

## Planning Officer's Report - LDCA 2 MARCH 2023

<b>APPLICATION</b>	2022/87 – Proposed Construction of a Cannery
<b>PERMISSION SOUGHT</b>	Full Permission
<b>REGISTERED</b>	22 November 2022
<b>APPLICANT</b>	Greenfish Company
<b>PARCEL</b>	RV0111
<b>LOCALITY</b>	Rupert's
<b>LAND OWNER</b>	Crown
<b>ZONE</b>	Coastal Zone
<b>CONSERVATION AREA</b>	None
<b>CURRENT USE</b>	Vacant Cannery/Storage
<b>PUBLICITY</b>	The application was advertised as follows: <ul style="list-style-type: none"><li>▪ Sentinel Newspaper on 24 November 2022</li><li>▪ A site notice displayed in accordance with Regulations.</li></ul>
<b>EXPIRY</b>	6 December 2022
<b>REPRESENTATIONS</b>	None Received
<b>DECISION ROUTE</b>	<del>Delegated</del> / LDCA / EXCO

### A. CONSULTATION FEEDBACK

1. Sewage & Water Division	Comments
2. Energy Division	No Objection
3. Fire & Rescue	Comments
4. Roads Section	No Objection
5. Property Division	Comments
6. Environmental Management	No Objection - Comments
7. Public Health	Comments
8. Agriculture & Natural Resources	No Response
9. St Helena Police Services	Not Consulted
10. Aerodrome Safe Guarding	Not Consulted
11. Sustainable Development	No Response
12. National Trust	Comments

- 13. Sure SA Ltd
- 14. Heritage Society

No Objection  
No Response

## B. PLANNING OFFICER'S APPRAISAL

### LOCALITY & ZONING

The proposed development site is located on the West side of Rupert's Valley. The area is in the Coastal Zone. No Conservation Area restrictions apply.

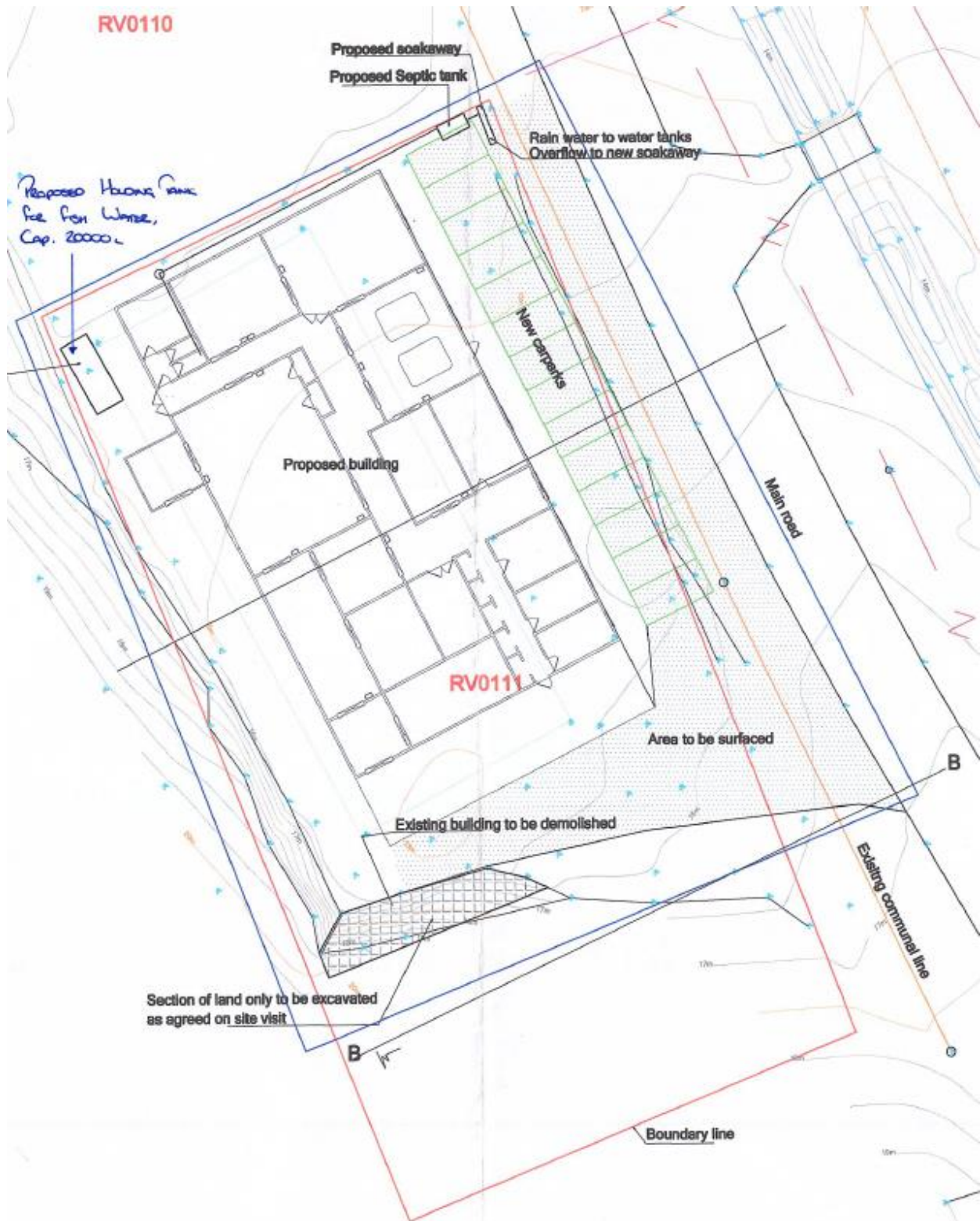
**Diagram 1: Location Plan**



## PROPOSED DEVELOPMENT

The application is for the proposed construction of a Cannery Building in Rupert's. The existing building on the site is intended to be demolished.

Diagram 2: Site Plan



The site and the existing cannery building has been was used as a cannery for many years in the past and more recently as a storage facility. The use of the building and the site is therefore already established and planning permission would not be needed to use the existing building or the site as a cannery.

The floor area of the existing cannery building is approximately 600 sq.m, and the proposed new building is approximately 15% larger being about 700 sq.m (excluding the covered area to the south). In this respect, approximately 200 sq.m of new floorspace is being applied for. Access to the development will be from the Main Road in Rupert's (as is currently the case) and 14 car parking spaces are proposed along east of the building running parallel to the main road.

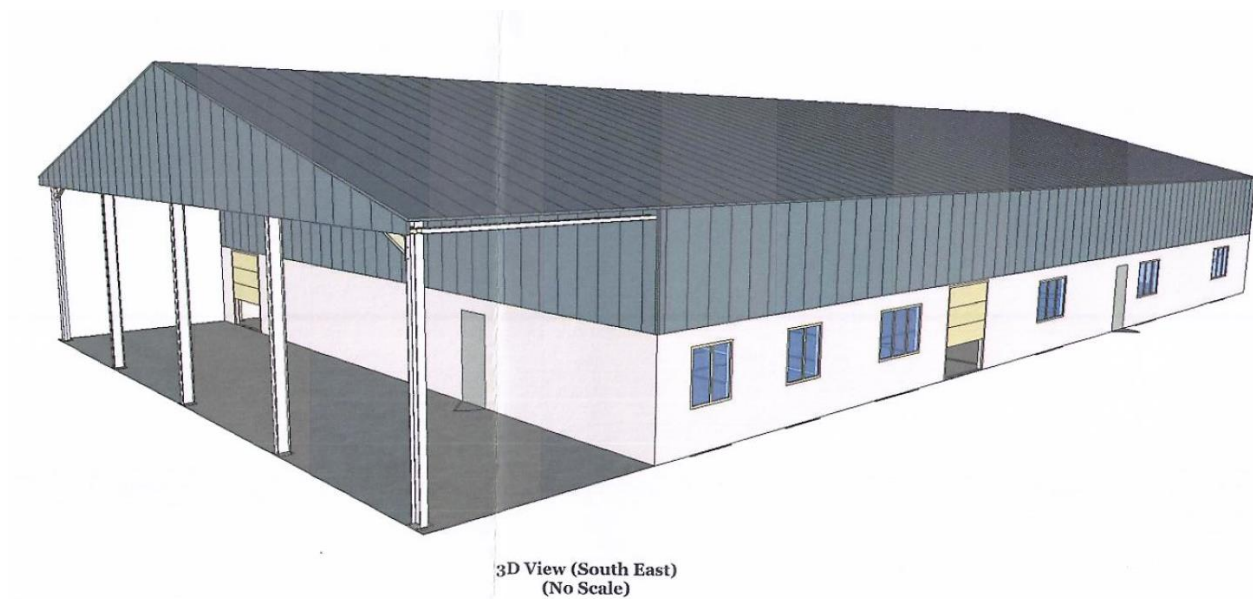
Sewerage and grey water (excluding fish wash) is proposed to connect to the existing communal sewer line which runs along the edge of the site once the system has been improved by Connect. The upgraded system is anticipated to be complete in 2023 and the Cannery is aiming to become operational in early 2024. Should there be any unforeseen delays to completion of the sewage upgrade in Rupert's, the applicants have included a septic tank and soakaway as a temporary sewage solution to deal with sewage and grey water until the upgrade is completed (other options may also be considered in future depending on timing of the proposed upgrade). A temporary sewage solution won't be required if the communal system is upgraded as planned.

A small area of excavation is proposed in the southwest corner of the land parcel. The excavation follows the line of the existing cut for the cannery building and will be approximately 4.1 metres in depth.

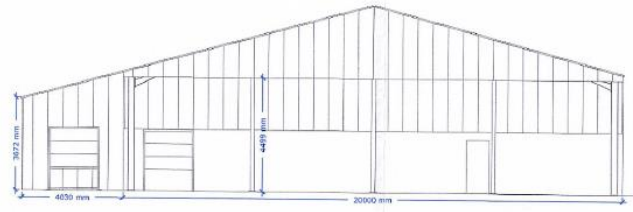
### **Diagram 3: Section**



**Diagram 5: 3D View**



## Diagram 6: Elevations



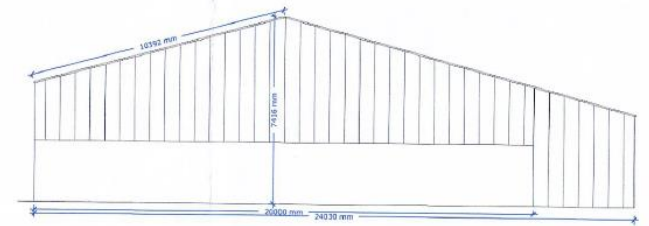
Front Elevation (South)  
(1:100mm)



Right Elevation (East)  
(1:100mm)

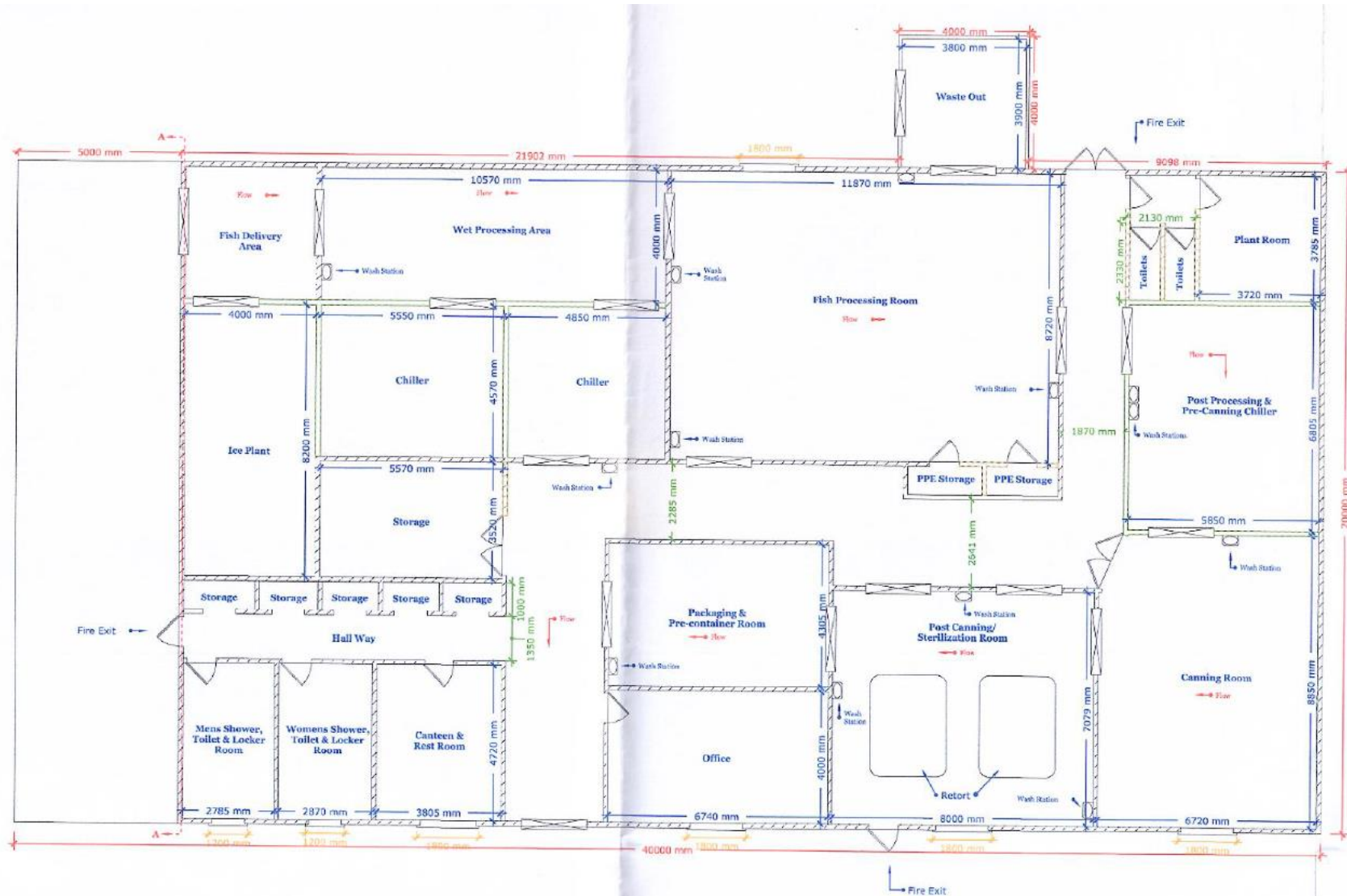


Left Elevation (West)  
(1:100mm)



Back Elevation (North)  
(1:100mm)

Diagram 7: Floor Plan



## REPRESENTATIONS

No objections or comments were received from any members of the public. The following comments were received from Key Stakeholders:

### Connect St Helena Ltd:

*"We will require more information on how will the fish waste is to be disposed of, the runoff from the wash out area and storm (Rain Water) to be dispose of. For information the new sewer plant in Rupert's won't become operational until late 23 but in dependent on other factors coming into play to allow this to happen and will not accommodate any storm water or fish waste."*

### Public Health

*"I have discuss the proposal of the Cannery with the Client in relation to complying with the provisions of the Fish and Fish Products Ordinance and Regulations 2010/11"*

### Property

*"Concerns over the proximity of the proposed soak-away to private property, but the results of the percolation test and the assurance that the sewage will be connected as and when the CSH treatment plant comes on line has provided confidence in this regard, however there are risks that needs to be mitigated."*

### National Trust

*"At this stage we are not objecting to the proposed cannery, however we have some questions that we would like to ask before giving an answer. We noted that whilst there is an Economic Impact Assessment there is no Environmental Impact Assessment."*

*From a built and cultural heritage perspective, the proposed new cannery is in close proximity to a known burial ground, we would to have seen an Environmental Assessment that includes how the application will consider the potential risks and impacts with this in mind.*

*The applicant has indicated on their form, that they have not consulted the neighbours or local community (which I would interpret as Rupert's community). We would ask the question why no consultation has taken place in an area where commercial/industrial work is proposed alongside of the residential area. The new cannery may not operate the same way the last one did, will there be different noise, smell and even hours of operation that would impact residents.*

*From a natural environment perspective, the applicant indicated that they have consulted with the Property Division of SHG but not any other Sections. Have any other environmental sections been consulted with? And reasons given why there is no Environmental Impact Assessment.*

*The application proposes to deal with sewage by “butt into the existing communal system”, and we would ask if the existing system is suitable for this use? There is very little detail how the cannery will operate their waste disposal. For example, will there be any effluent water leaving the plant and will it be released in Rupert’s Bay, how will this be treated in terms of Rupert’s water quality and the beach being the only beach that the community can swim from.”*

#### Fire and Rescue

*“Regarding Applicant No 2022/87, proposed construction of a cannery, Applicant Greenfish Company. The SHF&RS is currently working on the plan for the installation of passive and active firefighting equipment. Once completed a report can be submitted to you.”*

Given the above comments included requests for additional information a site visit was attended by the Applicants, Connect, National Trust, Secretary to the Heritage Society, Public Health, Property and the Chief Environmental Officer. The purpose of the site visit was to understand key stakeholder concerns. Following this meeting the plans were amended slightly to reduce the amount of excavation towards the southwest corner of the site, include a holding tank for fish wash, and a temporary septic tank/soakaway system for sewage in case it is needed. This led to the following additional comments based on the amended plans (note: the plans in the report above are the amended plans):

#### Chief Environmental Officer

*“These comments are made following discussions with the applicant and stakeholders on concerns around the impact of the proposed development on the known burial grounds and identified waste management issues. In response to this additional information was supplied and site plans revised to avoid sensitive areas.*

*An environmental screening was also done on site with input from stakeholders and the applicant, no significant environmental impacts were noted to warrant an Environmental Impact Assessment.*

*However the following environmental issues were noted for consideration going forward:*

*The impact on the burial grounds had been flagged as a major concern as part of the site to be excavated is within a known (as per historic records) burial ground. However as the applicant has now revised the plans to avoid the excavation of previously undisturbed ground, this impact has largely been mitigated. However as a precautionary measure it is recommended that a watching brief is put in place during all excavation works.*

*It was noted that there are samphire (Suaeda fruticosa) bushes on site, this plant provides habitat for protected invertebrates. The following condition is therefore recommended: In the event that samphire needs to be removed, advice should be sought from the St Helena National Trust's Invertebrate Team on the most appropriate way to do this to ensure minimal impact on the invertebrates.*

*The development will generate a number of waste streams during both the construction and operation phases. Of most concern is the waste that will be generated as part of the fish processing. A number of options have been proposed and discussed as to how to treat the different waste streams. It is recommended that this be consolidated into a Waste Management Plan to be submitted and approved prior to the work on site commencing."*

**Connect St Helena Ltd:**

*"I write to confirm that we have no issues for the domestic ablution waste to be included in the waste to be connected to the sewage plant. As mentioned, the risk we are bringing to your attention is the go live by date which currently is estimated as September 2023. Note that this timing is dependent on the port facilities coming into operation so is outside of Connect's control.*

*We were concerned with the waste from the fish processing waste which is covered under the remit of Environmental Health Section. Having been on site, I am happy to confirm that we now have greater clarity on that aspect. We understand that there has been a request for a Waste Management Plan and are happy to provide any final comment at that stage.*

*As for the fish cannery water, the quantity of 10m<sup>3</sup> cubic meters (2 cycles with 5m<sup>3</sup> each cycle – as per our conversation) will be substantial to be received all in one go for our system. The additional amount of 10m<sup>3</sup>/day will double the volume that the plant can take. The plant we have was and is designed for a total flow of 10m<sup>3</sup> per day which is inclusive of the waste from the houses and the commercial entities in the valley. This was based on information supplied at the design of the plant which gave us a volume estimate of 7.6m<sup>3</sup>. We had included an additional buffer/contingency of 3.4m<sup>3</sup>/day for the growth and additional needs in the valley. The assumption made was based on receiving the ablution waste on all the entities in Rupert's.*

*Having checked this design and the available spare capacity, can I request for the following please to be able to advise if that cannery waste and quantity can be accommodated. Sewage treatment processes for such small plants can be very sensitive to high fluctuation of volume. As a result, this level of dilution from this flow will need confirmation with our process provider. In particular, we need you to confirm the quality of that waste in terms of COD, BOD, PH and whatever chemical it might contain. Also confirm if the discharge of 10m<sup>3</sup> will be for everyday including Saturday and Sunday.*

*Once you have sent this information to us, we will most probably ask for a follow on discussion to try and see how that can be accommodated. As per our site discussion, if this flow was within the buffer, we were going to ask for a controlled discharge as a way to mitigate on the high flow in one go.*

*As a side note, from our discussion this cannery water appears to me to be pure water which should and can be discharged in the storm water system. It may be worth for you to also explore the option of discharging this together with storm water which is not something we are responsible for.*

*More than happy for further discussions if you need to. We await the requested information in order to confirm that our plant process can accommodate the quantity and the quality of the cannery waste.”*

#### National Trust

*“i) St Helena National Trust (Trust) and Liberated African Advisory Committee’s (LAAC) position on planning application*

*Following the site visit held on Tuesday, 07 February 2023, the Trust/LAAC can confirm that it is satisfied with the proposal; that at this point in time no excavation will be carried out within the area between the Cannery and Bennett’s cottage.*

*This plot of land has not been excavated and is considered high risk for finding burials. This may be revisited at a later date.*

*ii) Tidying the bank*

*Forgive me for misinterpreting but we agreed before we left that the block in place would have been sufficient demarcate the line for excavation. Adrian also confirmed he would give us a call so we can watch the excavation, to be on the safe side.*

*Action: Adrian to contact Shelley when starting the excavation. Shelley to observe works.*

*iii) Samphire*

*I followed up with our Invertebrate Specialist (Liza) on how she would like the samphire that is growing in the path of the bank that will be tidied. Liza confirmed to carry out normal process of digging out the samphire and overturning on other shrubs. Adrian is well versed with carrying out this process.*

*Action: Adrian to remove the samphire before excavation*

*As per Malcolm’s query and for everyone’s benefit, the type of invertebrates that lives in samphire at the Cannery Site are:*

*Hemiptera, true bugs family*

*Hirtopsallus suedae, Samphire plant-bug*

*Homoeodera coriacea, fungus weevil*

*Hymenoptera, wasps, ants, bees family*

*Nysius sanctaehelenae, St Helenian seed bug (endemic) & Nysius ericae, False chinch bug*

*Pseudostenoscelis, woodlice family*

*Staphylinidae, Rove beetles*

*It depends on the location of samphire, for the different species living in them.*

iv) *Liberated African Master Plan*

*To provide information about the liberated Africans and Rupert's Valley for Green Fish, please see below the link to the website.*

<http://www.trust.org.sh/shnt-conservation-programmes/cultural-heritage/st-helena-trans-atlantic-slave-memorial/>

v) *Ground Penetration Testing*

*As discussed on Tuesday, we only know the general whereabouts of graves through trial pitting. To excavate the land between the Cannery and Bennett's cottage, trial pitting by qualified archaeologists will need to be carried out first.*

*The ideal situation would be for St Helena to have ground penetration testing carried out in Rupert's (and other key locations) but fortunately LAAC did not have sufficient funding to do so. I am sharing the attached information of the Ground Penetration Testing, at the time we had estimated it to cost £25,000.*

vi) *Contact details*

*Please do not hesitate to contact us if you would like to discuss further or for anything in general."*

Note: the updated plans have been sent to National Trust and the Secretary to the Heritage Society. Both have confirmed they are fine with the plans which include the small area of excavation towards the southwest corner of the parcel.

**OFFICER RESPONSE**

Taking each of the substantive issues highlighted above in turn:

- An Environmental Impact Assessment Screening Opinion was carried out in consultation with the Chief Environmental Officer. An Environmental Impact Assessment is not required.
- Sewage: The applicants intend to link into Connect's communal sewage system in Rupert's to deal with their sewage. Connect have no objection to this but there is a risk the system won't be ready by January 2024 when the Cannery is aiming to open. A temporary sewage solution may therefore be needed and a septic tank/soakaway has been included on the plan as potential option (note: the applicant may need to consider other options depending on the length of time a temporary sewage solution is needed for). If the septic tank/soakaway is needed as a temporary solution, the soak away is very close to the boundary and Property have indicated this may be a concern. A condition has therefore been added to ensure sewage and grey water is connected to the communal system at the earliest opportunity (subject to agreement with Connect). If any temporary sewage solution is needed details must be submitted and approved in writing by the Chief Planning Officer, including the exact location of any soakaway for sewage effluent if it is needed.
- Storm Water: The plans indicate storm water will be piped to holding tanks and any over flow will go to the same soakaway as sewage effluent. LDCP Policy SD1 requires sewage and storm water to be separate. A condition has therefore been added to ensure that a storm water management plan is submitted and approved in writing by the CPO to ensure storm water is appropriately dealt with.
- Fish waste and wash – a condition has been added that a Fish Waste Management Plan is submitted and approved in writing by the CPO in consultation with Chief Environmental Officer, Public Health and Connect, prior to the development becoming operational.
- Burial Ground – the development site has already been excavated during construction of the existing building and there are no records of remains discovered on the site. The risk of finding undisturbed remains is therefore considered relatively low. However taking into account the comments above, a condition has been added to ensure an appropriate watching brief is in place before any excavation is carried out.
- Samfire is present on parts of the site and it may provide potential habitat for a number of invertebrate species. A condition has been added to ensure the Samphire is dug up and turned over on existing plants away from any excavation as agreed with National Trust.
- Fire & Rescue – an advisory has been added.
- Proximity to residential properties – The site and building was used as a cannery for some considerable time followed by use as a storage facility. In this respect the site and building already has an established use and development permission is not needed to use the site or the existing building

as a cannery or for fish processing. The operational impact of the development will be controlled by Public Health legislation and the Environmental Protection Ordinance etc.

### **POLICY CONSIDERATION**

The proposed development is assessed against the LDCP Policies set out below:

- Coastal Zone Policy: CZ1, CZ5
- Water: W2, W3, W4
- Sewage & Storm Water: SD1, SD4
- Solid Waste: SW4
- Roads & Transport: RT1, RT2, RT7
- Employment Premises: EP1, EP3, EP6
- Natural Heritage: NH1
- Built Heritage: BH6

### **OFFICER'S ASSESSMENT**

Although the proposal is in the coastal zone, LDCP Employment Policy EP3 says development permission will be granted at Rupert's Valley for up to 2,000m<sup>2</sup> of premises relating to value added fish products. The site and existing building operated as a cannery for a substantial period of time and has been used as a storage facility. In this respect, the principle of a cannery in this location has previously been established and development permission would not be needed to use the site or the existing building for this purpose.

The new building will have approximately 700 sq.m of floor space which means the proposed development would provide approximately 200 sq.m of additional floorspace compared to what is already there.

The proposal includes a small area of excavation southwest of the cannery building of about 4.1m in depth. Although cuts should not generally exceed 3 metres, there is no policy in the coastal zone or for employment premises relating to depth of excavation. The area of excavation is small and follows the line of the existing cut for the cannery building and is therefore considered appropriate in this case.

The site is close to the lower burial ground for African Slaves. Although the exact extent of the burial ground remains unknown, the site has already been excavated during construction of the existing cannery building so the risk of finding undisturbed remains is considered relatively low. National Trust, the LAAC, and secretary to the Heritage Society have no objections to the proposed development. A condition has been added (as explained above) to ensure a watching brief is in place so that archaeological resources are preserved.

The footprint of the building is in broadly the same location as the existing building and similar in size, albeit slightly larger. The visual impact of the development is therefore considered appropriate in this location, and there are other larger buildings of industrial appearance close by in Rupert's.

There are some residential properties close by, however, the impact of the development on residential amenity (including operation of the cannery) is considered to be appropriate in this location. The site could be used for this purpose now without the need for development permission. The operation of cannery will also be controlled by other legislation from public health and environmental protection.

Subject to the conditions, storm water and sewage will be separate. Roof water will be piped to tanks with any over flow piped to an appropriate area or a soakaway. A 20,000 litre holding tank for fish water is also proposed. The process ensures the water is treated before being discharged into the tank offering the potential opportunity for this treated grey water to be reused as appropriate. Fish waste and wash matters will be covered by a Fish Waste Management Plan to be approved in consultation with the Chief Environmental Officer, Public Health and Connect. None of these parties have any objections to the proposal at this stage.

LDCP Policy RT7 would require about 24 Parking spaces to be provided for a development of this size. 14 are currently proposed on site. However, there is sufficient Crown land close by to enable appropriate parking away from the main road, subject to Crown agreement. A condition has therefore been added to ensure a safe parking area is agreed with Crown and Roads to meet this policy requirement.

An Economic Impact Assessment was submitted by the applicants. The development represents a substantial investment for the Island which could have significant economic benefits.

Taking into account the above, the proposal complies with the LDCP and can be supported.