

Minutes of the Executive Council in Planning Meeting held on Tuesday 23 July 2024 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 Acting Attorney General (Mr Simon Dykes)
The Hon Minister Treasury & Economic 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: Mrs Wendy Benjamin – Support to the Interim Executive Council Secretary
The Financial Secretary (Mr D L Richards)
Chief Secretary (Mrs S O’Bey)
Head of Governor’s Office (Mrs T Harris)
Press Media Officer (Mrs J Drabble)
Chief Planning Officer (Ms P Coyle)
Planning Officer (Mr S Williams)
- Overseas: The Hon Attorney General (Mr D F Ballantyne)
Secretary to Executive Council (Mrs Natasha Bargo)

OPEN SESSION

9.1 Welcome

The Governor welcomed all present at the meeting including the two members of the public seated in the Public Gallery.

9.2 Declarations of Conflict of Interest

There were no declarations of interest.

9.3 Amendment to Rupert’s Container Handling Facilities (ECIP Memo 01/2024)

The Chief Planning Officer (CPO) was introduced to Members of Executive Council.

The Minister for Environment, Natural Resources & Planning (ENRP) introduced the Memorandum and explained the reason for the referral of the application to Executive Council. Acknowledgement was made for the representation received from a member of the public during the consultation period when the application was processed for the consideration of the Land Development Control Authority (LDCA).

The CPO and the Planning Officer (PO) gave an overview of the development application as outlined in the CPO's Report to the LDCA in June 2024.

It was noted that the proposed amendments to Rupert's Container Handling Facilities, was specifically to accommodate the increase in the number of personnel from 19 to 34 and the days they would be there, to a permanent position. This has resulted in the need to increase the office floor space and reconfigure the internal layout of the two buildings: the Port Control Building and the Container Freight Station.

The PO acknowledged that there would be an increase in the requirement for parking spaces, however before the development is brought into use, a Transport Travel Plan for the port facility, setting out the management of employee travel to and from the workplace will be submitted to and approved in writing by the Chief Planning Officer on behalf of the LDCA. No vehicles are to be parked outside of the designated parking areas within the development site.

It was also noted that before the development is brought into use, a Port Access Management Plan for the public is to be submitted and approved by the CPO on behalf of the LDCA. This plan should set out the day to day access management of the port operations and control of access for all users, stipulating how it will be managed and administered on a daily basis when the port facilities are in full operation and for other periods of general use.

The PO informed Members that the representation received from a member of the public related to operational matters and was not for planning considerations. He also stated that LDCA had advised that the conditions previously agreed relating to the originally approved development (Planning Ref 2020/41) that had not been discharged, should be included in the amended application to ensure that the details are implemented.

The PO indicated that the LDCA had raised a concern that the Fire Service had not responded during the stakeholder consultation but recognised that this matter would be addressed during the Building Control Application process. The number of water closets provided, was also raised by the Authority as this would result in less for more personnel; this will also be a matter for a decision under the Building Regulations.

The Chief Minister queried why a decision was taken to utilise the Rupert's facilities temporarily noting that in 2018, SHG had decided to move all port operations to Rupert's. The Chief Secretary clarified that in 2018 it was not the intention for all operations to move to Rupert's, a small group of staff would only be located. The Minister for and the Portfolio Director of Safety, Security & Home Affairs (SSHA) agreed the Chief Secretary's clarification.

The Chief Minister then asked how this intention impacted on the Jamestown Wharf Project which was planned for economic development if there was no plan to move all operations and expressed concern that the move was costing more money. Chief Secretary referred to the Financial Secretary as Chair of the Rupert's Development Group who explained that Jamestown Wharf would only be used for the time that ships were in the harbour and for the clearing of cargo (currently being transported from Rupert's to Jamestown wharf). Chief Secretary confirmed that it was still the plan for a satellite office to be in Jamestown to manage operations in relation to yachts but going forward all cargo handling would be at Rupert's.

The Chief Minister then stated that staff had expressed concern around the move to Rupert's. Minister for SSHA explained that the Portfolio had an obligation to the tax-payer to ensure value for money and operating two buildings was not cost effective. The move to Rupert's would enable savings on one building. There would be 100% use in Rupert's with the exception of the satellite office in Jamestown.

The Chief Minister queried if the conditions in relation to the original development application had been discharged (the Port Access Management Plan, Transport Travel Plan, details of the diverted footpath through the site, details of the security fencing and the details of the landscaping) to ensure that the opening of the Port is not further delayed simply because the required plans have not been completed and submitted to the CPO for approval. **The CPO indicated that these should have already been received and will follow up on this.**

(ACTION: Chief Planning Officer)

The Chief Minister reiterated her question regarding the concerns raised by staff in relation to the move. Minister for Health & Social Care (HSC) offered a comment that whilst there was concern around losing business in Jamestown there would be an increase in business in Rupert's and this move would be welcomed by the people in Rupert's.

Chief Minister acknowledged that the current set up in Jamestown was not fit for purpose and highlighted the need for all staff to support the move to Rupert's. She highlighted the need to update plans as soon as possible so that further plans could be made to better utilise the Jamestown wharf. Minister for ENRP was working with others to develop plans on how to better utilise the Jamestown wharf whilst also respecting the historical features of buildings.

Following discussion Council advised and the Governor agreed that Full Development Permission for the amendments to the Rupert's Container Handling Facilities should be granted subject to conditions 1- 9, as per the Chief Planning Officer's Report to the Authority.

(Action: Interim Executive Council Secretary)

9.3.1 Publicity/Briefing to the Public

The Minister for ENRP and the CPO would undertake radio interviews with both local stations to make the public aware of the decision.

9.4 Retrospective Application for Installation of Fence at Coffee Shop (ECIP Memo 02/2024)

The Minister for Environment, Natural Resources & Planning (ENRP) introduced and gave a brief overview of the background to the Retrospective Application for Installation of Fence at Coffee Shop. She explained that this was considered by the LDCA in June but was referred to Executive Council as it is within 50 metres of the sea, approximately 35 metres. She further explained that the justification for this application was due to the premises being vandalised. The Minister then invited the CPO to present the application.

Supporting documentation titled 02-2024 Planning Officer's Report – Installation of Fence had been shared with members.

The CPO gave an overview of the retrospective application which was to retain the fence that had already been erected by the tenant (hereafter referred to as 'the applicant') for criminal protection measures and also to implement CCTV. CPO gave a brief description of the colour and where the fence was currently erected and the placement of the CCTV notice. Two representations had been received; one from the Heritage Society and the other from a member of the public that visually the fence was not in keeping with the area which is a conservation area. LDCA had also agreed that the fencing that had been placed was conspicuous from public vantage points and was unacceptable and had recommended refusal. The LDCA also recommended that if the GIC was in agreement with the recommendation to refuse the application then enforcement action should be taken. CPO indicated a preference to speak to the applicant to discuss an alternative to the fencing and suggested that a 3 month enforcement notice be given to allow this to take place.

The Governor sought clarity around the criminal activity reasoning given for the erection of the fence in the Coffee Shop area and the potential way forward being to speak to the applicant about an alternative to the fence.

The CPO acknowledged the concern raised by the applicant in relation to the criminal activity and would have preferred if the applicant had spoken to the Planning Section first before taking measures. CPO wanted to have the opportunity to first sit with the applicant to discuss other measures. At this time there was no indication of what they could be. Minister for HSC suggested inward facing CCTV and low level sensor lighting which was compliant with other lighting policies. There were low cost alternatives that could have been discussed with the Planning Section.

The Chief Minister offered that CCTV was installed so this should reduce vandalism or allow reporting of such. There could be more vigilance from the Royal St. Helena Police Force (hereafter referred to as 'the Police'). Discussion with the applicant was supported.

The CPO confirmed that the applicant had spoken to the Police before she took the decision to erect the fence but the CPO did not have a record of what was indicated to the applicant. She understood the Police may have suggested the applicant talk to the Planning Section beforehand.

The Minister for TED asked two questions; whether the applicant knew planning permission was needed and whether the fence and the CCTV were installed at the same time. CPO indicated she did not have this information so could not answer these questions.

The Minister for TED clarified his reason for asking whether CCTV had been done singly to see whether this measure would deter vandalism before erecting the fence. The Governor advised anecdotally, as he did not have all the evidence, that the CCTV was installed first and revealed the extent of the criminal activity in the grounds which led to the erection of the fence. Minister for TED asked whether the CCTV could be used to prosecute the offenders.

The Acting Attorney General offered that he was of the understanding that the offenders, mostly juveniles, had been dealt with through the courts. Minister for TED advised, given the indication that the CCTV deterred the criminal activity, the fencing was not necessary.

The CPO further explained that a gate had been erected between the premises of Donny's and the Coffee Shop. This could be moved and would provide a level of defence to the front and side. The installation of the gate however was not included in the retrospective application and not being presented at this meeting.

The Chief Minister made a statement that a lack of consultation and feedback from the listed stakeholders consulted was an issue and this was unhelpful to LDCA. **Going forward a note should be made of what feedback was received and the number of 'no responses' noted. This would be helpful to LDCA and also ExCo members.**

(Action: Chief Planning Officer)

Whilst the Chief Minister appreciated the frustration of the applicant and the cost incurred when a business is vandalised, stated that the applicant has to comply with Planning Development processes. Concern was expressed in regards to people taking independent action and implementing their own safety and security measures without consulting the Planning Section. Chief Minister agreed with the Minister for TED regarding CCTV and suggested a Police presence should be considered.

The Chief Minister clarified whether permission was also required for signage. PO confirmed that there was a legal requirement to erect signage depending on the size. PO further stated that he had consulted the Police who confirmed that police permission must be given to enforce CCTV.

Chief Minister stated that if the removal of the fence was supported then there had to be clarity on what was to happen to the sign. CPO to follow up.

(Action: Chief Planning Officer)

The Governor again expressed concern that given the specific reference to criminal damage as the reasoning behind this application, why the Police had not been consulted. CPO responded that there had been directive given that the Police did not want to be consulted on applications. Planning had followed up for feedback from the Police but reiterated that they had been specifically asked by the Police not to send applications to them for comments.

The Chief Minister was made aware by constituents that the UN had provided funding to make these public areas and was cautious about restricting the community access. Whilst the Chief Minister appreciated that some of these areas were kept secure due to the threat of vandalism it was noted this should be considered when developing St Helena as it was the culture to have a social area to mingle with others.

Following discussion, Council advised and the Governor agreed to accept the refusal for the retrospective planning permission and that the CPO will engage in conversation with the applicant and depending on the outcome of that discussion, enforcement action may proceed within a time period of 3 months.

(Action: Interim Executive Council Secretary and Chief Planning Officer)

9.4.1 Publicity/Briefing to the Public

The handling of this would be conducted as per the usual practice.

Supplement to Minutes of Executive Council in Planning Meeting held on 23 July 2024 as directed by the Minutes of Executive Council in Planning Meeting held on 6 February 2025

There being no further business, the Chief Planning Officer, Planning Officer and members of the public were thanked for their attendance.

The meeting ended at 10.15am.

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Secretary to Executive Council

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Governor

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Date