an Environmental Impact Assessment report assessing the impact of the proposed development. The EIA was considered by the Chief Environmental Officer (CEO) in accordance with the requirements of the Land Planning and Development Control (Environmental Impact Assessment) Regulations, 2013. The CEO provided a comprehensive assessment and also raised a number of issues. The issues raised by the CEO and the stakeholders have been set out in the LDCA report included as Annex A.

32. The key environmental issues relate to the siting of a development within a National Conservation Area (NCA) which if approved could set a precedent that land can be developed in the NCAs even though there is a policy which prohibits this. The potentially significant adverse environmental impacts relating to fuel storage and transfer within an environmentally sensitive area and that the assessment was not informed by any scientific baseline data and this should have been established for a more accurate assessment of impacts. It was also noted that some of the mitigation measures proposed lacked detail and for some of the issues identified there is no corresponding mitigation. The CEO acknowledges however that whilst there are weaknesses in the EIA report, the information provided is considered to be sufficient to enable the environmental impacts to be adequately assessed.

PREVIOUS CONSULTATION/ COMMITTEE INPUT

33. The development application was advertised for a period of 28 days to seek comments from the community and stakeholders on the development proposal.

34. Key stakeholders have responded and their views have been considered by the LDCA.

35. There were representations received from the Heritage Society and the issues raised have been assessed and responded to in paragraph 15 of the report.

36. There has also been a representation received from Sustainable Development Team that supports the proposed development.

Open Agenda

- PUBLIC REACTION** 37. This will generate both public and media interest during the future implementation of the project.
- PUBLICITY** 38. ExCo's decision will be covered in the Radio Briefing and Top Lines following the meeting.
- SUPPORT TO STRATEGIC OBJECTIVES** 39. The National Goal 7 is "Altogether Greener" and the Strategic Objective 7.1 is "Promote the sustainable management and use of natural resources and the environment". As there is no suitable brownfield land that can be utilised for this form of development and development on this greenfield site is unavoidable. However, the proposed design has sought to minimise the environmental impact.
- LINK TO SUSTAINABLE ECONOMIC DEVELOPMENT PLAN GOALS** 40. The development proposal is intended to address Goal 3 of the SEDP 'Attract Visitors and Increase Tourism.'
- IMPLEMENTATION OF POLICY LEGISLATION** 41. N/A
- OPEN/CLOSED AGENDA ITEM** 42. Recommended for the Open Agenda.

CLS

Environment, Natural Resources and Planning

8th November 2021

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