

OPEN AGENDA

Copy No:

No: 07/2022

Memorandum for Governor in Council

Open/Closed Session: Open Session

Subject: **PLANNING APPLICATION 2021/79:**

Proposed Construction of a Workshop, Office, Carpentry Shop and Storeroom (Retrospective Application)

Presented by: Minister for Environment, Natural Resources and Planning Portfolio

Decision Sought:

Executive Council is asked to consider and advise whether Full Development Permission should be granted, with revised Conditions, (Annex A) as recommended for the Proposed Construction of a Workshop, Office, Carpentry Shop and Storeroom in Upper Rupert's Valley.

Reason for Referral

The Development Application is being referred to Governor-in-Council in accordance with Section 23(2)(b)(i) of the above Land Planning and Development Control Ordinance 2013 as the grant of development permission must be considered as a departure from the Land Development Control Plan Coastal Zone policies. The proposed development is within Coastal Zone policy area and the use is not directly related to tourism activity or can be classified as being essential infrastructure.

Governor in Council meeting 9th December 2021

The Development Application was presented to Governor in Council on 9th December 2021, where the application was deferred pending clarity around the health and safety aspects relating to this development. The following were raised: -

- Concerns from a Health and Safety perspective, in particular that the workshop is likely to include 'hot works' involving the use of highly flammable materials in close proximity of the new Bulk Fuel Installation (BFI) facility. The Chief Planning Officer's (CPO) report to the LDCA dated November 2021, did not provide any information with regards to any new development or types of activities permissible at this site, beyond the 150m safety buffer zone of the BFI. It was noted that a section of the development site was within the buffer zone of the BFI;

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- Concerns that the CPO's report did not provide any information on the impact of the new BFI once it becomes operational;
- Ministers wanted some form of assurance that activities intended by the Applicant for a metal fabrication and carpentry workshop, would be carried out safely and to gain a better understanding of whether a workshop using highly flammable materials just outside the 150m BFI safety buffer zone is acceptable;
- In the absence of an official Health and Safety Body, Ministers wished to refer to Health and Safety literature on best practice given the nature of the proposed development. As SHG was the landowner of the site on which the development is proposed, SHG would undertake the open literature review, in consultation with the Safety Security and Home Affairs Portfolio.
- The Applicant of this proposed development, had relocated this business from the area of the freight container development within Rupert's and had commenced construction of the development and use, without development permission. Furthermore the buildings were constructed without Building Regulation approval and there was no on-going inspection of the construction to ensure compliance with building construction requirements

On 7th January 2022, an assessment was carried out by Mr Alan Thomas, the International Fire Safety Inspector on the premises, where a list of the main findings and recommendations were made in respect of this proposed development from a fire safety perspective. The findings and recommendations within this inspection report can be seen at Annex B.

A site visit was then carried out on 23rd February 2022 by all Ministers, Fire & Rescue Service representatives and the Acting Chief Planning Officer, where it enabled Ministers to see the extent of the works carried out by the developer thus far.

It was also noted that the area of the Upper Rupert's Valley can be described as a mix of industrial and commercial uses that have continued to evolve over the years and has the potential for further intensification of such uses.

6 May 2022