

# EXECUTIVE COUNCIL

## PUBLIC

**Title:** Ms M Law & Mr D Stephenson: Application to lease land for Café on Stanley Common

**Paper Number:** 200/24

**Date:** 17 December 2024

**Responsible Director:** Attorney General

**Report Author:** Government Legal Services

**Portfolio Holder:** MLA Roger Spink

**Reason for paper:** This paper is submitted to Executive Council:

For functional decision  
To meet a statutory requirement

**Publication:** Yes, some deletions are suggested as highlighted

Reason for Redactions or not Publishing:

*Under Executive Council Standing Order 23(2), Executive Council must have regard to the categories of exempt information in Schedule 3 to the Committees (Public Access) Ordinance when determining if information should be withheld*

*The categories which are potentially relevant to this paper are:*  
Information about others' financial and business affairs  
Legal advice

**Previous papers:** 53/19: Stanley Common Management Plan  
30/22: Proposed Land Value & Service Provision Policy

**List of Documents:** Appendix 1: Application for land  
Appendix 2: Covering letter  
Appendix 3: Business Concept  
Appendix 4: Planning & Building Application  
Appendix 5: Supporting evidence: policies, plans, ambitions  
Appendix 6: Environment considerations & mitigations  
Appendix 7: Letters of Support  
Appendix 8: Planned Public Consultation

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## 1. Recommendations

**EXECUTIVE COUNCIL DID NOT APPROVE THE RECOMMENDATIONS AS OUTLINED.**

- (a) The recommendation is for refusal, on the basis that the law does not permit the grant of the application.
- (b) It is further recommended that consideration be given to policy work being prioritised to enable the Commons Ordinance 2017 (or replacement legislation) to be finalised and brought into force – which would provide a legal and policy framework for consideration of applications of this type.

## 2. Additional Budgetary Implications

None

## 3. Executive Summary

- 3.1 The applicants have applied for a lease of land in the Yorke Bay area of Stanley Common, for the creation of a beach-adjacent café, to both serve the local community and provide an additional facility for tourists and visitors.
- 3.2 It is clear from the detail of the application that the applicants have carried out extensive research, and put in significant time and resources into ensuring that their proposal aligns as far as possible with the Islands Plan and ambitions as detailed by various relevant bodies, as well as posing minimal risk to the native flora and fauna in the area.
- 3.3 However, legislation is in place prohibiting the grant of ownership of land, or of an interest in land of more than three years (or which is inconsistent with the relevant Ordinance). The purpose of this is to protect Stanley Common, which has been designated as “open space to which the public has access in perpetuity”. The Ordinance also largely prohibits development on Stanley Common for the same reason.

## 4. Background

*Existing Law:*

- 4.1 The proposed development area is part of the Stanley Common and subject to the Stanley Common Ordinance 1999 ([Falkland Islands Legislation](#)).
- 4.2 S4(1) of The Stanley Common Ordinance 1999 states that “...*any grant by the Crown of land within the Common which purports to transfer or create- (a) a freehold interest; (b) a term of years absolute; (c) any other interest for a period in excess of three years; or (d) an interest for a period of three years or less of any kind inconsistent with this Ordinance, is void an of no effect whatever*”
- 4.3 The effect of this section is that, in the absence of an amendment to the legislation, the

permitting of exclusive occupation of any part of Stanley Common is prohibited by law.

- 4.4 In addition, development of Stanley Common is also largely prohibited. Power to make Regulations to authorise certain types of development is set out under section 10 of the Stanley Common Ordinance. This includes a power as follows:

S10(c)(i): “*permitting development of areas of the Common for recreational or amenity purposes;*”

- 4.5 S10(c)(i) arguably gives the power to make relevant regulations for this type of development (ie because the café would be providing a public amenity).
- 4.6 There would need to be an appropriate policy to underpin any such regulations permitting such development, e.g, what conditions should be included in the Regulation in connection with the development?
- 4.7 Any Regulations made under Regulation 10 require ratification by Legislative Assembly before they might be brought into force. This additional step serves to ensure that any proposed development has been properly and fully considered by both Executive Council and the Legislative Assembly, ie development of the Common should not be authorised lightly.
- 4.8 However, whilst it may be possible for regulations to be made permitting the development proposed, there is no scope within the Ordinance to make regulations that would allow for exclusive occupation of land within Stanley Common (which is what a lease of the land would necessitate).
- 4.9 The Stanley Common (Permitted Development) Regulations 2021 ([Falkland Islands Legislation](#)) reflect the existing policy on development on the Common, i.e. they highlight what existing and proposed developments are currently permitted. This proposed development clearly doesn't fall within that policy.

#### *Commons Ordinance 2017 – not yet in force*

- 4.10 Although it has not yet been brought into force, consideration may also be given to the Commons Ordinance (Falkland Islands Legislation) , which was passed by the Legislative Assembly in 2017, on the basis that it gives some guidance on future policy intention in relation to Stanley Common.
- 4.11 The draft Management Plan which was intended to have effect under the Ordinance has also been approved in part by Executive Council (53-19P.pdf (assembly.gov.fk)) albeit it was recognised that the Plan is based on the Ordinance which is not yet in effect, so is of limited usefulness.
- 4.12 The Ordinance has not been brought into force because there is a lack of clarity in how some provisions are intended to work in practice, eg some provisions appear to conflict with each other.
- 4.13 The 2017 Ordinance differentiates between ‘Category A’ and ‘Category B’ Stanley Common Land. Under the new Ordinance, development of ‘Category A’ land is prohibited

- 4.14 The Management Plan objective is to respect the prohibition on development of category A land (paragraph 3.13 of the Plan). The application which is the subject of this paper concerns land which would be designated under the new Ordinance, if it were to come into force, as category A land.
- 4.15 However, under the new Ordinance, a mechanism is also provided whereby land classed ‘Category A’ can be re-designated as ‘Category B’, or removed from the Common entirely, and developed. The Ordinance provides that this could only occur if Executive Council considered it “necessary” for public purposes (which has a broad definition in the Ordinance to include “any purpose connected with general public use or ancillary to the public interest or utility”).
- 4.16 If that were to occur, the new Ordinance provides that the overall size of Category A Common land must remain the same size (ie an equivalent sized piece of land would need to be included within Category A Common land – the Management Plan assumes this would be achieved by taking land from Category B Common land, although the Ordinance does not require this – it could be that other Government land, presumably which neighbours the Common, could be designated as Category A Common land). The Ordinance provides for: (i) a public consultation on the proposal (open for at least 8 weeks), and (ii) ExCo to take account of the results of the public consultation on the proposal relating to the Common when making its decision;
- 4.17 It does not appear that a development of the type covered by this application would be permitted on category B land under the new Ordinance (although the intended effect of the Ordinance is unclear on this point).

## **5 Analysis sections**

### **5.1 The Proposal**

- 5.1.1 The applicants propose to erect a café, in the vicinity of Yorke Bay, opposite the access road to the car park serving that beach. The detailed application outlines a number of perceived benefits, to both the permanent and visiting populations, as well as links to relevant plans and policies. The land under application forms a part of Stanley Common, use of which is governed by the Stanley Common Ordinance 1999, and supported by the Stanley Common Management Plan (currently in use as guidance only).
- 5.1.2 The application goes into substantial detail around the benefits of the proposed facility, and a thorough analysis of associated policies and plans has been carried out. This analysis factors in: tourism offering; alternative facilities; local population; those with reduced mobility; and many other categories of current and potential users of the area.
- 5.1.3 Detailed within the application are steps taken and intended measures associated with protection of wildlife and environmentally friendly solutions wherever possible, including mitigation wherever disruption appears inevitable.
- 5.1.4 The proposal mentions (in appendix 6) planning permission being in place for development near the proposed site – as tending to support their application.

But this seems to misunderstand the planning permission which was in place – it was to enable the construction of a permanent toilet block which has since been built – it was not for a commercial unit.

- 5.1.5 Further; references to plans for a café in the area are excerpts from the Tourism Development Scheme, which doesn't seem to recognise that the law doesn't permit the building of a café in the area.

## **5.2 The Legislation**

The applicable legislation prevents development on land designated as Stanley Common, as detailed above. Whilst the legislation does arguably provide for the Governor to make regulations under the Stanley Common Ordinance (see paragraph 4.4), there is no scope for a lease of land of the type applied for to be granted out of land designated as Common land. The only mechanism permissible under the legislation to allow an interest in land to be granted would be for a non-exclusive licence. However, this neither provides security for the applicant nor permits development.

## **5.3 Applicable Policy**

None of the policies in connection with Stanley Common; whether reflected in terms of the existing Ordinance, the new Ordinance (not yet in force) or the Stanley Common Management Plan, appear to provide for Stanley Common land to be granted or developed for the purposes of this application.

The only option for approving this application necessarily involves a change of legislation – which in turn requires policy development, ie on what basis would an exception be made to the existing policies reflected in the legislation, and how should that be given effect to in practice?

## **5.4 Land values**

- 5.4.1 Given that the legislation prohibits ownership of land designated for use as Common, there is no land value currently attached to that. For use as guidance may be the prices currently set within the land policy (30/22), which details the sale price for unserviced mixed use land as being valued at £20 per square metre. In line with the approved released mechanisms for land outside of the Common, annual rent would ordinarily be calculated at 10% of the square metre value, per annum. This would attract a rental charge of £1,280 per annum for the 640 square metres indicated, which could reasonably be increased, either in line with RPI on an annual basis, or by formal review every five years.

- 5.4.2 The land policy referred to at 5.5.2 is currently under review, which may ultimately warrant an upward revision of the rate of £20 per square metre, but it is suggested that this would be a reasonable starting position, in the event that Members are minded to approve the application.

## **5.5 Options**

The options for this application are:

- 5.5.1 Refuse the application on the grounds that it is not permitted under the Stanley Commons Ordinance 1999;

- 5.5.2 Refuse the application but request that policy development work is carried out as a priority to explore the potential for authorisation of development of this type in the future potentially as part of the implementation of the Commons Ordinance 2017;
- 5.5.3 Defer the application pending a public consultation on the proposal, which should take place in accordance with the Stanley Common Management Plan; or
- 5.5.4 Approve the application in principle, subject to appropriate policy being developed and implemented as a priority to underpin the necessary amendment of the Stanley Common Ordinance 1999 (either to exclude the land from the Common entirely, or to authorise a grant of an interest in the Common land and the making of Regulations under the Ordinance to permit the development on the Common land).

## **6 Consultation**

The applicants are in the process of applying for planning permission, and the public will be consulted as part of this statutory exercise (that is for planning purposes – the statutory planning consultation does not address the requirements of the Stanley Common Ordinance). Other officers consulted in the preparation of this recommendation paper are: Director of Public Works; Head of Environment; Statute Law Commissioner; Crown Counsel (Land & Contracts);

## **7 Resource Implications**

### **7.1 Financial Implications**

If refused: no financial implications.

If approved, there would be annual rental income received under the terms of the lease, for the duration of the lease.

### **7.2 Human Resource Implications**

Progress of any of the options other than simple refusal will require policy development and legal/legislative resources to progress (which would necessarily have to be diverted from other work).

### **7.3 Other Resource Implications**

None

## **8 Legal and Legislative Implications**

8.1 The background to the legislation and policy is outlined above in this report.

- 8.2 The applicant is seeking to develop land categorised as Common land under the Stanley Common Ordinance 1999. The overriding principle of the Ordinance is to dedicate the Common land “as open space to which the public has access to in perpetuity”. A grant of land for the purpose requested under this application, would be void unless the Ordinance is amended.
- 8.3 The Commons Management Plan is the current policy guidance however, it is intended to have effect under the Common Ordinance 2017, which has not yet come into effect, so it is of limited relevance to the current position.
- 8.4 It is acknowledged in the report that policy development work would have to be undertaken to underpin any changes to the legislation.
- 8.5 REDACTED**
- 8.6 Amendment of the legislation would necessitate the preparation of a Bill to be brought before the Legislative Assembly, and Regulations may also be required.

## **9 Equalities and Human Rights Implications**

The proposal details measures by which persons with impaired mobility might access the facility, and enjoy the beach safely despite not being able to access it directly.

## **10 Environmental & Sustainability Implications**

- 10.1 The applicants intend to implement environmentally friendly systems, with a pumped septic tank and solar-generated power (albeit with a back-up generator), in addition to arranging for surveys to be undertaken in order not to disturb wildlife or rare plants.
- 10.2 The Environment Department has been consulted on the proposal, and together with the Planning Department, will carry out a Scoping Opinion which will help to identify risks to the environment and if an environmental impact assessment is necessary.
- 10.3 The area of the application is a nature reserve under the Conservation and Management Ordinance 1999 (this applies to “the whole of the area known as Stanley Common and Cape Pembroke Peninsula”). However, no regulations have been made in connection with the nature reserve other than concerning the killing etc of wildlife or the introduction of carnivorous animals.

## **11 Camp Implications**

None

## **12 Significant Risks**

- 12.1 There are no significant risks in the decisions recommended by the paper (albeit prioritising policy development work may involve difficult decisions around allocation of resources).

- 12.2 If applications of this type are approved piecemeal before a clear policy and legislation is in place in relation to the Common, there is a real and significant risk of chipping away the finite open public space on the Common. There is the potential that others may see the approval of this application as an invitation to make a further applications in respect of Stanley Common. Approval of an application contrary to existing legislation and policies would also create a significant risk of perceived unfairness in terms of missed opportunities for other businesses.

### **13 Publicity**

- 13.1 Consultation in accordance with the Planning Ordinance 1999.

- 13.2 The applicants have detailed plans to undertake a separate public consultation themselves, in order to explain their plan, and address any questions or concerns that might arise.

- 13.3** The Stanley Common Management Plan requires a public consultation exercise be carried out prior to removing any land from Stanley Common. This plan is currently approved for guidance only, as the legislation which it supports is yet to be commenced. It is therefore for Members to decide – if they are minded to approve the application – whether a separate consultation exercise is necessary. **REDACTED**

### **14 Reasons for Recommending Preferred Option**

The recommendation is to refuse the application on the grounds that it is not permitted under existing legislation. Whilst legislation can, of course, potentially be changed, that is not recommended, although it is recommended that consideration is given to prioritising policy development work in connection with Stanley Common, to provide clarity around the potential consideration of applications of this type in future.





**LAW & REGULATION DIRECTORATE**  
**Application for Government Land**

<b>1. APPLICANT DETAILS</b>  Name: Dylan Stephenson and Meghan Law  Address: Gardeners Cottage, Stanley, FALKLAND ISLANDS, FIQQ 1ZZ  Tel No(s): 55474 / 54943  Email: <a href="mailto:law_meghan@outlook.com">law_meghan@outlook.com</a>	<b>2. ADDRESS OR LOCATION OF SITE APPLIED FOR</b>  Yorke Bay, Stanley Common. South side of the road, opposite the turn off to the new car park. As per attached site plan.  <b>3. AREA (sqm):</b> approximately 640m <sup>2</sup>  <b>4. PLAN ATTACHED?</b> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
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**5. Is this an application for -**  
  
99 YEAR LEASE ☒ FREEHOLD ☐ LEASE/PURCHASE ☒ OTHER ☐ (Please provide details below)

To progress this project, we would require security in our investment and therefore we are looking for approval to either a lease to purchase, or a long-term lease of no less than 50 years, ideally longer; such as a 99 year lease or a lease to purchase arrangement. 25 year guarantees were granted to ITQ licence holders to allow for investment in the industry, and given we will have a high personal capital stake in building a permanent local structure we would like a similar guarantee to not only secure our funding with lenders and return our investment but to allow time for the business to flourish successfully. We are planning to build to a high quality which will be a big commitment from ourselves, including a mortgage repayment between 20-25 years, and therefore would like a long-term assurance over this project.

**6. How do you intend to develop and use the site?**  
  
We would like to build a café which we believe will fill a known market gap within the tourism industry but will also serve as a recreational facility for the community of the Falkland Islands to enjoy. Please see attached covering letter, business concept and proposed layout/elevation drawings for further expansion on our intentions with this project.

**7. Price offered:** .....

**For advice on questions 8-11 please contact the Environmental Planning Department on +500 28480**

**8. What is the area in question designated as in the Development Plan?** Stanley Common

**9. Is the proposal classed as 'development' as set out in the planning legislation?**  
Yes ☒ No ☐ (if no go to question 12)

**10. Is the proposal permitted development?**  
Yes ☐ (if yes please state which class then go to question 12) No ☒  
.....

11. Has planning permission been granted?

Yes ☐ (please provide ref number): ..... No ☒

Our application is currently in process, published in the Penguin News on 22/11/2024 and has been attached to this application for clarity.

12. What are the timescales for the development of the site? Please outline key milestones:

We estimate that it will take approximately two years to complete relevant planning requirements, to secure funding and to procure materials (including freight forwarding) and then the construction phases. We have a target opening of September 2026, in advance of the 2026/27 tourism season.

13. Please provide details of the economic, social and environmental benefits of your proposal:

Please see full list of benefits within our attached appendices, including document 1.3 – Evidence of how the Beach Café will support the priorities, policies and ambitions of FIG and partnering organisations.

#### Economic benefits

As an already well-established 'must-visit' tourism spot for the Falklands, and the most prominent site visited by cruise vessel tourists to Stanley, the economic benefits to having a retail/hospitality service at this location would definitely contribute positively to the economic development of the tourism industry. It addresses a long-standing known market gap and fulfils many priorities within FIG and partnering organisations such as current and former Islands Plans, the Economic Development Strategy and the Tourism Development Strategy. Investments in this area will no doubt have a positive impact on the overall visitor experience and provide a crucial step forward in tourism, which will help to promote the islands via soft diplomacy.

In addition to this it is a hugely popular spot amongst the local community and the community at MPA, more-so since the completion of the minefield clearance work in 2020. We hope it will be as much a facility for the local population as it will be for visitors.

#### Social benefits

The Stanley Common is rightly protected by the Ordinance and Regulations. Within the Stanley Commons Management Plan, it states in the introduction that:

*"Stanley Common is an area of public land surrounding the capital of the Falkland Islands, Stanley. As with most areas of common land, it was set aside for the benefit of the community and to meet its needs. In recent years the use of Stanley Common has shifted from predominantly grazing opportunities for people in town to being used for primarily recreational purposes."*

We believe that having a café facility in this area will be for the benefit of the community. It will hopefully increase visits by the community to this part of Stanley Common and will therefore play an important part in promoting healthy lifestyles and well-being by giving additional opportunities to spend time outdoors or to extend your visit in this area. The Falkland's environment is uniquely special, and we hope to celebrate that with our café and encourage people to get out there, of all ages, from young families to the older generation. It will also help those less mobile, such as those who use the red bus service, by giving them another stop off on their Wednesday tours and can enjoy the view with a treat or two.

Once established we would also like to explore opportunities for building hire for private events/groups such as art sessions or photography workshops.

#### Environmental benefits

The property will be off-grid as there are currently no mains servicing to this location, and it is unlikely to be something that will be installed in the future due to the cost being unfeasible. Therefore, we can proudly advocate for the use of renewable energies as a green business which will mostly be run off of solar power with a back-up generator.

We will be able to promote the Falklands environment and our wildlife, and it gives people further opportunities to enjoy our unique surroundings, including those who are less mobile.

14. Please provide details of any potentially negative economic, social and environmental impacts of your proposal and how you might avoid or mitigate these:

#### Economic impacts and mitigations

As this will be an additional hospitality service within the Stanley boundary there is likely to be a minimal impact to other café businesses. However, we believe that given our chosen location away from central Stanley, there will be a very limited impact on existing cafes within Stanley. There is room in the market for another hospitality service and it will provide a currently non-existent service to users of Yorke Bay and Gypsy Cove.

There is always uncertainty in new business start-ups but we strongly believe that every aspect has been considered to ensure its viability.

#### Social impacts and mitigations

During the building phases there may be some disruption to the area for the public, this should be kept to a minimum and won't affect access to Gypsy Cove or Yorke Bay. We would try to reduce building activities on exceptionally busy days, but will need to work around weather conditions at times.

Environmental impacts and mitigations

We plan to have a septic tank installed for sewerage; this will be pumped out on a regular basis. Hygienically we need running water and therefore we have decided that a septic tank would be the best solution given that it will have minimum impact on the surrounding environment and all waste product would be taken away from the site.

Please see our attached document 1.4 completed by ourselves to further understand considerations for how the Beach Café may impact the environment and our mitigations, this has been set against the criteria for Environmental Impact Assessments – a requirement of the Planning & Building process.

18. Other information to be taken into consideration:

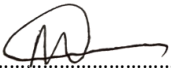
Please see attached appendices to support our application, listed below:

- 1.0 Covering letter
- 1.1 Business concept
- 1.2 Planning and Building application (including proposed elevations and site plan)
- 1.3 Evidence of how the Beach Café will support the priorities, policies and ambitions of FIG and partnering organisations
- 1.4 Considerations for how the Beach Café will impact the environment and our mitigations
- 1.5 Compilation of letters of support
- 1.6 Public consultation plans

I confirm that the above information is correct to the best of my knowledge.

Signed:  ..... (applicant)  
Dylan Stephenson

Dated: .....12/11/2024.....

Signed:  ..... (applicant)  
Meghan Law

Dated: .....12/11/2024.....



Dylan Stephenson and Meghan Law  
Gardeners Cottage  
Stanley, FIQQ 1ZZ  
[law\\_meghan@outlook.com](mailto:law_meghan@outlook.com)

12 November 2024

Application for Government Land  
c/o Roxanne Crowie, Senior Legal Officer  
Law & Regulation Directorate, FIG  
Attorney General's Chambers  
Stanley, FIQQ 1ZZ

To whom it may concern,

**Covering Letter: Application for Government Land – Beach Café at Yorke Bay**

In addition to our application form, please find attached our supporting documentation in relation to our application for government land on Stanley Common, specifically at Yorke Bay to build a café, with a storage shed and septic tank service facilities.

As a bit of background, we have had a vision for a café at Yorke Bay for a number of years, mainly because it is a service we would want to use if it were available locally, or when we are visiting places on our own holiday's it is the kind of service we look to visit. We feel that it is something that will be strongly welcomed by the community and the tourism industry alike; and, we are personally very passionate about this project. In regards to tourism this development will address the continually growing industry demand, which has been evidenced in a multitude of government endorsed policies and strategies over a number of years.

We have identified four overarching themes which we feel are relevant taking this project forward:

- Improved tourism and hospitality services in this location would address a long-standing known market gap;
- It is vitally important that the concept of a green economy is pursued and supported so far as is reasonably practicable;
- An investment in a facility of this kind would bring about a multitude of advantages for not just the tourism industry;
- "Stanley Common is set aside for the benefit of the community and to meet its needs, being used primarily for recreational purposes".

We understand the need to protect Stanley Common and our natural environment, and therefore have shown how we will mitigate against environmental impacts. We are both proud Falkland Islanders and want our beautiful corner of the world to be shared as a unique experience that will leave an improved visitor experience and lasting impression of the islands, whilst contributing towards improving the health of the nation and well-being by giving the local communities, including those resident at MPC, more opportunities to get outdoors – the primary aim of the Stanley Common Management Plan.

If approved, we hope that this will be a facility enjoyed by all, of all ages and all nationalities. It is a simple café but shows commitment and investment to putting something back in to the community which we really would love to be able to do, if given the chance.

It will be a big project for ourselves, and therefore we would like to stress the importance of requiring a long-term assurance over our investment. It will be a permanent structure, built to a high quality, making use of renewable technologies. We are likely to have a large mortgage attached and therefore have applied for a 99 year lease/lease to purchase arrangement to proportionately reflect the high personal capital stake in progressing this development.

Our applications to both Lands and Planning & Building do not delve in to operational matters which will be considered after gaining the necessary permissions to progress this project.

As part of this process we have spoken with and consulted with a number of stakeholders and we would like to formally extend our thanks to all those who have taken the time to meet with us and provided letters of support. It has been incredibly encouraging to have such overwhelmingly positive feedback and we hope this is taken in to account within the decision making-process.

A summary of our documentation appendices is provided below:

- 1.1 Business concept
- 1.2 Planning and Building application (including proposed elevations and site plan)
- 1.3 Evidence of how the Beach Café will support the priorities, policies and ambitions of FIG and partnering organisations
- 1.4 Considerations for how the Beach Café will impact the environment and our mitigations
- 1.5 Compilation of letters of support
- 1.6 Public consultation plans

We would like to take this opportunity to thank you very much for your time in considering our application. If you require any further information please don't hesitate to contact us.

Kind regards,



**Dylan Stephenson and Meghan Law**  
**Beach Café**  
Yorke Bay  
Stanley Common  
+500 55474 / +500 54943

# Copy of documentation provided within our Planning Application



Our planning application is currently in progress. It was submitted to the Planning & Building Office on 11 November 2024 for planned publication in the Penguin News edition on 22 November 2024.

We have chosen to only apply for planning permission (full) at this stage, and if approved we will progress our building permit separately. This is because of the sensitivity surrounding development on Stanley Common. Below is a list of the documentation provided for our Planning Application by ourselves and by Ajax Engineering Ltd acting in the capacity of our agent.

#### PREPARED BY AJAX ENGINEERING LTD ON OUR BEHALF:

- 1.2.1 – Planning and Building application form and notice to the landowner
- 1.2.2 – Proposed building elevations and site plan
- 1.2.3 – Planning, Design and Access Statement

#### SUPPORTING DOCUMENTS SUBMITTED BY US:

##### Attached to this document

- 1.2.4 – Covering letter to the Planning & Building Committee

##### Attachments taken from within the Lands Application

##### Supporting documentation for our planning application (open session)

- Considerations for How the Beach Café will impact the environment and our mitigations (*Lands Application – appendix 1.4*)
- Compilation of letters of support (*Lands Application – appendix 1.5*)
- Public consultation plans (*Lands Application – appendix 1.6*)

##### Supporting documentation for our planning application (closed session)

- **(EXEMPT for P&B Application)**  
Business concept (*Lands Application appendix 1.1*)  
*NOT FOR PUBLICATION by virtue of the Committees Public Access) Ordinance 2012:*
  - Paragraph 7 of Schedule 3, relating to information about individuals
  - Paragraph 9 of Schedule 3, relating to information about others' financial and business affairs
- **(EXEMPT for P&B Application)**  
How the Beach Café will support the priorities, policies and ambitions of the Falkland Islands Government and it's partnering organisations (*Lands Application – appendix 1.3*)  
*NOT FOR PUBLICATION by virtue of the Committees Public Access) Ordinance 2012:*
  - Paragraph 7 of Schedule 3, relating to information about individuals
  - Paragraph 9 of Schedule 3, relating to information about others' financial and business affairs

We feel that it was very important that the Planning and Building committee could also see the evidence that we have submitted within Lands Application appendices 1.1 and 1.3, as the information gathered is very much relevant and will also hopefully aid in the decision-making process, however as per Schedule 3 of the Committees (Public Access) Ordinance 2012, these will not be made available publicly and therefore they have been listed for the closed session for when our application is considered by the Planning & Building Committee.



## Falkland Islands Government Planning & Building Services

### Application For Planning / Building Consent

Complete this form to apply for:

#### Planning Permission, Building Permit, Outline Planning Permission and Reserved Matters

For further assistance please contact your Planning and Building Team at:



Planning and Building Services, Secretariat, P.O. Box 611, Stanley



+500 28480 (Planning) or +500 28484 (Building Adviser)



clerk@planning.gov.fk or buildingadviser@planning.gov.fk

Please submit your application to the clerk in the following preferred formats:

**1 electronic copy and 1 printed copy of the drawings only (see page 4 for further details)**

<b>1. APPLICANT</b>  Name <b>DYLAN STEPHENSON &amp; MEGHAN LAW</b> ..... Address <b>STANLEY</b> ..... ..... ..... Tel No ..... Email .....	<b>2. AGENT</b>  Name/Business <b>AJAX ENGINEERING LTD</b> ..... Address <b>56 JOHN STREET</b> ..... <b>STANLEY</b> ..... Tel No <b>22259</b> ..... Email <b>darren@ajax.co.fk</b> ..... Note: Agents will be the main contact in all correspondence
<b>3. Address or location of the site for this application</b> <b>YORKE BAY</b> ..... .....	
<b>4. Area of Site</b> (Sq/m or ha) <b>640m<sup>2</sup> APPROXIMATELY</b> .....	



5. **What kind of permission are you applying for?** (Please tick boxes as appropriate)

- Planning Permission (Full) ☒
- Planning Permission (Outline) ☐
- Building Permit ☐
- Reserved Matters (following Outline) ☐

Fee to Be Paid:  
**£ 287.00**

6. **If this is an application for outline planning permission** please tick if you want any of the following matters considered in detail as part of the outline application:

Siting ☐ Design ☐ External Appearance ☐ Means of Access ☐ Landscaping ☐

7. **If this is an application for reserved matters consent** following a previous grant of outline permission please give the reference number of your outline permission and tick which outstanding matters you now wish to be considered:

Outline application approval reference: .....

Siting ☐ Design ☐ External Appearance ☐ Means of Access ☐ Landscaping ☐

**If you have an outline planning permission you cannot start your development until consent for ALL of the reserved matters has been granted.**

8. **Description of Proposal**

Please describe the proposed development, including any change of use:

a. **TO CONSTRUCT A CAFÉ AND ASSOCIATED GENERATOR/BATTERY STORAGE SHED** .....

9. Do you propose to alter or make an access onto a public road? Yes ☐ No ☒

10. Has the proposal started? Yes ☐ No ☒

11. What is the site currently used for? (e.g. Vacant land, Dwelling, Agricultural, Commercial etc)

**VACANT** .....

12. Please state how you will deal with the disposal/supply of the following:

- b. Foul water **SEPTIC TANK – DETAILS TO BE AGREED DURING BUILDING PERMIT APPLICATION** .....
- c. Rain water **INTO SOAKAWAY** .....
- d. Water **SELF PROVISION** .....
- e. Electricity **GENERATOR/SOLA PANELS** .....

13. **Government Employee/Elected Member**

It is an important principal of decision-making that the process is open and transparent. Are you:

- a) **A member of staff**
- b) **An elected member**
- c) **Related to a member of staff**
- d) **Related to an elected member**

Do any of the above statements apply to you and/or your agent? Yes ☐ No ☒

If Yes, please provide details of their name, role and relationship .....

.....

## LAND OWNER AND AGRICULTURAL TENANTS NOTICE

Question 14 must be completed by all applicants for planning permission or by their agent.

**For a building permit only, you need not complete this question.**

14. Please tick one of the following boxes:

- ☐ (a) The applicant owns all the land which makes up the application site and has done for at least 21 days before the application was submitted and none of the land is part of an agricultural holding.
- ☒ (b) The applicant cannot tick box (a) above but knows who the owner/agricultural tenant is and has given them notice of the application (using the attached form).

Name of any known owner/agricultural tenant	Address	Date Notice Served
FIG	SECRETARIAT	11.11.2024

- ☐ (c) The applicant does not know all or any of the owners/agricultural tenants. Any that are known have been given notice of the application (using the attached form) and the following steps to ascertain the unknown owners/tenants have been taken:

Name of any known owner/agricultural tenant	Address	Date Notice Served

Measures taken to ascertain unknown owners/tenants, to include publication of the attached notice in the Penguin News:

Signed 	Date 11-11-2024
---	--------------------

Please tick this box if you are an agent signing on behalf of an applicant ☒

The following should be provided with your application:

- ☐ A completed application form
- ☐ A location plan at suitable scale (such as 1:1250) to identify the site location (site to be edged red with any other land in the applicant's ownership edged blue)
- ☐ A block plan at a suitable scale (such as 1:500 scale or 1:250) to show how the development will sit within the site (boundaries of site to be edged red)
- ☐ Elevations of the existing and proposed development (1:100 or 1:50)
- ☐ Floor plans/layouts of the existing and proposed development (1:100 or 1:50)
- ☐ A Heritage Statement for applications affecting Listed Buildings/the Conservation Area

Please note: If sufficient information **has not** been provided your application will not be registered.

### **IMPORTANT**

This application may require a fee. In order for the application to be processed a cheque payable to '**Falkland Islands Government**' should accompany the application if a fee is payable. For advice on fees please contact [clerk@planning.gov.fk](mailto:clerk@planning.gov.fk) or see [Facebook](#) (Files/Planning Fees).

Please note that **Camp residents** are invited to discuss the submission of completely paperless/electronic applications. A cheque will still be required to validate an application.

**Payment should be made by cheque.  
Failure to provide payment will mean that your application will not be  
registered/processed.**

**Notice to be given to land owner/agricultural tenant if they are not the applicant**



**LAND OWNER AND AGRICULTURAL TENANTS NOTICE**

**Planning Ordinance 1991 (Section 32)**

A Planning Application is being made to the Falkland Islands Government on land not owned by the applicant or for which there is an agricultural tenant.

You are hereby being served this notice as a landowner/agricultural tenant of the land/part of the land on which the application is being made in accordance with the requirements of section 32 of the Planning Ordinance 1991.

If you want to make representations about the application you should make them in writing within 21 days from the date you receive this notice to [clerk@planning.gov.fk](mailto:clerk@planning.gov.fk) or Planning Officer, P.O. Box 611, Stanley.

Please note that the granting of planning permission does not mean that a development can automatically go ahead. If the application site is not owned by the developer then they will still need to get the landowners permission before they can commence works.

Name of applicant: DYLAN STEPHENSON & MEGHAN LAW

Address of applicant: STANLEY

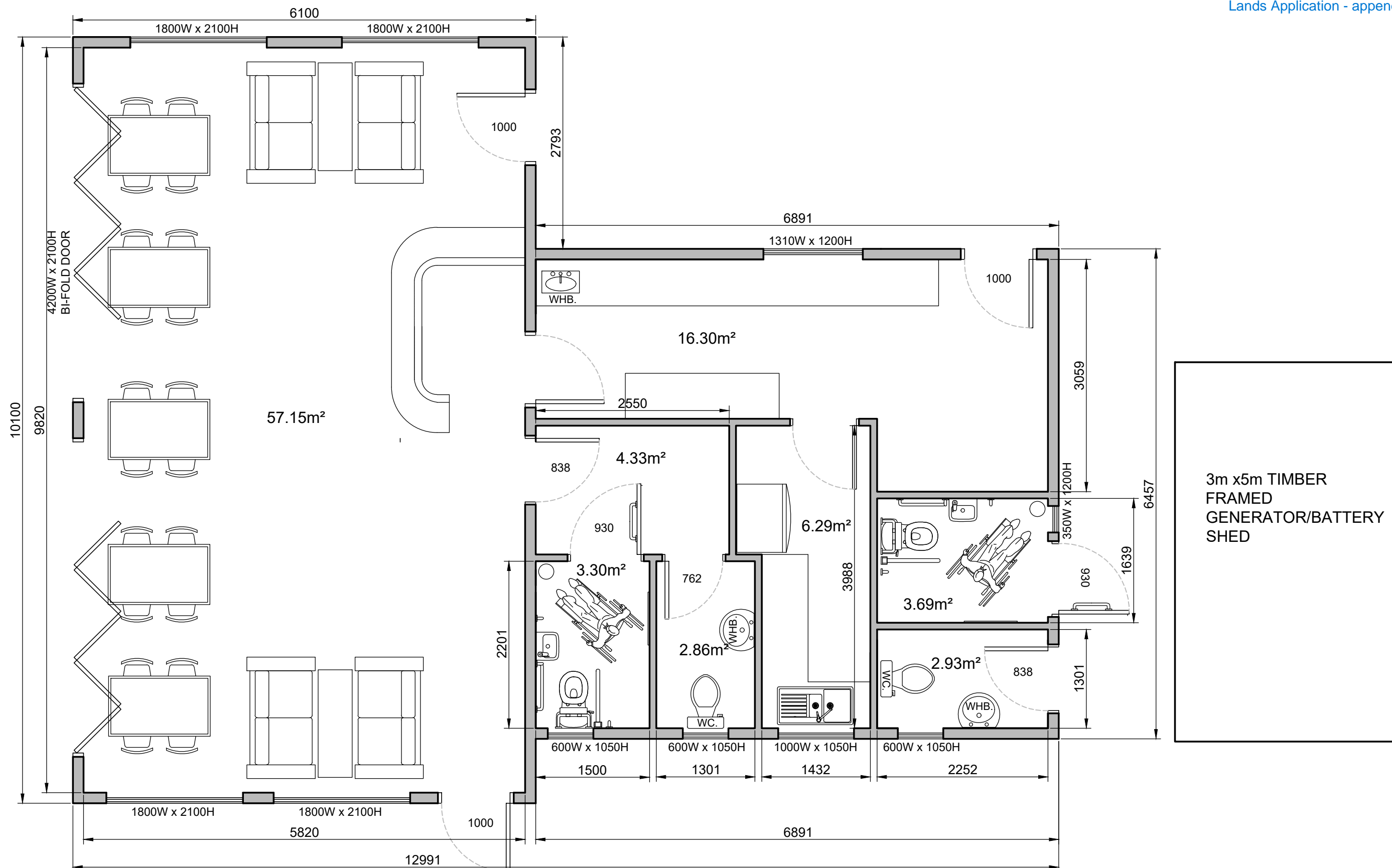
Development being applied for: TO ERECT CAFÉ AND ASSOCIATED  
GENERATOR/BATTERY STORAGE SHED

Address of the application site: YORKE BAY

**Signed:**

Applicant/Agent

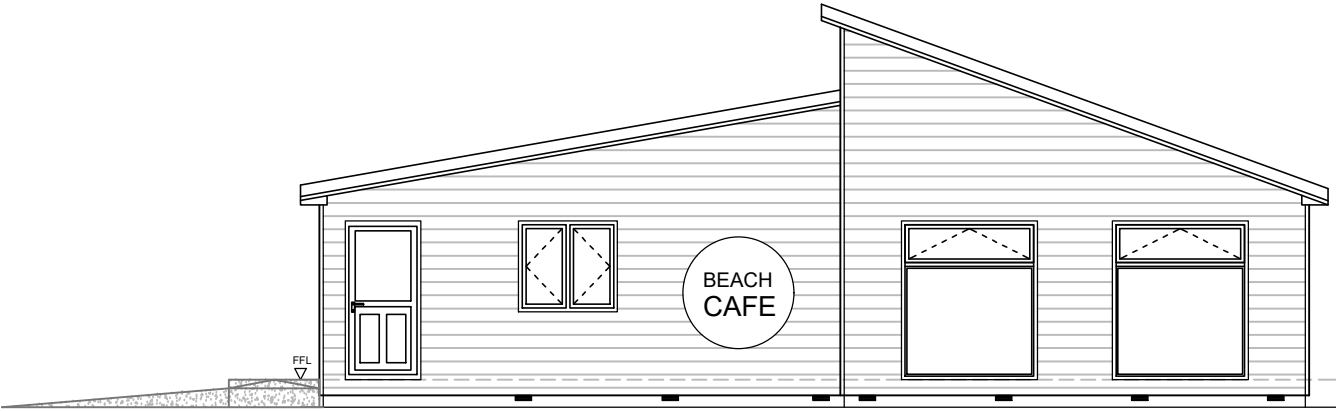
**Date that this Notice is given to the landowner/agricultural tenant:  
11.11.2024**



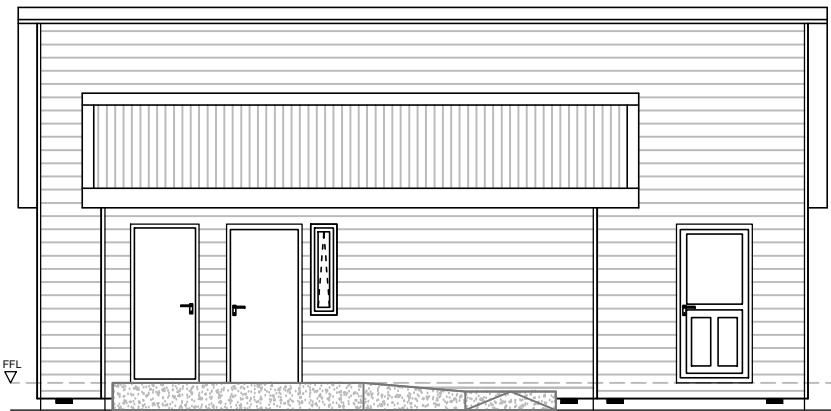
**AJAX**  
Engineering Ltd  
56 John Street,  
Stanley,  
FIQQ 1ZZ

- NOTES :
1. All dimensions are in millimeters unless stated otherwise. It is recommended not to scale off this drawing.
  2. This drawing has been prepared for the use of Ajax Engineering Ltd's client. It may not be used, modified, reproduced or relied upon by third parties except as agreed by Ajax Engineering Ltd or as required by law.
  3. If this drawing has been received electronically it is the recipients responsibility to print the document to the correct scale.
  4. This drawing is to be read in conjunction with all other relevant drawings and specifications.

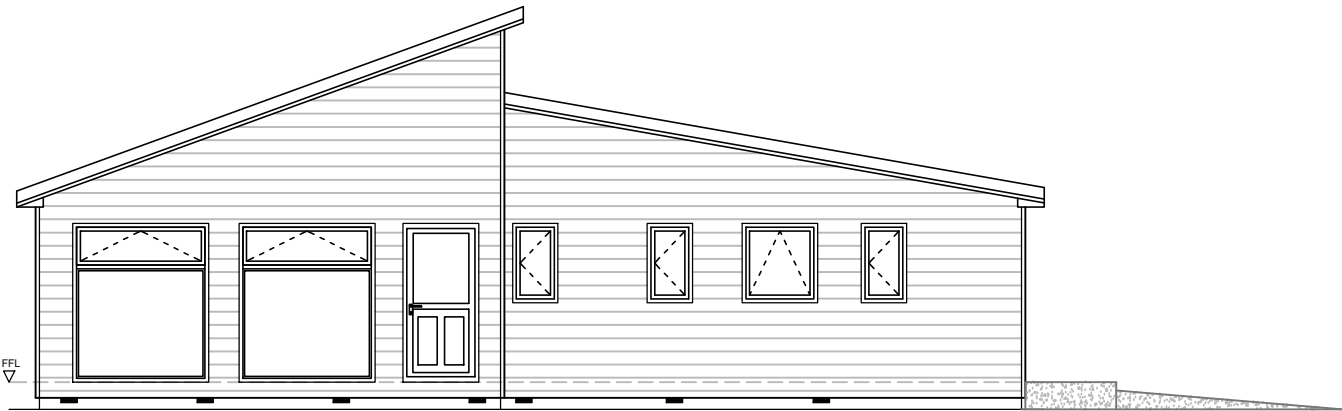
					PROJECT :	DRAWN :	DATE :
					DYLAN STEPHENSON & MEGHAN LAW	DRP	16.10.2023
					YORKE BAY	CHECKED :	DATE :
					MIG	05.11.2023	
					TITLE :	SCALE : (A3)	
					PROPOSED CAFE	1:50	
					PROPOSED LAYOUT	DRAWING STATUS :	
					INFORMATION		
REV	DATE	REVISION	DRN	CHK	DRAWING No: 24052-01		REV : -



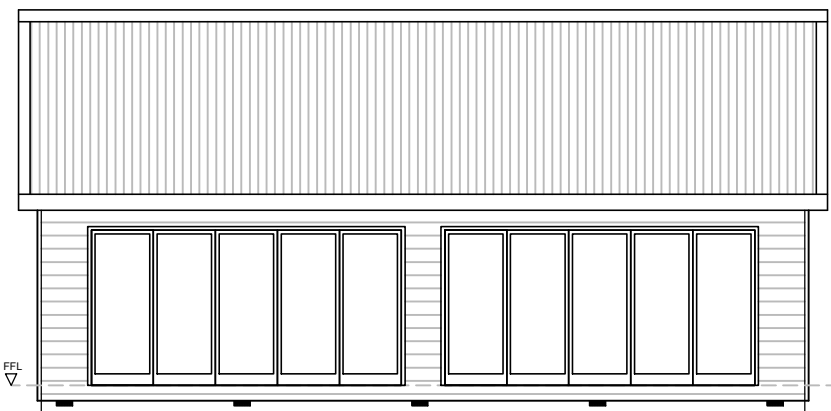
**SOUTH EAST ELEVATION**



**SOUTH WEST ELEVATION**



**NORTH WEST ELEVATION**



**NORTH EAST ELEVATION**

AJAX

Engineering Ltd

56 John Street,  
Stanley,  
FIQQ 1ZZ

NOTES :  
1. All dimensions are in mm unless otherwise stated.

					PROJECT : DYLAN STEPHENSON & MEGHAN LAW YORKE BAY	DRAWN : DRP	DATE : 16.10.2024
					TITLE : PROPOSED CAFE PROPOSED ELEVATIONS	CHECKED : MIG	DATE : 05.11.2024
					DRAWING No : 24052-02	SCALE : (A3) 1:100	DRAWING STATUS : INFORMATION
REV	DATE	REVISION	DRN	CHK	REV : -		





D STEPHENSON & M LAW  
YORKE BAY

**AJAX**

Engineering Ltd

56 John Street,  
Stanley,  
FIQQ 1ZZ

NOTES :  
1. All dimensions in mm unless otherwise stated.

					PROJECT : DYLAN STEPHENSON & MEGHAN LAW YORKE BAY	DRAWN : DRP	DATE : 16.10.2024
					TITLE : PROPOSED CAFE EXISTING SITE PLAN	CHECKED : MIG	DATE : 05.11.2024
						SCALE : (A3) NTS	
						DRAWING STATUS : INFORMATION	
REV	DATE	REVISION	DRN	CHK	DRAWING No : 24052-03	REV : -	





**AJAX**

Engineering Ltd

56 John Street,  
Stanley,  
FIQQ 1ZZ

NOTES : 1. All dimensions in mm unless otherwise stated.					PROJECT : DYLAN STEPHENSON & MEGHAN LAW YORKE BAY		DRAWN : DRP	DATE : 16.10.2024
							CHECKED : MIG	DATE : 05.11.2024
					TITLE : PROPOSED CAFE PROPOSED SITE PLAN		SCALE : (A3) NTS	
							DRAWING STATUS : INFORMATION	
REV	DATE	REVISION	DRN	CHK	DRAWING No : 24052-04		REV : -	





**AJAX**  
Engineering Ltd  
56 John Street,  
Stanley,  
FIQQ 1ZZ

NOTES :  
1. All dimensions in mm unless otherwise stated.

					PROJECT : DYLAN STEPHENSON & MEGHAN LAW YORKE BAY	DRAWN : DRP	DATE : 16.10.2024
					TITLE : PROPOSED CAFE LOCATION PLAN	CHECKED : MIG	DATE : 05.11.2024
						SCALE : (A3) NTS	
						DRAWING STATUS : INFORMATION	
REV	DATE	REVISION	DRN	CHK	DRAWING No : 24052- 05	REV : -	

## **PLANNING, DESIGN AND ACCESS STATEMENT**

**Date:** 11<sup>th</sup> November 2024

**Client:** Dylan Stephenson and Meghan Law

**Address:** Yorke Bay

**Application:** To construct a café and associated generator/battery storage shed

### **The site and surrounding context:**

The site is located at Yorke Bay which is located to the west of Cape Pembroke.

The area makes up part of Stanley Common and is currently used for horse grazing and recreational purposed throughout the year and visited by tourists wishing to see penguins during the tourist season.

Currently there are no café facilities located within this area, but there are public toilets located at Gypsy Cove.

Beach Café is a new enterprise which we believe will fill a much-needed gap in the Falkland Islands hospitality and tourism industries to support both local communities, including the military, and the visitors to the Islands; whether that is land or sea-based tourists.

Beach Café offers customers the chance to experience and enjoy their choice of drink and a convenient snack by the side of the beach, at Yorke Bay. Yorke Bay is a prominent location in the Falkland Islands; the scenery is nothing but stunning. We want to promote our beautiful home and share that joy with tourists, dog walkers, families, the older generations [the list goes on!], by making their visit to the beach and the famous penguins that little bit more exceptional. This will allow visitors to extend their trip to Yorke Bay and take a moment to sit down, listen to the waves crash and shelter from the wind; all with a smile and creating an everlasting memory of a beautiful corner of the Falklands paradise.

We have chosen the site of Yorke Bay principally because of the need for a service to be in this high-traffic location. Each summer season (October-March) the Islands welcome on average\* 65,092 tourists from cruise ships. It is estimated that the visitors who stay within Stanley on their day visit spend on average 5 hours ashore and, a high percentage include a trip to Yorke Bay and Gypsy Cove within their itinerary. In addition to this, it is a hugely popular spot with the local community; even more so since the reopening of the beach from the minefield clearance work completed in 2020 and, is the venue of choice to host community events such as the Annual Raft Race. It is a 10-minute drive from the City of Stanley, an already established 'must-do' for tourist itineraries with shuttle bus runs and private tours offering trips during peak seasons, and walking routes are already formed for those who wish to travel by foot. We firmly believe that the addition of Beach Café at Yorke Bay would be a hugely successful and appreciated service to Stanley and the surrounding area, for all.

### **Access**

Access to the site is along a gravel track that leads off Mary Hill Road. Tourists are generally transported to site by tour guides and are discharged near the main parking area.

## **PLANNING, DESIGN AND ACCESS STATEMENT**

### **The Building:**

The Beach Café to be a T-shaped, timber/steel framed building - with both indoor and outdoor seating areas. Service will be provided from the semi-circle shaped bar inside or via the takeaway hatch; this will help to ease a bottleneck risk during busy, peak periods. The building will be constructed with a clean and modern aesthetic, with large bi-fold doors facing out to the northern façades. Environmentally friendly services will be used so far as is reasonably practicable, such as solar panels for power. To protect the area from the elements we would like to erect a traditional Falklands fence and plant native flora, such as boxwood, allowing customers to shelter whilst in the outdoor seating areas.



**Figure 1: Artists impression of the internal seating area and views.**





Dylan Stephenson and Meghan Law  
Gardeners Cottage  
Stanley, FIQQ 1ZZ  
[law\\_meghan@outlook.com](mailto:law_meghan@outlook.com)

12 November 2024

Planning and Building Committee  
c/o Sarah Witherley, Head of Planning & Building Services  
Development & Commercial Services Directorate, FIG  
The Secretariat  
Stanley, FIQQ 1ZZ

To whom it may concern,

**Covering Letter: Planning Application – Beach Café at Yorke Bay**

In addition to our application form provided to you on our behalf by our agent Ajax Engineering Ltd, please find attached our own supporting documentation in relation to our application for planning permission to build a café on Stanley Common, specifically at Yorke Bay including a storage shed and septic tank service facilities.

As a bit of background, we have had a vision for a café at Yorke Bay for a number of years, mainly because it is a service we would want to use if it were available locally, or when we are visiting places on our own holiday's it is the kind of service we look to visit. We feel that it is something that will be strongly welcomed by the community and the tourism industry alike; and, we are personally very passionate about this project.. In regards to tourism this project will address the continually growing industry demand, which has been evidenced in a multitude of government endorsed policies and strategies over a number of years.

We have identified four overarching themes which we feel are relevant taking this project forward:

- Improved tourism and hospitality services in this location would address a long-standing known market gap;
- It is vitally important that the concept of a green economy is pursued and supported so far as is reasonably practicable;
- An investment in a facility of this kind would bring about a multitude of advantages for not just the tourism industry;
- "Stanley Common is set aside for the benefit of the community and to meet its needs, being used primarily for recreational purposes".

We understand the need to protect Stanley Common and our natural environment, and therefore have shown how our proposed development will mitigate against environmental impacts against the requirements of the Falkland Islands Development Plan and the Environmental Impact Assessment criteria. We are both proud Falkland Islanders and want our beautiful corner of the world to be shared as a unique experience that will leave an improved visitor experience and lasting impression of the islands, whilst contributing towards improving the health of the nation and well-being by giving the local communities, including those resident at MPC, more opportunities to get outdoors – the primary aim of the Stanley Common Management Plan.

If approved, we hope that this will be a facility enjoyed by all, of all ages and all nationalities. It is a simple café, designed to make the views of Stanley Common the focal point. The café shows commitment and investment to putting something back in to the community which we really would love to be able to do, if given the chance.

Our application does not include the building permit which would be progressed if we are able to gain planning permission and lands approval for a build on Stanley Common. Our application also doesn't

delve in to operational matters which will be considered after gaining the necessary permissions to progress this project.

This project is supported by many policies and strategies which have been endorsed by FIG including:

- The Islands Plan and Islands Plan Delivery Plan
- The Tourism Development Strategy and Economic Development Strategy
- Stanley Common Management Plan and Stanley Common Ordinance 1999
- FIDC Corporate Plan
- Stanley Town Plan and the Falkland Islands Development Plan
- Falkland Islands Environmental Strategy

The areas in which our project supports the above policies has been attached as an exempt document, as per Schedule 3 of the Committees (Public Access) Ordinance 2012. This is a document that we compiled for our Application for Government Land; we felt that it was very important that the Planning and Building committee could also see the evidence that we have submitted as it is very much relevant and will also hopefully aid in the decision-making process. In addition to this we have also attached our Business Concept as an exempt document for the same reasons as above.

As part of this process we have spoken with and consulted with a number of stakeholders and we would like to formally extend our thanks to all those who have taken the time to meet with us and provided letters of support. It has been incredibly encouraging to have such overwhelmingly positive feedback and we hope this is taken in to account within the decision making-process. We have also run a public consultation process and the report of feedback from our survey and open sessions will be shared with the committee.

**A summary of our supporting documentation for our planning application (open section) is provided below:**

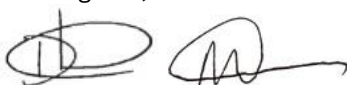
- A. Considerations for How the Beach Café will impact the environment and our mitigations
- B. Compilation of letters of support
- C. Public consultation plans

**Exempt Supporting Documentation – to be considered in the closed section of the Committee:**

- D. Business concept  
**NOT FOR PUBLICATION** by virtue of the Committees Public Access) Ordinance 2012:
  - Paragraph 7 of Schedule 3, relating to information about individuals
  - Paragraph 9 of Schedule 3, relating to information about others' financial and business affairs
- E. How the Beach Café will support the priorities, policies and ambitions of the Falkland Islands Government and it's partnering organisations  
**NOT FOR PUBLICATION** by virtue of the Committees Public Access) Ordinance 2012:
  - Paragraph 7 of Schedule 3, relating to information about individuals
  - Paragraph 9 of Schedule 3, relating to information about others' financial and business affairs

We would like to take this opportunity to thank you very much for your time in considering our application. If you require any further information please don't hesitate to contact us.

Kind regards,



**Dylan Stephenson and Meghan Law**

**Beach Café**

Yorke Bay, Stanley Common

+500 55474 / +500 54943

# Considerations for how the Beach Café will impact the environment and our mitigations



This document has been written by the business owners alongside the conditions of Environmental Impact Assessments (EIA) as required by the Planning & Building approval process so that we can self-assess our impact fully. This assessment can be used as part of our environmental considerations that will be reviewed by external parties, such as FIG.

## CHARACTERISTICS OF THE DEVELOPMENT

*Please see drawings, produced on our behalf, by Ajax Engineering Ltd which detail the development.*

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### Size of the development

Our planning application is for a café with both internal and externally accessible toilets, the main building is 106m<sup>2</sup>, with a generator/battery storage shed to support the renewable energy sources which would be 15m<sup>2</sup>. Both buildings will be kept in close proximity to each other.

---

### The cumulation with other development

Our proposed location is opposite to new car park turn off to the access at Yorke Bay. It is sited approximately 420m down the road from the current public toilet/shelter block facility, which is operated by FITB on behalf of FIG. We have chosen to site it separately to the toilet block facility because it will help to reduce a congestion at the current Gypsy Cove carpark and allow for customers to enjoy a secondary area within Gypsy Cove/Yorke Bay. Also since the opening of Yorke Bay following extensive minefield clearance, the new access to the beach is frequently used by the community and tourists.

---

### The use of natural resources

It is expected that the café will be an off-grid facility due to the un-feasibility of PWD putting full services to this location. Therefore the property would generate sufficient electricity from solar resources, with a back-up generator and inverter set-up. Fresh water would be stored in a bowser and topped up regularly. It would not be sufficient to rely on rainwater collection or fresh-water spring in this location; it is not possible to pump fresh water from underground.

---

### The production of waste

The toilet facilities will produce grey and black water whilst the café will generate grey water. We would use a septic tank facility which we would arrange to be pumped out as needed. The café will also inevitably increase the likelihood of waste in the area (wrappers, serviettes, cups) but by having designated permanent bin collections and promoting responsible waste management practices we hope that customers will be considerate towards our environment. Those working with us at the café will also need to be conscious of litter and be expected to uphold our high standards in regard to waste management.

---

### Pollution & nuisances

If the black water is not treated suitably it may pollute the local water, this is why we have opted for a designated septic tank that will be more than sufficient for capacity. A septic tank will also allow for all of the waste to be taken away from the site which further mitigates the risk from black water. Increased food and potential litter/waste food may increase scavenging from birds and animals in the area, but as above the designated bin collection points and responsible waste management practices should mitigate against this.

---

### The risk of accidents, regard to substances or technologies

We consider this risk to be low.

## LOCATION OF THE DEVELOPMENT

### The existing land use

The existing land identified is unused and forms part of Stanley Common. It is planned that the proposed location is opposite to new car park turn off to the access at Yorke Bay. It is well away from nesting animals, including the resident penguin colony at Gypsy Cove and not in an area where Important Plant species are present. There is already a gravel carpark in close proximity, and we would plan to do a similar hardstanding parking for staff and customers, although it is envisaged that many customers will also make use of existing car parks, whilst enjoying the outdoors, or travel to the area by foot or by a guided tour operator.

### The abundance, quality & regenerative capacity of natural resources in the area

The area identified does not currently have mains services (water or electricity) and is unlikely to in the future, due to the large cost of installation being unfeasible. However, it is plentiful in supply of sunshine and wind. We have opted for solar power to be our main generator of electricity.

### The absorption capacity of the natural environment, in particular: Wetlands, coastal zones, Important areas for nature conservation, Populated areas & Landscapes of historical, cultural or archaeological significance

All black water and waste would be collected and removed from the local area. Water would be delivered to the area via bowser and electricity generated from renewable resources with a back-up generator.

## CHARACTERISTICS OF THE POTENTIAL IMPACT

### The extent of the impact

The area of plot is approximately 640m<sup>2</sup> and is directly accessed by the existing road network. The café will rely on existing traffic to the area which is already well-established – particularly in summer months. In this respect there will be limited increase from the impact from traffic in the area. The penguin habitat at Gypsy Cove is concentrated on the coastal line and therefore the café development will cause no disturbance to the penguin colony. Any increased litter would be mitigated heavily by proper waste management processes and promotions of responsible practices by the café owners to customers.

### The magnitude and complexity of the impact

The main impact will be during the construction phase of the development and any disruption entailed. However, if development took place outside of the summer season this would minimise the impact on any wildlife and their immediate welfare. The continuing impact would be controlled by stringent practices by ourselves as the café operators to minimise littering and ensure that services are appropriately cared for. As the building design incorporates large windows to make best use of the view there is a small risk of bird strike; however fledgling birds are not normally found in this area and given that opening hours will be reduced in winter months the risk should be minimised innately when lights are not on in hours of darkness.

### The probability of impact

As noted above by doing the majority of construction works outside of the summer season it would lessen the probability of any impact.



---

### The duration, frequency & reversibility of impact

As a permanent structure there will be a risk of impact to the environment, but the utmost importance would be taken to ensure that building quality is of a high standard to ensure that impact to the area is to a minimum. In the event that our application is approved for a long-term lease, if it were stipulated that the café facility would need to be removed at the end of the tenure then it would be possible to undertake landscaping works which would overtime revert the site back to original state. In addition to this by having installed a septic tank set-up for black waste, all of the waste will have already been removed from the site and there will be no visible scars from areas where a water-run off would be needed for other waste systems, such as bio-discs.

## VISUAL IMPACT ON LANDSCAPE

We would like the exterior of the building to fit in to the style of buildings typically found within the Falklands/Stamley. It would be clad with cement board cladding and have a tin roof. Ideally for best sun retention and energy efficiency purposes we would like a blue or green tin roof, these have proven to be the best colours to withstand the strong UV rays present within the Falklands. Cement board cladding is commonly used across the Falklands and has proven to be an effective material within the use of construction, we would choose a neutral colour that is complimentary to the roofing.

The building design makes best use of the stunning scenery at Yorke Bay and therefore has large windows/bi-fold doors to frame the picturesque views.

Behind our chosen site is a geographical ridge line which will provide protection from the elements and a natural shelter barrier for the property.

The property will be a kept tidy which will leave a positive impact and improved visitor experience to customers and those visiting/driving past this part of the Common.

# Letters of support for the Beach Café

- 
- 1.5.1 - Executive Director, Falkland Islands Tourist Board
  - 1.5.2 - Deputy Managing Director, Falkland Islands Development Corporation
  - 1.5.3 - Chair, Falkland Islands Chamber Of Commerce
  - 1.5.4 - Portfolio Holder for Economic Development (including tourism), MLA Short
  - 1.5.5 - Former Senior Public Policy Advisor, FIG
  - 1.5.6 – S Crofts, Wild Falklands Ltd
  - 1.5.7 - Operations Manager, Polar Seafish Ltd/FITT – Tour Operators
  - 1.5.8 - Mr & Mrs Worrell, Cruise Ship Passengers P&O Cruises *MV Aurora*, visited Jan 2023





Falkland Islands Tourist Board  
Jetty Visitor Centre  
Stanley  
Falkland Islands  
FIQQ 1ZZ

(p) +500 27019  
(e) [steph@falklandislands.com](mailto:steph@falklandislands.com)  
[www.falklandislands.com](http://www.falklandislands.com)

Lands Application – appendix 1.5.1

TO WHOM IT MAY CONCERN

01 June 2024

The Falkland Islands Tourist Board have been contacted by Ms Meghan Law and Mr Dylan Stephenson seeking support for the development of a café on land adjacent to Yorke Bay and Gypsy Cove.

Tourism is the second biggest and fastest growing sector of the economy.

The 2023/24 season saw the greatest number of cruise visitor passengers ever recorded in the Falklands with more than 73,000 visiting despite losing a further 18,500 due to weather cancellations.

It is forecast that cruise visitor numbers will continue to grow, reaching 87,800 by 2029/30.

As a result of their proximity to Stanley, Gypsy Cove and Yorke Bay already see a high turnover of tourists and regular local visitors, and for many their impressions of the Falkland Islands are formed from their experiences at these two places. At around 4 Km from Stanley, the easy accessibility to this area allows locals and cruise ship visitors to see penguins, enjoy a leisurely walk and observe a variety of flora and fauna in one place.

Currently the only facilities available in this area are Public Toilets at Gypsy Cove.

The vision in the Tourism Development Strategy is for investment in the development of a café facility in this area. We believe that offering a quality facility for visitors will increase satisfaction and probability of repeat visitation of cruise visitors as longer-staying overnight tourists.

Support for this development also fits with the Islands Plan which states the Government will “assist and encourage local business, entrepreneurship and diversification, to create conditions to support the growth of business.”

The Islands Plan also states the Government “will support the ambition of a green and sustainable economy” which I believe this proposal addresses. Ms Law & Mr Stephenson say that “environmentally friendly services will be used so far as it is reasonably practicable.”

The level of investment that is going to be needed for this project means it is imperative that Ms Law and Mr Stephenson are either able to buy the land or have a long-term lease of a minimum of 25 years. Whilst this is a business project, it should be acknowledged that this is also about a couple who are proud of the Falklands and want visitors to experience the best and have a lasting memory – from a tourism point of view the best marketing of all.

In conclusion, on behalf of the Falkland Islands Tourist Board I support this business venture.

A handwritten signature in black ink, appearing to read 'Stephanie Middleton', with a stylized, cursive script.

Stephanie Middleton  
Executive Director  
Falkland Islands Tourist Board



Ref: BDT1-2024/25  
Date: 13th November 2024

Contact: Louise Ellis  
E-mail: [development.manager@fidc.co.fk](mailto:development.manager@fidc.co.fk)

To whom it may concern,

Meghan Law and Dylan Stephenson first approached FIDC in April 2024 with the Yorke Bay Beach Café concept, seeking business advice and support.

FIDC's Corporate Plan 2025-2029 contains the objectives: "Lead in identifying new opportunities and removing barriers to economic growth" and "Provide excellent business support, advice and mentoring across traditional, emerging, and new industries of the economy" as such the Business Development Team at FIDC have supported the venture via providing business advice and initial grant funding to allow access to professional services to develop the concept and build the business case.

In principal, dependant on business case and subject to the relevant approval body, FIDC can support this new venture further via loan and grant funding.

The Business Development Team at FIDC look forward to continuing to work with the clients in developing their proposal further and supporting them through the process to access finance and establish their business.

Yours sincerely,

A handwritten signature in blue ink, appearing to be "Louise", with a long, sweeping horizontal line extending to the right.

Louise Ellis  
Deputy Managing Director



West Hillside, Stanley,  
Falkland Islands  
manager@commerce.co.fk  
www.commerce.co.fk  
00500 22264

12<sup>th</sup> November 2024

To Whom it May Concern

Café at Yorke Bay

The proposers for the project to build and operate a café at the western entrance to Yorke Bay have outlined their project to the Chamber of Commerce Chairman, and discussed the commercial, environmental and operational issues surrounding it.

The infrastructure to support the tourism industry in the Falkland Islands is under invested, and there are currently no recreational or rest facilities for the many thousands of tourists visiting Yorke Bay and Gypsy cove, particularly off cruise vessels. These are often people who have not spent money on more extensive tours to wildlife sites around the Islands, and may have disposable income to spend. It appears to us that the project proposals have properly considered all of the elements of the project, and we would be happy to give it our strong support.

To be clear, we have not reviewed the economics of the project, and it is not our position to do so. But we are happy to support this new business, which itself supports the Tourism development strategies that exist, or will be worked on through the EDS review.

This is an excellent project, well researched and well thought through, which will make a positive contribution to the developing tourism industry in the Islands, and we commend it to those who are required to give their permissions for it to proceed.

Yours sincerely,

A handwritten signature in blue ink, appearing to read "Mike Summers".

Mike Summers  
Chair, FI Chamber of Commerce

Gavin Short

36 Eliza Crescent

Stanley

08 November 2024

Members of the Planning and Building Committee,

I was contacted by Meghan Law and Dylan Stephenson regarding a proposal to site a tea room/café in the Gypsy Cove area.

I was presented with their design and proposals for the capture of water/foul discharge etc.

I looked through the drawings and the overall proposal extremely carefully mindful of the area in which they proposed to build, and I have to say that I was extremely impressed with the way that they had approached the project knowing full well that their project would be constructed in an environmentally sensitive area and I believe that they had went that extra mile to ensure that the building would be sympathetic to its surroundings.

Furthermore, it is my belief that the building of the tea rooms/café would increase greatly the tourist offering in an area that is extremely popular with visitors but would also be a real asset to our local population as well as it would allow one and all who visits the area to sit in comfort with a splendid cup of tea and enjoy what is most definitely a breath taking view.

As MLA with responsibility for tourism, I give their proposal my full support.

My very best wishes

A handwritten signature in black ink, appearing to read 'Gavin Short', with a long horizontal stroke extending to the right.

Gavin

22/05/2024

*Support letter received via email*

David Jeffrey

Former Senior Public Policy Officer, FIG

Currently works for FIG on a contract basis within Policy, Economy & Corporate Services Directorate

"The Beach Cafe is an exciting opportunity to create a unique facility. It has great potential to augment and diversify the food and drink offer available for visitors to Stanley, which can become strained on busy cruise days. It would be an investment in improving the overall visitor experience, which could increase the likelihood of return visits, while sustaining or enhancing the Islands' attraction as a destination for both cruise and land visitors. As such, it could contribute to economic development in a important sector of the Falklands economy.

I was responsible for tourism policy within FIG from 2020-22, and still work part-time for FIG on a contract basis.

David Jeffrey"





## **Letter of support**

### **Beach Café Development at Yorke Bay/Gypsy Cove by Dylan Stephenson and Meghan Law**

Tourism is a current and forecast economic security for the Falkland Islands. With the expected second airlink and ongoing successful cruise ship seasons, the opportunity for tourism growth has huge benefits, including protecting and showcasing the Islands' heritage, culture and environment.

To facilitate growth, infrastructure development is required whilst enabling new business opportunities within the private sector. Sustainable development is now far more achievable with newer technologies (power and utilities in modern buildings) than even a decade ago. With newer technologies brings greater ability to develop infrastructure whilst ensuring it does not distract from or damage the Islands' wildlife, environment and landscapes.

As an independent environmental and tourism specialist at the Falkland Islands, a brief site visit was conducted on the 11 November 2024. The visit was undertaken in November when there is good evidence of breeding bird activity and of flowering plants. From the visit it was concluded that:

- There were no protected plant species within the proposed site.
- There were no breeding birds or active nesting areas within the site; birds likely to transit the area would be geese and small passerine birds.
- The risk of bird-strike was considered low and could be mitigated by operating during daylight hours and fixing external shutters to the windows when the café is not in use.
- The site is near to a road and current land use activities are vehicle parking, dog walking and horses moving through during winter.
- The proposed development is off-grid (electricity, water, sewage) and there should be no major long-term modifications to the local and nearby environment or ecosystem.
- There is nearby additional carparking at Gypsy Cove and the entrance to Yorke Bay.
- The site of the proposed café did not distract from the landscape and seascape.
- The café would provide an excellent location for enjoyment and well-being in nature.
- The café would dramatically enhance the tourism experience at the area.

**Sarah Crofts**

**Wild Falklands Ltd. Email: [wildfalklands@gmail.com](mailto:wildfalklands@gmail.com)**

**Sea Lion Island, Falkland Islands.**

**13 November 2024**



14/10/2024

To whom it may concern,

I am writing to you as a representative of Polar Seafish Ltd which operate the company FITT (Falkland Islands Tours & Travel Ltd). We have been working in the tourism industry for the past 11 years in collaboration with other industry providers such as Sullivan Shipping services.

As the tourism industry continues to grow within the Falkland Islands, we are committed to improving services that we offer; recently investing in four double-decker buses. These buses, in addition to the rest of our fleet of vehicles, will primarily be used for Stanley tours with a hop-on, hop-off excursion service being planned. As part of the Stanley tour, we already include an excursion to the popular location of Yorke Bay and Gypsy Cove, the closest area habited by penguins, which is the top priority for most visitors.

We have been approached by Dylan and Meghan with their proposal for the Beach Café at Yorke Bay. A Café in this area would significantly contribute to what we can offer tourist visitors on cruise-ship days and substantially improve the visitor experience for our customers. We would be able to advertise this as a highlight within our sales of tickets at the Jetty Centre. Currently we take on average 9.000 visitors each tourism season to this location, and the numbers continue to increase each year. The Cafe will meet a current known gap in the market and will be a popular facility, which is long-overdue for a service of this kind.

Aside from the benefits this proposal will bring to the tourism industry, as a Falkland Islands resident, I am equally excited about this potential new venture, and it is something that myself and I am sure other families and members of the community will be able to enjoy.

Dylan and Meghan are rightly very proud of this project and will be making a significant commitment which will be for the benefit of many people, both locally and overseas and help to improve the tourism experience and catering options on offer in the Falklands/within the Stanley area.

On behalf of Polar Seafish Ltd/FITT I would like to offer our full support for this venture.

Polar Seafish Team wish Dylan and Meghan every success and best wishes in their new project.

Sincerely



Joseph Reid  
Operations Manager

Tel. +500 22669 • [info@polarseafish.com](mailto:info@polarseafish.com)  
Address. 45 John Street, Stanley, Falkland Islands, FIQQ 1ZZ



Mr. R J & Mrs. P E Worrell  
6 Wells Close  
EXMOUTH  
Devon  
EX8 5QL  
UK

Tel: +44 1395 222822 (Home)  
+44 7736 087712 (Mob)

13 November 2024

To Whom it may concern

Dear Madam/Sir,

### **PROPOSAL TO ESTABLISH A VISITOR CAFÉ AT YORKE BAY IN THE FALKLAND ISLANDS**

We had the pleasure of visiting the Falkland Islands for one day in January 2023, during a P&O cruise around South America. We were fortunate that it was a beautifully sunny and warm day, and that the waters were calm, allowing smooth crossings from and to the ship. We were made very welcome on our arrival, and also during the day with all the local inhabitants we encountered. We spent much of our time there visiting numerous fascinating and outstanding locations on the island.

One of the locations we visited was Yorke Bay. Despite the time lapse, I can still picture it now very clearly, with the beautiful white sand and the burrowing Magellanic Penguins. It would have been lovely to have spent many hours there, just admiring the views and the activities of the penguins, but we could not stay too long before moving on to the next amazing location. One facility which would have added to our enjoyment would have been an appropriate facility for coffee and other light refreshments. Noting the protected nature of the area, naturally any facility of this kind would need to be carefully and tastefully constructed, and in full keeping with the environment, to enhance rather than detract from the natural beauty of this outstanding location. Hence, as visitors to The Falkland Islands, the proposal to establish such a facility has our full support.

Yours sincerely

A photograph of a handwritten signature in dark ink on a light-colored surface. The signature appears to be 'R & P Worrell'.

***pp Robert & Patricia Worrell***

# Public Consultation Plans for the Beach Café



We plan to launch public consultations towards the end of November/early December 2024. Our consultation will both be focussed online as well as in person. This forms an important part of our stakeholder and community engagement and is also a requirement of the Planning & Building process as the proposed café siting is on Stanley Common.

We will run an online survey, on the familiar web-platform Survey Monkey, for a duration of 2 weeks. Our survey will be advertised through the normal channels and shared on social media to ensure as much engagement opportunity as possible. In addition to this we will ensure paper copies are available upon request, or they can be collected from the Post Office or Jetty Visitor Centre. They will also be available for tourists to fill out if they would like to.

FITB have kindly offered their assistance for our public consultation process and offered the Jetty Visitor Centre as the venue for our open consultation sessions. We would like to thank them for support in this important part of our journey. The open consultation sessions be run over a two-day period including lunch time and after work up to 6pm, dates to be agreed, but will be during the period that the online survey is live. The open sessions will display the same consultation opening as the survey as well as the same site plans and building elevations on poster boards. Representatives will be available to meet with the public to address any questions they may have.

Following completion of both the online survey and public consultation sessions we will collate the responses and produce a report for consideration to best inform decision making.

## CONSULTATION OPENING:

### **Scoping exercise to inform a public consultation on the potential development of the Beach Café a café facility located at Yorke Bay, Stanley Common**

**The scoping exercise will remain open from XX – XX MONTH 2024**

#### **Overview:**

Beach Café is a new enterprise which we believe will fill a much-needed gap in the Falkland Islands tourism and hospitality industries to support both the local community and visitors to the Islands. It is a business venture proposed by Dylan Stephenson and Meghan Law to build a café at Yorke Bay.

In advance of submitting our applications and evidence to Planning & Building and Lands to seek approval for our proposal we would like to hear your views on this potential development, with the aim of gathering as much feedback as possible for consideration by the relevant parties to best inform decision-making. Please note that this survey does not encompass some of the operational matters, but depending on the feedback gathered it may be factored into our operational planning if the applications to Planning & Building and Lands are approved.

#### **Background:**

Yorke Bay is a prominent location in the Falkland Islands; the scenery is nothing but stunning. We want to promote our beautiful home and share that joy with tourists, families, the older generations, the community at MPC, dog walkers [the list goes on!], by making their visit to the beach and the famous penguins that little bit more exceptional. This will allow visitors to extend their trip to Yorke Bay and take a moment to sit down, and ultimately improve the visitor experience.

We have chosen the site of Yorke Bay principally because of the need for a service to be in this high-traffic location. Each summer season (October-March) the Islands welcome on average<sup>1</sup> 65,092 tourists from cruise

<sup>1</sup> Average calculated from seasons: 2018/19 – 62,505, 2019/20 – 72,836, 2022/23 – 59,936. This excludes 2020/21 and 2021/22 due to the skewed information because of the Covid-19 pandemic. Information provided from the FITB Tourism Statistics Report 2022.

ships. It is estimated that the visitors who stay within Stanley on their day visit spend on average 5 hours ashore and, a high percentage include a trip to Yorke Bay and Gypsy Cove within their itinerary. In addition to this, it is a hugely popular spot with the local community; even more so since the reopening of the beach from the minefield clearance work completed in 2020 and, is the venue of choice to host community events such as the Annual Raft Race. It is a 10-minute drive from the City of Stanley, an already established 'must-do' for tourist itineraries with shuttle bus runs and private tours offering trips during peak seasons, and walking routes are already formed for those who wish to travel by foot. We firmly believe that the addition of Beach Café at Yorke Bay would be a hugely successful and appreciated service to Stanley and the surrounding area, for all.

What makes the Beach Café stand out? Quite simply there is no other business providing this service at this location. Anywhere else in the world, beachfronts would be offering somewhere to stop by and relax after a brisk walk, have a place to sit and look out at the view or to run and grab an ice-cream. We aim to fill this gap and provide a crucial step forward in the tourism experience in the Falkland Islands, all whilst helping to support the economy and meet the aims set out in the Islands Plan and the Tourism Development Strategy (TDS).

#### **The property:**

We envisage the exterior of the building to fit in to the style of buildings typically found within the Falklands/Stanley. It would be clad with cement board cladding and have a tin roof. Ideally for best sun retention and energy efficiency purposes we would like a blue or green tin roof, these have proven to be the best colours to withstand the strong UV rays present within in the Falklands. Cement board cladding is commonly used across the Falklands and has proven to be an effective material within the use of construction, we would choose a neutral colour that is complimentary to the roofing. The building design makes best use of the stunning scenery at Yorke Bay and therefore has large windows/bi-fold doors on the main three facades of the cafe eating area to frame the picturesque views. We also have factored in a take-away hatch as we believe this will be a popular option.

We have made best-efforts to be environmentally conscious of the surroundings. The location chosen is well away from nesting animals, including the resident penguin colony at Gypsy Cove and not in an area where Important Plant species are present. It is situated adjacent to the existing road network, opposite the turn off to the new car park to access Yorke Bay beach. We will make use of developing technologies for renewable energy sources so far as is reasonably practicable – using solar power for electricity generation, it will be off-grid and not connected to mains services. Behind our chosen site is a geographical ridge line which will provide protection from the elements and a natural shelter barrier for the property.

The property will be a kept tidy which will leave a positive impact and improved visitor experience to customers and those visiting/driving past this part of the Common.

#### **Site plan and building elevations:**

*Insert pictures of both.*

#### **How to respond:**

There are three ways you can respond to this scoping exercise:

- The quickest and easiest way, and to help us save paper, is to complete the online response form, available [insert link]
- **OR**, you can request an email pdf of the response form, and email your completed form back to us at [insert email]
- **OR**, you can complete a paper version available from Stanley Post Office, the Jetty Visitor Centre, or you can ask for one to be posted to you by contacting us on 54943 or by email: [insert email]. Completed paper response forms can be returned to the drop box in Stanley Post Office, or can be posted to the point of contact below.

#### **Enquiries:**

If you have any queries about the scoping exercise, please contact:

[insert contact information]

Beach Cafe Consultations

Gardeners Cottage, Stanley

Phone: [insert phone]      email: [insert email]

PLEASE SEE LIST OF QUESTIONS BELOW WHICH WILL FORM THE SURVEY:

1. Where do you currently reside?
  - a. Stanley
  - b. Camp
  - c. Mount Pleasant Complex (MPC)
  - d. Overseas
2. Please select which age category you fit in to:
  - a. 16-24
  - b. 25-34
  - c. 35-49
  - d. 50-64
  - e. 65+
  - f. Prefer not to say
3. Please indicate your sex:  
Male  
Female  
Prefer not to say
4. What is your nationality? \_\_\_\_\_
5. What currently attracts you to Yorke Bay/Gypsy Cove and the surrounding areas of Stanley Common?  
(please tick all that apply)
  - a. Visit to the beach
  - b. Visit to the wildlife
  - c. Sightseeing/spin to take in the view
  - d. Tourism operator/work
  - e. Tourist
  - f. Walking
  - g. Dog walking
  - h. Fitness – i.e. running/swimming
  - i. Horse owner
  - j. Other: \_\_\_\_\_
6. How often do you currently visit this location?
  - a. 2-3 times a week
  - b. Weekly
  - c. Fortnightly
  - d. Monthly
  - e. Rarely
  - f. On vacation as a tourist – one-off
  - g. Never
7. If there was a café facility in this area would you be more likely to make a trip?
  - a. Yes
  - b. No

8. If a café was opened at Yorke Bay how often would you use the facility?
- a. Greater than 3 times a week
  - b. 2-3 times a week
  - c. Weekly
  - d. Fortnightly
  - e. Monthly
  - f. Rarely
  - g. On vacation as a tourist – one-off
  - h. Never
9. When would you be most likely to visit?
- a. Weekends
  - b. Weekdays
  - c. Both
  - d. Not applicable
10. What would you most likely purchase/like to see available for purchase? (please tick all that apply)
- a. Hot drinks
  - b. Cold drinks
  - c. Convenient, quick-service food
  - d. Other: \_\_\_\_\_
11. What food options would you like to see available for purchase? (please tick your top 3)
- a. Ice cream
  - b. Local smoko treats ('Smoko' is an array of traditional Falklands treats – plates of home-baked cakes, cookies, scones and other time-honoured goodies, often making use of local ingredients such as teaberries and diddle dee berries.)
  - c. Chip cones
  - d. Doughnuts/churros
  - e. Hotdogs
  - f. Various cakes and pastries
  - g. Lunch options
  - h. Other: \_\_\_\_\_
12. Would you sit-in or take-away?
- a. Sit-in
  - b. Take-away
  - c. Both
13. What would you anticipate being your average spend per visit?
- a. Between £5-£10
  - b. Between £10-£15
  - c. Between £15-£20
  - d. £20+
14. Do you have any suggestions for the Beach Café?
- a. Yes: \_\_\_\_\_
  - b. No



15. Do you think this service is needed?

- a. Yes
- b. No

16. Looking at the proposed designs of the building and our choice of materials/colours, do you have any feedback on this aspect?

- a. Yes (please leave your comments):

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- b. No, I don't have any comments on the appearance of the building

17. Please leave your feedback / a comment below on your view of the development of a café at Yorke Bay:

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