

Minutes of the Meeting of Governor in Council held on Wednesday 22 December 2021 at  
10:00am in the Council Chamber

Present: His Excellency the Governor (Dr Philip Rushbrook)  
The Hon. Chief Minister/Employment Skills & Education (J D Thomas)  
The Hon Attorney General (Mr A T Cansick)  
The Hon Minister, Treasury Infrastructure & Sustainable Development (M A Brooks)  
The Hon Minister Safety, Security & Home Affairs (J R Ellick)  
The Hon Minister Health & Social Care (M D Henry)  
The Hon Minister Environment, Natural Resources & Planning (C L Scipio)

In attendance: Secretary to Executive Council (Mrs N M Bargo)  
The Chief Secretary (Mrs S O'Bey)  
Head of Central Support Service (Mrs C A George)

Apology: Head of News (Mrs K A M Yon)

**OPEN SESSION**

2.1 Welcome

The Governor welcomed all present to the Governor in Council (GiC) meeting to consider the additional information received relating to the development application for the proposed Satellite Earth Station Facility at Horse Point, Bottom Woods, which was deferred by GiC on 9 December 2021.

Five members of the public were in attendance. Also, seated in the public gallery was the Director of Environment, Natural Resources and Planning, Mr Darren Duncan.

2.2 Confirmation of Minutes of Governor in Council Meeting held on 9 December 2021

The Minutes of the Governor in Council meeting held on 9 December 2021 were confirmed subject to the agreed changes as follows:

2.2.1 (1.2.1) Development Application for a proposed Satellite Earth Station Facility, Horse Point, Bottom Woods (GiC Memo 01/2021)

At the end of paragraph 2, insert a full stop after the word "Zone" and subsequently delete the wording "and being inconsistent with the terms of Natural Heritage policies"

2.2.2 (1.2.2) Development Application for the proposed construction of a Workshop, Office, Carpentry Shop and Storeroom, Upper Rupert's Valley, Retrospective Application (GiC Memo 02/2021)

At bullet point 3 and 5 insert the words "development proximity" between the words 150 zone to read: "150 development proximity zone (DPZ) of the BFI;"

At bullet point 5, last sentence insert the words "development proximity" between the words 150 zone to read: "150 development proximity zone (DPZ) of the BFI is acceptable;"

2.3 Matters Arising from Minutes of 9 December 2021

2.3.1 (1.2.1) Development Application for a proposed Satellite Earth Station Facility, Horse Point, Bottom Woods (GiC Memo 01/2021)

The additional information requested by GiC would be considered under a separate agenda item.

2.3.2 (1.2.2) Development Application for the proposed construction of a Workshop, Office, Carpentry Shop and Storeroom, Upper Rupert's Valley, Retrospective Application (GiC Memo 02/2021)

Clarification around the health and safety aspects relating to this development was being followed through.

2.3.3 (1.2.3) Development Application for the proposed installation of a new Scientific Stilling Well at the new Wharf Rupert's Valley (GiC Memo 03/2021)

It was noted that a letter conveying the decision of GiC that full development permission should be granted for this development and that as a gesture of good will that any data collected be made available to others on the Island was sent to the Secretary Land Planning Control Development Authority (LCDA) on 23 December 2021.

2.3.4 (1.3) Publicity/Briefing to the Press

Completed.

2.4 (1.2.1) Development Application for a proposed Satellite Earth Station Facility, Horse Point, Bottom Woods (GiC Memo 01/2021 refers – Addendum Report)

A Special welcome was extended to the Acting Chief Planning Officer, Mr Shane Williams and the Chief Environmental Officer, Miss Isabel Peters who were in attendance for this item.

The Minister for Environment Natural Resources and Planning (ENRP) introduced this item and recapped that GiC at their meeting on 9 December 2021, took the decision to defer this development application, pending additional information. The requested information had since been circulated to Ministers, in the form of an addendum report to the original GiC Memo. Also, Ministers had an informal discussion with the Acting Chief Planning Officer that morning to discuss any further concerns/queries that they might have had.

The addendum report providing the additional information confirmed that:

- a) Connect St Helena Ltd are able to supply the electric power required for the development;
- b) The developer, Oneweb had advised direct that due to the distance between the proposed site and quarries, it is unlikely that any blasting activities will have any negative impact on the development. In addition, the Minister ENRP had discuss this aspect with the Engineer of Planning Section, ENRP and was reassured that it not likely that there would be any negative impact from the quarries' operations;
- c) An image of the proposed fencing had been provided to Ministers;
- d) No information could be to be found to ascertain whether radio wave frequencies would have any negative impact on wildlife. As the Environment Impact Assessment (EIA) had no raise any concerns or risks, Ministers were content that radio wave frequencies would not be an issue, however, should it become an issue in due course then it would need to be addressed;
- e) Other potential sites were considered for this development but based on technical, environmental and social scoring criteria, Horse Point, Bottom Woods was the preferred site.

Given the concerns raised at the previous meeting in relation to conserving the environment and invertebrate species, the Minister ENRP had in consultation with the Acting Chief Planning Officer (CPO) and the Chief Environment Officer (CEO) revisited the Conditions outlined in the Chief Planning Officer's report to Land Development Control Authority (LDCA).

The Acting Chief Planning Officer was then invited to take Ministers through the revised Conditions which were now more robust from an environment perspective:

#### Condition 4

This condition which related to the Walkover of the development site had been revised and the term "ecological" had been added which covers a wider spectrum of wildlife.

In response to a query from the Governor, the Attorney General advised that this Condition as written was acceptable from a legal standpoint as both the Chief Planning Officer and the Chief Environmental Officer would have to approve the mitigations measures proposed by the applicant before any construction work commences.

The Attorney General sought clarification as to whether Ministers wished for the relevant mitigation measures to be in placed prior to any construction work or just the Walkover had to place prior to the commencement of any construction.

It was agreed that a new sentence be added at the end of Condition 4 to the effect:

"No development work shall commence until such approval is granted."

#### **Post Meeting Note:**

On 22 December 2021, the Attorney General provided that wording below which implicit the discussion with the CEO and Minister at the GiC meeting that day:

“No development shall commenced until the CPO and CEO have agreed no mitigation measures are needed or have approved any mitigation measures and when they should take place.”

#### Condition 5

It was noted that the previous wording “detailed design” had been replaced with “full design” which covers a wider spectrum of details in terms of the various development elements c.g the final antennae’s and the exact alignment with the security fencing, and noting also that the development application did not include sufficient information about the access road. Details for the referred to elements would have to be submitted to and approved in writing by the Chief Planning Officer. The Acting Chief Planning Officer noted the point raised by the Governor that it might necessary to clarify to the developer as to what is defined as “full details”.

#### Condition 6:

This condition had been revised to make clear that the developer needs to work in collaboration with the St Helena Trust (SHNT); the main organisation concerned with this Wirebird conservation area.

The Governor commented that the onus was being placed on a third party, in this case the SHNT, who might not wish to become involved, however the Acting Chief Planning Officer advised that the applicant had indicated in their conservation plan that they would contract the SHNT to undertake the site restoration work following the development.

#### Condition 7 - Construction Practices:

The Minister ENRP recommended that at sentence 1, a full stop is inserted after the word “use”, thus removing the repetitive use of the wording “of the development”. The Acting Chief Planning Officer was in agreement with this amendment.

#### Condition 9 – Roof Water Practices:

In response to a query, the Acting Chief Planning Officer advised that this was a standard development requirement in accordance with LDCP SD 1 and relates to the conserving of rainwater from the corrugated iron roof of the lean-to section of the Space Park building.

#### Condition 12:

This was a new condition that the colour of the roof shall be dark slate grey. This was in relation to the a small lean-to section with a corrugated iron roof as no conditions were stipulated in the Chief Planning Officer’s report to the LDCA.

#### Advisory:

The Acting Chief Planning Officer explained that it is recommended that the developer make provision for portable WC and wash hand facilities within the control building for maintenance staff of the Space Park in accordance with the Health and Safety Regulations

LN26 of 2009, however, it is recognised that there is no provision under the Planning Legislation Policies to enforce health and safety requirements.

It was noted also that the reference to “Solar Park” as stated in Chief Planning Officer’s Report to the LDCA had been replaced with “Space Park as used in the development application.

The Minister ENRP took the opportunity to thank the relevant ENRP Officers for providing the additional information required and for their input to revising the Conditions attached to this development application to protect the environment. The Chief Minister reiterated thanks the Minister ENRP and Officers for working so diligently to provide the additional information requested by Ministers to be able to make an informed decision on the development application.

There being no further queries or concerns from Ministers, the Minister ENRP advised that it was collective decision of Ministers was that Full Development permission is granted for the proposed development of a Satellite Earth Station Facility at Horse Point Plain, Bottom Woods as recommended by the LDCA but with the revised Conditions as discussed above. Ministers confirmed their support that Full Development permission be granted for this development.

The Governor summarised that the responses received to the points that were raised by Ministers at the previous GiC meeting:

- (i) Connect St Helena Ltd has confirmed that they can provide the electric power for this development;
- (ii) The developer has confirmed that the blasting activities of nearby quarries will not have a negative impact on their development;
- (iii) The proposed fencing is deemed appropriate;
- (iv) No data could be found to the controversy that radio wave frequencies oppose a negative impact on wildlife in proposed development area.

In relation to the which is mentioned in the EIA report, to radio wave frequencies to the Airport and the public which would be very low but we were unable to find any data searched in relation radio wave frequencies negative impact on wildlife as this was not identified in the EIA, the Ministers were content that this would not be an issue but should this matter up come then it would need to be addressed

The Governor clarified that there was never a concern that the radio wave frequencies from the Satellite Earth Station would have an interference on the Airport operations.

- (v) Other site had been considered but Horse Point was the preferred site.

Following discussion, Ministers advised and the Governor agreed that Full Development Permission should be granted, for the proposed development of a Satellite Earth Station Facility at Horse Point Plain, Bottom Woods as initially recommended by the Land Development Control Authority (LDCA) should be granted subject to the revised and additional Conditions as discussed above.

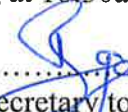
**(Action: Secretary to Executive Council)**

2.5 Publicity/Briefing to the Press

A public announcement would be made Governor in Council was supportive that this development application is granted Full Development permission. The Minister ENRP was content to convey the decision of GiC via radio at the earliest convenience of both radio stations.

**(Action: Minister ENRP and Head of Central Support)**

There being no further business the Governor closed the meeting at 10:30am.

  
.....  
Secretary to Executive Council

  
.....  
Acting Governor

2 - 2 - 22  
.....  
Date