

# EXECUTIVE COUNCIL

## PUBLIC

**Title:** Ms M Law & Mr D Stephenson: Application for land for construction and operation of Café on Stanley Common

**Paper Number:** 136/25

**Date:** 15 July 2025

**Responsible Director:** Director of Policy and Economic Development (Environment Team) & Attorney General

**Report Author:** Head of Legislation/Statute Law Commissioner

**Portfolio Holder:** MLA Peter Biggs (Environment and Public Infrastructure)  
MLA Roger Spink (Corporate Government Services)

**Reason for paper:** This paper is submitted to Executive Council:  
  
For functional and/or policy decision

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

**Reason for Redactions:**

*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:*

Legal advice

**Previous papers:** 53/19: Stanley Common Management Plan  
30/22: Proposed Land Value & Service Provision Policy  
200/24: Ms M Law & Mr D Stephenson: Application to lease land for Café on Stanley Common

**List of Documents:** **Annex 1: Stanley Common Ordinance 1999 – list of excepted land**  
  
**Annex 2: Summary of potential conditions for lease or sale of land which is the subject of this application**  
  
**Annex 3: Environment Screening/Scoping document**

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## 1. Recommendations

It is recommended that Members:

- (a) note the options for potential legislative change which would enable the release of land and development on Stanley Common for the purposes of construction and operation of a café (**para 5.2**);
- (b) note the options to mitigate the impact of the release and development of common land and the impact on the area as a nature reserve (**para 5.3**);
- (c) agree a recommended option for a public and stakeholder consultation, the results of which will inform final decision making in relation to the proposal (**para 5.4**);
- (d) agree the proposed timeline for the work in connection with the application (**para 6**);
- (e) agree that the Director of Policy, Economy and Corporate Services should submit to ExCo options for resourcing the further work required “to allow for development of Stanley whilst ensuring open space is still available [to the public]” (**para 4.10**)

## 2. Additional Budgetary Implications

There are no additional budgetary implications.

## 3. Executive Summary

- 3.1 The applicants have applied for the release of land (long term lease or purchase) in the Yorke Bay area of Stanley Common, for the construction of a café. There is no legal basis on which the application may currently be granted because of prohibitions under the Stanley Common Ordinance 1999.
- 3.2 Executive Council considered the application in December 2024.
- 3.3 Executive Council indicated that they supported the application, and invited the Attorney General to identify options to potentially enable the lawful grant of the application.
- 3.4 This paper presents those options, together with recommendations for a consultation to inform final decision making in relation to the options.

## 4. Background

### *Application and previous Executive Council consideration*

- 4.1 The applicants have applied for a lease, or lease/purchase of land in the Yorke Bay area of Stanley Common, for the construction and operation of a café. The application is attached to ExCo paper 200/24 (December 2024).
- 4.2 Stanley Common Ordinance 1999 [Falkland Islands Legislation](#) dedicates the Common as open space to which the public has access in perpetuity (forever). The Ordinance gives

effect to that principle by largely prohibiting development of land on the Common, and by largely prohibiting the grant of any legal interest in the land.

- 4.3 There is therefore no legal basis on which the application may be granted under the current Ordinance.
- 4.4 Executive Council considered the application in December 2024.
- 4.5 Executive Council indicated that they supported the application, and invited the Attorney General to identify options to enable the lawful grant of the application.
- 4.6 Executive Council noted that support of the application is not intended to set a precedent in relation to development and grant of land on Stanley Common, ie it is not intended to establish a policy permitting development and grant of land on Stanley Common.
- 4.7 Executive Council noted that their reasons for treating this application favourably on an exceptional basis are:
  - the tourism recovery post Covid19 plan [Tourist Development Strategy 2016-2023, compiled by the Tourist Board] contained a proposal for a similar development on the Common [although it is noted that there is no indication that the Board had regard to the legal restrictions in place over Common land when making the proposal];
  - The amount of detail included in the application.
- 4.8 Executive Council specifically did not approve the recommendation that policy work is 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.
- 4.9 For this reason, the options proposed under this paper only relate to legal solutions potentially enabling the application to be authorised under the Stanley Common Ordinance 1999.
- 4.10 Executive Council also noted that development has been permitted on Stanley Common in recent years which appears to conflict with the purpose of public enjoyment of the Common as open space, and indicated that work should be done in the future “to allow for development of Stanley whilst ensuring open space is still available [to the public]”.
- 4.11 Executive Council has not determined how or when this work might be done. It is proposed that the Director of Policy, Economy and Corporate services is tasked with putting options to ExCo for resourcing and progressing this further work, in order that it can be given appropriate priority as determined by ExCo in due course.

#### *Previous grant/development of land under Stanley Common Ordinance*

- 4.12 The historical position on grant of land within Stanley Common is summarised here because it may be relevant to Executive Council’s decision making in terms of whether to approve the application and, if the application is approved, how to approve it.

- 4.13 The Stanley Common Ordinance 1963, which preceded the 1999 Ordinance recognised the existence of “The Common” but did not place legal restrictions on the land other than to prevent the disposal of rubbish on the land.
- 4.14 The Stanley Common Ordinance 1999 created a complete prohibition on the grant of any interest in land exceeding 3 years (excepting any grant of the land to the Museum and National Trust). But the Ordinance excepted from those provisions a number of areas of land within the Common which had been leased or sold to individuals before 1999 (as well as excepting some other land uses, eg by FIG for public services). A table is annexed to this paper which lists the exceptions.
- 4.15 It is notable that there have been no new areas of land leased on the Common since 1999.
- 4.16 The only land within Common sold since 1999 is the land sold at Moody Valley and Moody Brook under crown Grants numbered 1004 and 1021 respectively which were leased to the occupiers before 1999 (the Ordinance was amended to reflect those subsequent sales).

#### *Nature Reserve*

- 4.17 Also potentially relevant to Executive Council decision making is the fact that Stanley Common and Cape Pembroke Peninsula (which is within Stanley Common) is a nature reserve.
- 4.18 The area was made a wild animal and bird sanctuary in 1973 under the Wild Animals and Birds Protection Ordinance 1974. The sanctuary became a nature reserve under the Conservation of Wildlife and Nature Ordinance 1999.
- 4.19 This does not prevent the lease or sale of the relevant land.
- 4.20 However, it permits the making of regulations for the protection of the area as a national nature reserve (ordinarily an area of land under private ownership, lease or occupation could only become a nature reserve with the consent of the owner, lessee or occupier, but the land which is the subject of this application would remain a nature reserve under the Ordinance regardless of any decision to lease or sell it).

## **5 Analysis - Options**

- 5.1 There are a number of different types of option to be considered in relation to this matter:
1. Options relating to the legislation required to permit grant of the application;
  2. Options relating to the mitigation of a decision to permit the use and development of Stanley Common; and
  3. Options relating to consultation about the above matters.

## **5.2 Options for Legislative change to permit grant of the application**

5.2.1 The options to enable the application to be lawfully granted are:

**Option A:** amend the Stanley Common Ordinance 1999 to except the land from all the provisions of the Ordinance;

**Option B** amend the Stanley Common Ordinance 1999 to remove the land from the Common;

**Option C** (i) amend the Stanley Common Ordinance 1999 to enable the grant of an interest in the land to which the application relates; and

(ii) make regulations under the Stanley Common Ordinance which permit the proposed development (construction and operation of café and associated works);

***Option A: Except the land from the provisions of the Stanley Commons Ordinance 1999***

5.2.2 Section 8 of the Stanley Common Ordinance provides that:

“The provisions of this Ordinance shall not apply to those Crown Grants set out in Part I of the Second Schedule to this Ordinance”; and

“The provisions of this Ordinance shall not apply to those Crown Leases and other matters set out in Part II of the Second Schedule to this Ordinance for the periods indicated therein or for the periods of any renewals or extensions of occupation that may be reached between the Crown and the occupier”

5.2.3 This appears to have been interpreted in practice to mean that none of the restrictions under the Ordinance apply to the parcels of land listed in the Schedule to the Ordinance (ie neither the prohibition on grant of an interest in land, nor the prohibition on development).

5.2.4 The effect of this is that the parcels of land which have been *sold* under Crown Grant can effectively no longer be considered to be part of the Common even though they are, under the 1999 Ordinance, still within the boundaries of the Common.

5.2.5 In relation to parcels of land which are held under a *lease* (or licence) listed in the Schedule to the Ordinance, the effect has been varied:

(a) some of the land has reverted to ordinary Common land subject to the usual restrictions under the Ordinance (because the relevant lease or licence has expired or been surrendered);

(b) some leases (or licences) have been renewed or extended;

(c) some of the land previously leased has been the subject of sale under a Crown Grant (and the Ordinance has been amended to reflect that).

5.2.6 It is an option for the land which is the subject of this application to be excepted in the

same way from the provisions of the Ordinance; by amendment of the Ordinance (although development would still be subject to the usual requirements under the Planning Ordinance, and the land would still remain part of a nature reserve).

5.2.7 The application proposes the erection of a building to be used as a café with the benefit of the grant of a lease of the land of no less than 50 years, but with a preference for either a 99 year lease or a “lease to purchase” arrangement.

5.2.8 The options concerning lease and/or purchase are addressed in paragraph 5.2.

***Option A – Pros and cons***

5.2.9 The advantage of this option is that it follows an existing process used to enable the grant of an interest in, and development of, land on the Common.

5.2.10 The disadvantage of this option is that it may give a false indication that the relevant land remains part of the Common. Given the nature of the structure proposed, whilst it is possible for a lease to require the land to be restored to open space to which the public have a right of access at the end of the lease period, that seems an unlikely/unrealistic outcome.

***Option B: Remove the land from the Common***

5.2.11 An alternative solution to allow the lawful grant of the land would be to amend the Ordinance to change the boundary of Stanley Common; and to remove the relevant land from Stanley Common permanently.

5.2.12 This would enable FIG to dispose of the land in accordance with its usual policies and for the land to be developed without restriction under the Ordinance (although development would still be subject to the usual requirements under the Planning Ordinance, and the land would still remain part of a nature reserve).

***Option B: Pros and cons***

5.2.13 This option might be seen as the most transparent, ie because the proposal is to erect a permanent building the land will no longer be open space to which the public have a right of access, and it no longer realistically forms part of the Common.

5.2.14 A plan showing a revised boundary for the Common would need to be produced for inclusion in the amending Ordinance, although that is not anticipated to be a significant task.

***Option C: (a) amend the Stanley Common Ordinance 1999 to enable the grant of an interest in the land to which the application relates;***

***(b) make regulations under the Stanley Common Ordinance which permit the proposed development (construction and operation of café and associated works);***

5.2.15 Another solution would be to amend the Stanley Common Ordinance to permit the grant

of an interest in land, but to still require the regulation of development of the land through the Ordinance (ie by the making of Regulations under the Ordinance).

### ***Option C: Pros and cons***

5.2.16 This option might be perceived as providing greater protection to the relevant Common land, because in making Regulations under the Commons Ordinance to provide for the development of Common land, Executive Council would have to have particular regard to the purpose of the Ordinance and the limited circumstances in which development could be permitted.

5.2.17 However, making regulations would involve greater administrative burden, and arguably the same aims could be achieved through controls imposed by FIG as landowner and through the planning process.

### **5.3 Options for mitigation of a decision to permit the use and development of Stanley Common**

5.3.1 The options to mitigate the loss of open space to which the public have a right of access could include a mixture of the following:

**Option (i):** Only grant a lease of the land, not a purchase; enabling FIG to exert ongoing controls as landlord, and potentially enabling the land to revert to open space in the future;

**Option (ii):** Permit purchase of the land, but limit the future use of the land;

**Option (iii):** Permit purchase of the land, but replace the land lost by replacing it with other FIG land which would become part of the open space of the Common to which the public have a right of access;

**Option (iv):** Make regulations under the Conservation of Wildlife and Nature Ordinance to impose protections of the land as a nature reserve.

### ***Pros and cons of options (i) to (iv)***

5.3.2 Options (i) or (ii) could potentially be used to manage the future use of the land in a way which reduces the impact on the surrounding Common land. Annex 2 contains a summary of the type of conditions that could be imposed by way of a lease (ie Option (i)). Option (ii) would give less opportunity for future control of the land, but could limit type of future use of the land.

5.3.3 Option (iii) reflects the policy which has been provisionally approved under the Commons Ordinance 2017; albeit that Ordinance has not yet been brought into force. The policy anticipated that land could be removed from the Common for the purposes of development, provided it is replaced with land of the same size and similar in nature, ie recognising the finite nature of land and the value of guaranteeing public access to a minimum area of open space. At this stage no specific potential replacement land has been identified.

5.3.4 Regulations have never been made under the Conservation of Wildlife and Nature Ordinance 1999 to protect Stanley Common and Cape Pembroke as a nature reserve. However it might be considered that the position and nature of the land which is the subject of this application makes it particularly sensitive in terms of relevance to protecting the nature reserve (eg due to its proximity to wildlife breeding sites).

5.3.5 However, option (iv) is not recommended by the Environment Team pending a review of nature reserves. While no statutory regulations exist to protect the area, a Stanley Common Management Plan (2019–2024) was approved by Executive Council under ExCo Paper 53/19. This plan provides a framework for the management, conservation, and use of Stanley Common, including provisions relating to development. Although it does not have the force of law, its approval by ExCo grants it formal recognition as a guiding policy document, thereby offering a level of protection through governance and oversight without the enactment of specific regulations.

## **5.4 Options relating to consultation about the above matters**

5.4.1 There are a number of potential formats that a public consultation could take in relation to the proposed development and associated loss of publicly accessible land. Any consultation will need to assess the public's opinion on this issue, including the type and scale of development being proposed in relation to the extent of lost public access.

5.4.2 The following consultation options are presented for consideration, and **options 1 or 2 are recommended**:

### **5.4.3 Option 1 - Full comprehensive consultation**

An 8-week comprehensive public consultation process incorporating:

- Public drop-in sessions in Stanley
- A basic questionnaire, supplemented by the option for written submissions.
- Proactive media engagement including radio, print and online content.

Pros – Ensures maximum public awareness and participation, encourages informed opinions through accessible engagement formats, greater transparency in the decision-making process, allows nuanced feedback.

Cons – Requires more administrative resources and staff time, potentially delays decision making due to extended time frame, may generate expectations of influence that exceed the consultation's remit.

### **Option 2 – Intermediate (somewhere in between) consultation**

A smaller targeted consultation process lasting 4 – 6 weeks, incorporating elements of a full consultation.

Pros – balances public engagement with resource constraints, still provides meaningful public input, avoids the time commitment of a full consultation.

Cons – May be viewed as insufficient by stakeholders and/or the public, could lack depth of engagement of a full comprehensive consultation.

### **Option 3 - No public consultation**

Proceed without a separate public consultation process, relying solely on internal assessment.

Pros – most efficient in terms of time and resources, avoids raising public expectations, suitable in cases where public land loss is minimal.

Cons – could lead to perceptions of lack of transparency, risks public back lash, missed opportunity to gauge community sentiment or mitigate concerns.

## **6. Proposed timeline for consideration of application**

The following approximate timeline is suggested to guide the further work of considering this application:

Consultation takes place	Aug/Sept 2025
Analysis of consultation results	Oct/Nov 2025
ExCo considers application & consultation results	Dec 2025

*If application approved:*

Drafting of amending Bill (and Regulations?)	Nov/Dec 2025/Jan 2026
Bill submitted to ExCo for approval	Jan/Feb 2026
Bill submitted to LegAssy for approval	Feb/Mar 2026
Bill published and comes into force	Mar/Apr 2026
Disposal of land	Apr/May 2026

## **7. Resource Implications**

### **7.1 Financial Implications**

If application refused: no financial implications.

If approved, there would be either an annual rental income received under the terms of the lease, for the duration of the lease, or a purchase price received (see paragraph 5.4 of paper 200/24).

### **7.2 Human Resource Implications**

7.2.1 Progressing this proposal requires resources in Legal and Legislative Services, Environment Team, the Planning Team and Public Works Design Office. Legislative Assembly time would also be required for an amending Bill.

7.2.2 No additional resources are sought, but prioritising this proposal will necessarily impact on/delay other work/projects.

### **7.3 Other Resource Implications**

There are no other resource implications.

## **8. Legal and Legislative Implications**

- 8.1 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.
- 8.2 Amendment of the legislation would necessitate the preparation of a Bill to be brought before the Legislative Assembly, and Regulations may also be required.

**8.3 REDACTED**

**8.4 REDACTED**

**8.5 REDACTED**

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

The proposal details measures by which persons with impaired mobility might access the facility, and enjoy observing 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, have carried out a screening/scoping exercise which identified risks to the environment and considers if an environmental impact assessment is necessary. The full screening/scoping document is at Annex 3.

### ***10.2.1 Summary of the Environment Department’s screening/scoping opinion:***

The site for the proposed development is in an area that has some minor existing development (Road, Car Park, Toilet Block) and the land identified does not contain any rare or protected species. A walkover was completed in November 2024 and no protected or important species were recorded. Breeding birds use the surrounding area, however the small removal of this area for species such as geese is unlikely to have an effect.

### ***10.2.2 Areas of concern identified with mitigation measures:***

Parking is limited in the area, especially during the busy summer tourist season which could lead to parking on adjacent common land which may degrade vegetation and result in erosion. Mitigation - Ensure there is suitable hard-surfaced parking available for staff and visitors to the café so that parking does not occur on the adjacent Common. Do not rely on the new Yorke Bay or Gypsy Cove Parking spaces as an option for extended parking for the café.

Waste disposal – Mitigation- Ensure there are enough waste bins for amount of waste, Segregation of recyclable waste (tins/cans and glass) and that bin lids are not able to blow open in wind. Waste cooking oil needs to be disposed of by Stanley Services.

Sewage - would like some more details about the septic system to ensure there's no risk of pollution at the site and runoff to nearby beach where people like to enjoy and go swimming – Mitigation - Ensure septic tank is of appropriate design and size, regular inspection and emptying of septic tank.

If the mitigation measures suggested are adopted we are content that the development will not have a significant negative impact on the nature reserve or its biodiversity.

***10.2.3 We recommend that an Environmental Impact Assessment is not required. We recommend our concerns about parking, waste and sewage are addressed by planning conditions.***

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. But as set out above (paragraph 5.3.5), regulations are not recommended at this time.

## **11. Camp Implications**

There are no separate implications for Camp – Stanley Common is not generally considered part of Camp.

## **12. Significant Risks**

12.1 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 at the finite open public space on the Common.

12.2 Although Members have indicated that support of the application is not intended to create a precedent, there is the potential that others may see the approval of this application as an invitation to make further applications in respect of Stanley Common.

12.3 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.

12.4 Some of the risks could be reduced by consulting with stakeholders and the public as recommended, and, if the application continues to be supported following that consultation, by taking some of the mitigation measures suggested in this paper.

### **13. Publicity**

- 13.1 The recommended consultation would make information available about the proposals and options. Public feedback on the consultation should be provided as a matter of good consultation practice.
- 13.2 The applicants have also detailed plans to undertake a separate public consultation themselves, to explain their plan, and address any questions or concerns that might arise.

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

- 14.1 A preferred option for the substantive decision is not recommended at this stage.
- 14.2 Consultation prior to a final decision on the application is recommended to better understand the potential benefits and risks of the decision making on the application, whilst also providing the public with information about the application and the background to potential decision making on it.

## Annex 1

Land within Stanley Common excepted from the provisions of the Stanley Common Ordinance 1999						
Land sold (effectively no longer forming part of the Common)						
Doc. date	Doc. ref.	Land description	Buyer	Current owner	Date of latest sale	Comment
21/06/1985	Crown Grant 565	3.478 acres at Moody Valley	J Stephenson	J Stephenson & T Manu-Stephenson	09/07/24	Pre-existing house on site?
28/06/1991	Crown Grant 715	5 acres at Mullet Creek	H Alazia	S Luxton	13/04/07	Pre-existing house on site?
				A J & M Barlow	14/01/10	447sqm subdivision
				C Ampuero Ross	08/02/12	447sqm subdivision
06/02/1998	Crown Grant 884	1.25 acres	S P & S K Goss	Fortuna Limited	16/09/21	Old Filtration Plant
12/01/1998	Crown Grant 896	1,215sqm at Moody Valley	B Elsby & B Paver	B Elsby & B Paver		New build house
27/02/1998	Crown Grant 900	.506 acres at Moody Valley	D G Fiddes & J B Fiddes	D G Fiddes	02/06/03	Pre-existing building on site (stable)?
				S & C Miller	02/06/03	895sqm subdivision
				S Shillitoe (estate)	19/07/06	557.44sqm subdivision
25/01/2001	Crown Grant 1004 (Crown lease 222)	18 acres at Moody Valley	B Elsby & B Paver	B Elsby & B Paver		- Formerly leased, before 1999 - Use limited to agricultural purposes
				T Elsby	17/07/24	1,200sqm subdivision (proposed new build house)
17/10/2006	Crown Grant 1021 (Crown lease 231)	2,550sqm adjacent to the Brook, Moody Brook	D G Fiddes	D G Fiddes	06/02/08	- Formerly leased, before 1999
				S Shillitoe (estate)		893.5sqm subdivision
Land leased, or subject to relevant licence						
Doc. date	Doc ref.	Land description	Original occupier	Current position /occupier	Date of change	Comment
?	Crown Lease 161	1,725 acres at Mullet Creek	H Alazia	Surrendered	21/09/1999	Reverted to Common
?	Crown Lease 162	250 acres at Mullet Creek	H Alazia	Expired	30/06/2011	Reverted to Common
?	Crown Lease 199	780 acres at Mullet Creek	H Alazia	Surrendered	27/09/1999	Reverted to Common
01/07/1993	Licence	Summit of Mount William	K M Zuvic-Bulic	K M Zuvic-Bulic		- Use limited to non-exclusive use for radio aerial - Determines on notice
03/05/1998	Grazing Licence	4,560 acres at Moody Valley & various	C R May	Expired	03/05/2000	Reverted to Common
11/12/2001	Crown Lease 357	4.4 acres at Moody Brook	D G Fiddes & J B Fiddes	D G Fiddes		- Use limited to non-exclusive use for grazing
?	Crown Lease 401	15.8 acres S. Airport Road	M Davis & N Davis	Expired	2014	Reverted to Common

?	<i>Crown Lease 403</i>	<i>17.1 acres S. Airport Road</i>	<i>M Davis &amp; N Davis</i>	<i>Expired</i>	<i>2014</i>	<i>Reverted to Common</i>
16/03/07	Right of access in Crown Lease 417	Track from Moody Brook east to Fairy Cove	N Rowlands & D R Rowlands	Fortuna Limited	05/06/2013	
03/12/2024	Crown Lease 670 (formerly Crown lease 356)	4.4 acres at Moody Brook	D G Fiddes	DG Fiddes		- Previously leased - Use limited to gardens - Expires 02/12/2044
01/10/2024	Grazing Licence 60 (formerly Crown lease 379)	3,950 acres known as Mount Longdon Camp	N Watson	L Lowe		- Use limited to non-exclusive use for grazing - Expires 30/06/2029
Pending	Licence	Approx. 3,800sqm to the south of FIDF Ammunition Store	United Kingdom Research & Innovation (British Geological Survey)			Approved by ExCo in principle in December 2022 for non-exclusive use for Geomagnetic Observatory, but licence terms not yet finalised for approval

#### Other land/land use

Authorising legislation	Land use	Land description	Occupier			
SC Ordinance 1999	Disused Quarry	24.5 acres at Mary Hill	The Crown			
SC Ordinance 1999	Refuse Tip	8 acres at Eliza Cove	The Crown			
SC Ordinance 1999	Fire Training Area	3 acres adjacent to Stanley Airport	The Crown			
SC Ordinance 1999	FIDF Ammunition Store	Approx. 320sqm to the south of FIDF HQ	The Crown			

#### For completeness: Development authorised under secondary legislation made under the Stanley Common Ordinance 1999

Authorising legislation	Development authorised	Land description	Occupier
Murrell Farm Road Regs 2004	Road	Murrell Farm Road	The Crown
Mullet Creek Track Regs 2013	Road	Mullet Creek Track	The Crown
SC (Megabid Spoil Tip) Regs 2014	Spoil Tip	Adjacent to Megabid	The Crown
SC (Erection of Memorials) Regs 2014	Memorials	Various	The Crown/ various
SC (Cape Pembroke Road and lighthouse restoration) Regs 2015	Road and building works associated with lighthouse restoration	Cape Pembroke Road and land adjacent to lighthouse	The Crown and the Museum and National Trust
SC (Permitted Development) Regs 2021	Developments include: - FIDF Rookery Bay Range - Windfarm, Sand Bay - Water tanks, Sapper Hill	Various	The Crown

	<ul style="list-style-type: none"> <li>- Toilet block, Gypsy Cove</li> <li>- Car parks: eg Gypsy Cove, Mt Harriet</li> <li>-Various footpaths, fences, signs, benches etc</li> </ul>		
SC (Installation of Solar Energy Generation Systems) Regs 2022	Solar energy generation system	Adjacent to Sand Bay Windfarm	The Crown
SC (Spoil Tip) Regs 2024	Spoil Tip	Approx 32 acres south east of FIDF bunker	The Crown

**Summary/examples of conditions which might be imposed on lease of land to protect the surrounding Common land and wildlife:**

1. Conditions in connection with power and waste disposal - the leaseholder must:
  - provide power and water on-site
  - install a septic tank and empty it regularly
  - not allow anything to be done which may cause harm to surrounding area
  - take steps to prevent pollution or harm to wildlife through mismanagement of waste
  - safely store dangerous goods, eg fuel (and only if necessary)
2. Condition to limit the ability for the leaseholder to sell their interest in the land for a profit (ie any profit should be limited to direct operation of the business)
3. Condition requiring the land to be returned to its original state at the end of the lease (ie the building etc is removed)
4. Condition reflecting an agreed construction programme for the building works, enabling to ensure that the works are carried out as intended (and do not spill onto surrounding land)

# FIG ENVIRONMENTAL DEPT CHECKLIST FOR SCREENING AND SCOPING PROPOSED DEVELOPMENT

This checklist is used to assist with both the Screening and the Scoping Stages of the Environmental Impact Assessment. It is not a mandatory requirement, it is simply a tool to aid decision making.

It should be noted that this Checklist is not definitive and can be added to or further refined with use. Also, not all questions will be applicable to the development being assessed.

The checklist should be completed to identify which environmental issues are of potential concern and which are not. This is simply to say: yes, no or uncertain. Once the issues of potential concern are identified a judgement can then be made on whether the effects are likely to be significantly adverse. This information will help answer two questions:

- For Screening – is an EIA required?
- For Scoping – what issues must be covered in the EIA?

**It should be noted that the construction, operation and, where relevant the decommissioning, phases should be considered when using this checklist.**

**Please complete all fields and where no comments, please state 'No Comment'**

<b>Introduction</b>

<b>Proposed Development</b>
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**TO CONSTRUCT A CAFÉ AND ASSOCIATED GENERATOR/BATTERY STORAGE SHED at Yorke Bay – see attached information**

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
<b>General</b>				
Is the proposed development site within or close to a 'sensitive area' (i.e. Stanley Commons, Coastal Waters, designated or proposed Nature Conservation Area.	Yes – On Stanley Common NNR	Minor effect		
Would it affect a feature, habitat or species that is proposed, recognised or designated as being of international importance?	No			
Will the proposed development intensify existing uses?	Uncertain – has potential to increase visitors to the area	Uncertain		
Is the proposed development large scale?	No			
Does the proposed development have a number of components that may have been presented as separate planning applications?	No			

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
<b>Biodiversity</b>				
Would it affect protected species/mammal or its habitat?	No			
Would it affect protected endemic and native flora and fauna?	No			
Would it interfere with other wildlife conservation objectives?	Uncertain – The area is an NNR so the development may be inconsistent with site protection	Minor		
Would it introduce or encourage the spread of invasive species?	Uncertain – Possibility of spreading invasives from plant and materials, possibility of increase in rodent & feral cat population if waste is not dealt with appropriately	Minor	Biosecurity protocols and responding to any invasive species if they occur (e.g. trapping of rodents and feral cats)	Negligible
<b>Landscape and Visual Amenity</b>				
Will the development be visually prominent for example would the development sit on the skyline?	Yes – would be prominent from certain areas	Depends on materials and colours of development	Maintaining a low profile and choosing materials and colours for the building that helps blend into the surrounding landscape	
Would it affect a landscape of high quality?	Yes – would be prominent from certain areas	Depends on materials and colours of development	Maintaining a low profile and choosing materials and colours for the building that helps blend into the surrounding landscape	

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
Would it affect the views on to, or the visual amenity of a landscape nearby, particularly a nature conservation area, Stanley Commons and/or open green space or Coastal Waters?	Yes – would be prominent from certain areas	Depends on materials and colours of development	Maintaining a low profile and choosing materials and colours for the building that helps blend into the surrounding landscape	
Would it cause scarring or erosion of hillsides?	No			
<b>Cultural Heritage and Archaeology</b>				
Would it cause loss, disturbance to or damage to archaeology or heritage features?	No			
Would it affect the setting of a feature of heritage importance?	No			
Would any demolition of features, structures, buildings or remains be required?	No			
<b>Water Environment</b>				
Could it result in flooding or affect drainage?	Uncertain			
Would it lead to a significant increase in demand for water resources either temporarily during construction or permanently during operation/occupation?	No – however it is unclear how water will be sourced and stored as no mains water supply will be installed			

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
Could it lead to a deterioration in surface water flows, or groundwater availability, or quality of water?	Uncertain			
Would there be any direct or indirect discharges to watercourses or groundwater either temporarily during construction or permanently during operation/occupation?	Uncertain – more information is needed on grey and black water runoff			
<b>Air Quality and Green House Gas Emissions</b>				
Would it result in emissions that would affect local air quality?	No			
Would it generate greenhouse gas emissions?	No			
Would it generate dust?	Uncertain – the amount of parking areas are currently inadequate which may lead to parking on adjacent Common land, which may generate dust in dry seasons.			
Would it create odour?	Yes	Moderate	<ul style="list-style-type: none"> <li>• Septic tank is appropriately sized.</li> <li>• Regular inspection and emptying of septic tank</li> <li>• Waste bins emptied regularly</li> <li>• Appropriate ventilation system (extraction fans,</li> </ul>	

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
			filters and grease traps) to remove odours from cooking processes	
<b>Noise and Vibration</b>				
Would it affect nearby residents or other sensitive receptors including schools, hospital, known wildlife sites such as protected species or mammals habitat etc.?	No			
Would the development make use of potentially noisy activities during construction?	No			
Would the development lead to potentially noisy activities during operation/occupation including any equipment or plant which might be installed?	No			
<b>Would operating/opening hours be outside normal working hours?</b>	Uncertain			
<b>Would the development increase traffic significantly?</b>	Uncertain – but probably yes. Development is at the bottom of a hill which may cause a traffic hazard from vehicles entering and exiting the property and searching for parking.			
<b>Traffic and Access</b>				

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
Would the development lead to an increase in vehicle numbers, vehicle speeds or types of vehicles (e.g. heavier delivery vehicles) visiting the area during construction or operation/occupation?	Uncertain – could potentially increase vehicle numbers. Parking is limited in the area, especially during the busy summer tourist season.  Heavy vehicles already use the area	Moderate	Ensure there is suitable hard-surfaced parking available for staff and visitors to the café so that parking does not occur on the adjacent Common.  Do not rely on the new Yorke Bay or Gypsy Cove Parking spaces as an option for extended parking for the café	
Would it obstruct or divert footpaths temporarily or permanently?	No			
Would the development require a new access? If so include the details of the route?	No			
<b>Land use &amp; other Assets</b>				
Would it result in the loss of agricultural land or interfere with agricultural practices e.g. require temporary or permanent interruption of access to land?	No			
Would it result in erosion?	Uncertain – the amount of parking areas are currently inadequate which may lead to parking on the adjacent Common land, which may degrade vegetation and result in erosion		This can be mitigated by providing adequate parking areas with hard surfaces	
Would it displace residents?	No			

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
Would it lead to permanent or temporary increase in population e.g. during construction?	No			
Would it displace or interfere with local businesses?	No			
Would the development interfere with recreational or tourism uses – land-based and marine based activities?	No			
Would the development generate waste?	Yes	Moderate	Ensure there are enough waste bins for amount of waste Segregation of recyclable waste (tins/cans and glass) and that bin lids are not able to blow open in wind.	
Would the development generate special wastes?	Yes	Possible	Waste cooking oil needs to be disposed of by Stanley Services	
Would the development disturb potentially contaminated land?	No			
Could the development exacerbate rockfall potential or undermine rock stability?	No			
<b>Marine and Coastal Environment</b>				
Would the development affect the marine environment?	No			

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
Would the development be visible from the coastal waters?	Yes	Negligible	Choosing materials and colours for the building that helps blend into the surrounding landscape	
Would the development interfere with navigation?	No			
Would the development indirectly interfere with marine wildlife?	No			
Would the development lead to a change in coastal processes e.g. tidal flows, sediment movements and/or wave patterns?	No			
Would the development affect marine archaeology or geology e.g. the sites of wrecks or other underwater features?	No			
<b>Additional Issues</b>				
<b>Economic</b>				
Does the development have economic benefits to the to the resident, businesses and visitors on the Islands	Yes	Moderate positive impact– could increase tourists and visitors to the area – new local amenity for the resident population – encourage people to visit the nature reserve		
<b>Social</b>				

Topic Area	Yes / No / Uncertain	Significance of Potential Effect	Mitigation measures	Significance of Residual Effect
Does the development have social and inclusion benefits to the residents, businesses and visitors on the Islands	Yes	Moderate Positive impact		

### Summary and Conclusion of EO

The site for the proposed development is in an area that has some minor existing development (Road, Car Park, Toilet Block) and the land identified does not contain any rare or protected species. A walkover was completed in November 2024 and no protected or important species were recorded. Breeding birds use the surrounding area however the small removal of this area for species such as geese is unlikely to have an effect. If the mitigation measures suggested in the above screening are adopted we are content that the development will not have a significant negative impact on the nature reserve or its biodiversity.

We recommend that an EIA is not required. We recommend our concerns about parking, waste and sewage are addressed by planning conditions.

Date : \_\_\_\_\_

Completed by EO: Name \_ \_\_\_\_\_