

Minutes of the Governor in Council Meeting held on Tuesday 21 February 2023 at 9:30am in the Council Chamber

Present: His Excellency the Governor (Mr N J Phillips CBE)  
The Hon Chief Minister/Minister Education, Skills & Employment (Mrs J D Thomas)  
The Hon Attorney General (Mr D F Ballantyne)  
The Hon Minister Treasury, Infrastructure & Sustainable Development (Mr M A Brooks)  
The Hon Minister Health & Social Care (Mr M D Henry)  
The Hon Minister Environment, Natural Resources & Planning (Ms C L Scipio)  
The Hon Minister Safety, Security & Home Affairs (Mr J R Ellick)

In attendance: Secretary to Executive Council (Mrs N M Bargo)  
The Financial Secretary (Mr D L Richards)  
The Head of Communications (Mr A J G Bain)  
Head of Governor's Office (Mr G C R Gibson)

**OPEN SESSION**

7.1 Welcome

His Excellency the Governor welcomed all present at the meeting of Governor in Council, including the 6 members of the public seated in the Public Gallery.

The Chief Planning Officer, Mr Robert Thornhill and the Planning Officer, Mr Shane Williams, were in attendance at this meeting.

7.2 Declarations of Conflict of Interest

There were no declarations of conflict of interest.

7.3 Development Application for the proposed Balcony and Verandah at the Yacht Club, The Wharf, Jamestown (GiC Memo 01/2023)

The Minister for Environment, Natural Resources and Planning (ENRP) introduced the Memorandum and explained the reason for the referral of the application to Governor in Council.

The Minister acknowledged that two representations were received during the consultation period when the application was processed for the consideration of the Land Development Control Authority (LDCA). Since the public announcement for this Governor in Council meeting, 2 further representations were received from the public. These would be highlighted by the Chief Planning Officer (CPO) when presenting the application.

The CPO gave an overview of the application as outlined in the CPO's Report to the Land Development and Control Authority (LDCA) in December 2022. There were two elements of this application, a replica of the former smaller balcony outside the first floor central doorway and the construction of a free standing larger balcony/verandah, accessed from the smaller balcony. It was noted that the replica balcony would be made in the same way and design as the original balcony i.e. timber structure with wrought iron handrails and criss-cross balustrades.

The CPO was of the view that the free standing balcony would not interfere with the character of Yacht Club, which is a listed building in a conservation area, as such would be constructed of timber with the traditional details including the criss-cross balustrades. The structure would stand clear of the Wharf road carriageway, behind the line of existing concrete bollards. As the balcony was being constructed of timber it could be removed, if necessary, without affecting the actual character of the building.

From a site assessment made by the CPO, it was noted that the bollards were not all the same distance away from the front of the Club and at one particular corner there would be an overhang of pedestrian through way by about 400mm if the proposed measurements were to be used. With this in mind, the CPO recommended an additional condition to the effect that no part of the development should extend more than 3.8 metres from the front of the Yacht Club building and a revised plan be submitted to and agreed in writing by the Chief Planning Officer before any development work commences. This would ensure that the pedestrian through way would be maintained when tables and chairs were positioned on the ground floor area below the free standing balcony/verandah.

The CPO advised that during the consultation feedback period, no objections to the development were received, however he gave an outline of the two representations that were received (one expressed concerns about the scale of the development in a Conservation area whilst the other was supportive of the development) and comments received from the public. Further outlined was the context of the representations to Governor in Council from the St Helena Heritage Society and a member of the public (Mrs Olive Brown) which were received following the public announcement for the meeting.

In response to the points raised by the Attorney General, the CPO advised that the Wharf area was owned by the St Helena Government and that there was no vehicular or pedestrian right of way along the Wharf. The CPO recognised that the first element of the development was to reinstate a replica of the original balcony whilst the second element would involve the construction of a new feature. From a planning perspective it was important to consider the development application in its entirety. Whilst the CPO had, when speaking to Governor in Council about the scale of the free standing larger balcony/verandah, commented that it was 'pushing the limits', he considered that both elements of the development would protect the character/building and would enhance the offering of the conservation area. The CPO had taken the relevant planning policies into consideration in reaching the recommendation that full development permission should be granted.

**Following discussion individually on each of the two elements of this development application, Council advised and the Governor agreed that Full Development Permission for the proposed Balcony and Verandah at the Yacht Club, The Wharf, Jamestown should be granted, subject to conditions 1 – 8 as per the Chief Planning Officer's report to the Authority and the addition of the following condition::**

- **Pedestrian through access** underneath the Verandah must be maintained at all times. The access must run in a straight line North-South, be unobstructed, and a minimum of 1.2 metres wide.

**Reason:** to ensure safe vehicular access in accordance with LDCP Policy IZ1(g) and safe pedestrian access including for wheelchair users.

- Notwithstanding the plans submitted with this development application, no part of the development shall extend more than 3.8 metres from the front of the Yacht Club building. Before any development work commences, a revised plan should be submitted and approved in writing by the Chief Planning Officer to comply with this requirement.

**Reason:** To ensure safe vehicular access along the wharf in accordance with LDCP IZ1 (g).

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

#### 7.4 Development Application for the proposed construction of a Reservoir and expansion to the existing Reservoir at High Ridge, Levelwood (GiC Memo 02/2023)

The Minister for Environment, Natural Resources and Planning introduced this Memorandum and explained the reason for the referral of this application to Governor in Council.

The Planning Officer then gave an overview of the application as outlined in the Planning Officer's Report to the Land Development and Control Authority (LDCA) in December 2022.

It was noted that when the development application was presented to the LDCA, concern was raised about the potential impact of the proposal on the privately owned land adjacent to the existing reservoir. The CPO understood that when the existing reservoir was backwashed, the water could potentially run onto neighbouring land, which could possibly cause damage to a private access road. Therefore the LDCA had requested that an additional condition be attached to the application to mitigate this potential risk.

In reply to a query from the Attorney General from a potential liability perspective to SHG, the CPO confirmed that the measures proposed to mitigate against the risk of a water run off onto a neighbouring property were considered adequate. Further, the overall water infrastructure development proposed was considered the most appropriate option having taken into consideration the other site locations identified, from a practicality and cost effective perspective.

A query on security fencing surrounding the reservoirs was raised and it was indicated that Condition 6 attached to this development application would address this concern. Also, Connect Saint Helena Limited would be familiar with the type of fencing that should be used to allow the growth of endemics but at the same time prevent the entry of animals, as existing reservoirs were enclosed with fencing. Further, an Environmental Impact Assessment (EIA)

screening assessment had been carried out in collaboration with the Chief Environmental Officer. It was determined that an in-depth EIA would not be required.

**Following discussion, Council advised and the Governor agreed that Full Development Permission for the proposed construction of a Reservoir and expansion of the existing Reservoir at High Ridge, Levelwood should be granted, subject to the Conditions 1 – 8 as outlined in the Planning Officer’s Report to the Land Development Control Authority and with the addition of the following condition as amended below:**

- **Prior to development commencing to the existing reservoir or the new reservoir, a backwash management plan should be submitted to and approved in writing by the Chief Planning Officer.**

**Reason: to ensure any water run-off from the backwash process is appropriately managed**

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

At this point open meeting session ended and the remaining members of the public left the meeting.

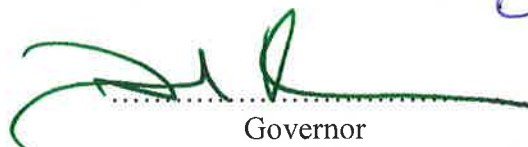
7.5 Publicity/Briefing to the Public


**The Press Office was requested to make arrangements with both radio stations to brief the public on the development applications and to prepare a press release for issue following the radio briefings.**

**(Action: Head of Communications)**

The Chief Planning Officer and Planning Officer were thanked and they left the meeting.

There being no further business the meeting ended at 10:20am.

  
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Governor

  
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Secretary to Executive Council  
13.03.23

11 Apr 23  
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Date