



Falkland Islands Government

Planning Permission Subject to Conditions

**Falkland Islands Government
FAO Robert Miller
Argos House
Stanley**

Dear Sirs

Reference: 83.22.P

Description: Removal of FIPASS, to be temporarily positioned to the east or south of their current location in Stanley Harbour (to manage marine invasive species) and then scuttled at sea (alternative proposal to the dismantling of FIPASS on land as approved under planning permission reference 04.22.P) to the southwest of Lively Island near Shag Rock.

Address: The proposed site for re-ballasting of FIPASS barges is located immediately to the east of the existing FIPASS facility in Stanley Harbour. The proposed scuttling site is a marine area located south west of Lively Island near Shag Rock.

The Planning and Building Committee at its meeting on 7 December 2022 **granted planning permission** in accordance with the details set out in the above application. The development was found to be in accordance with the Policies and Proposals of the Falkland Islands Development Plan 2015, and there are no other material considerations with sufficient weight to justify a refusal of the application. In accordance with Section 40 of the Planning Ordinance 1991, **PLANNING PERMISSION has been GRANTED subject to the following conditions:**

Condition 1: Start Within Five Years

The development must begin within five years, starting from the date of this permission.

Reason: To comply with Section 49 of the Planning Ordinance 1991.

Condition 2: Approved Plans

The development shall be carried out in accordance with the details shown on the approved drawings dated stamped on 24 August 2022 (unless otherwise stated) and in accordance with the methodology detailed in the accompanying Environmental Impact Statement:

- PB7829-RHD-ZZ-ZZ-DR-Z-50 - Location Plan;
- BAS2051-RHD-MA-BA-DR-ME-00 - DISMANTLEMENT STRATEGY DRAWING;

- BAS2051-BNL-CE-QS-SK-W-0026 - ZONAL WORKING DIAGRAMS;
- BAS2051-BNL-CE-QS-SK-W-0028 - ZONAL WORKING DIAGRAM 3;
- BAS2051-BNL-CE-QS-SK-W-0029 - ZONAL WORKING DIAGRAMS SCENARIOS 3 & 4;
- BAS2051-BNL-CE-QS-SK-W-0031 - SURFACING PLAN FOR PHASE 2 INTERFACE;
- BAS2051-BNL-CE-QS-SK-W-0034 - ZONAL WORKING DIAGRAM 4;
- AS2051-BNL-CE-QS-SK-W-0043 - ZONAL WORKING DIAGRAM 5;
- BAS2051-BNL-CE-LS-SP-WA-0012 - Proposed Compound Areas: Area 9 - silt management;
- BAS2051-BNL-CE-LS-SP-WA-0013 - Stage Two Proposed Compound Areas: Area 9 - silt management;
- BAS2051-BNL-CE-LS-SP-WA-0014 – Stage Two Proposed Compound Areas: Area 9 - silt management;
- BAS2051-BNL-CE-QS-SK-W-0015 - BARGE POSITION PHASE 1: SHEET 1 of 2;
- BAS2051-BNL-CE-QS-SK-W-0016 - BARGE POSITION PHASE 1: SHEET 2 of 2;
- BAS2051-BNL-CE-QS-SK-W-0017 - BARGE LOCATIONS PHASE 2;
- BAS2051-BNL-CE-QS-SK-W-0027 - BARGE POSITIONS DISMANTLING OF CAUSEWAY SHEET 1 OF 2;
- BAS2051-BNL-CE-QS-SK-W-0033 - BARGE POSITIONS DISMANTLING OF CAUSEWAY SHEET 2 OF 2;
- BAS2051-RHD-ZZ-ZZ-FN-YE-5025 - Technical Note to present the proposed scope of survey and environmental impact assessment for scuttling;
- BAS2051-BNL-ZZ-ZZ-RP-YE-5021 - Environmental Impact Statement for scuttling of FIPASS;
- BAS2051-RHD-ZZ-ZZ-FN-YE-5032 - Non-Technical Summary of the Environmental Impact Assessment undertaken for scuttling of FIPASS;
- BAS2051-RHD-ZZ-ZZ-MS-YE-5033 - Planning Statement for Scuttling of FIPASS and working off barges methodology;
- BAS2050-BNL-ZZ-YYY-SP-WA-P03 - New Port Facility at the Falkland Islands Project Execution Plan;
- NPF-STAGE2-REV01 - NEW PORT FACILITY AT FALKLAND ISLANDS STAGE 2 CONSTRUCTION WORKS;
- BAS2051-BNL-ZZ-ZZ-FN-YE-5025 – Technical note to present the proposed scope of survey and environmental impact assessment for scuttling;
- BAS2051- RHD-MA-ZZ-FN-ME-5075 – Use of Repurposed FIPASS Barges for Construction - Technical Note on Navigation Issues;
- PB7829-RHD-ZZ-ZZ-MI-YE-5026 – Minutes of Meeting - Scope of environmental assessment for proposed scuttling; Date: 4th April 2022;
- PB7829-RHD-MA-ZZ-MI-ME-5076 - Minutes of Meeting -Barge Working Navigation Issues ; Date: 01/04/2022;
- SCUTTLING SITE BENTHIC BASELINE SURVEY REPORT - 18/08/2022 VERSION 2.0

Reason: To avoid doubt and to ensure the proposed development is carried out as approved.

Condition 3: Construction Works - Hours of Work

Prior to the start of the development hereby approved details of a protocol to be followed (including measures to ensure that disturbance to local residents is minimised and of communications with them) for any construction activities which would take place outside the hours of 7am – 7pm Monday to Saturday shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. Working outside of these core hours shall be for exceptional periods only, such as any construction and backfilling work on land. The protocol shall be implemented as approved until the approved development is completed.

Reason: In order to mitigate the impact of the construction period on amenity and with regard to Policies SP4 and TP12 of the Falkland Islands Development Plan 2015.

Condition 4: Construction Works – Construction Environmental Management Plan

Prior to the start of the development hereby approved a Construction Environmental Management Plan (CEMP) shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The CEMP shall include intended processes, controls, scope and where relevant, assurance measures proposed to address the following matters for the duration of the construction period (including, but not necessarily exclusively, the mitigation measures outlined in the Environmental Impact Statement as page referenced):

- a) disposal of foul water (EIS page 26);
- b) biosecurity good practice (EIS page 45);
- c) how invasive species will be dealt with including when dismantling and removing the existing FIPASS structure (EIS page 47);
- d) prevention of disturbance to breeding birds (EIS page 202);
- e) the finding of any rare plants on the site (including the carrying out of a further plant survey (preferably in spring) of the temporary construction sites before their use commences (EIS page 202);
- f) prevention measures for noise including proposed monitoring (EIS page 237);
- g) details for the provision of an acoustic barrier between the dismantling area and the Lighthouse Seafarers Mission;
- h) emissions and dust (EIS pages 247-253);
- i) odour control processes and minimisation intent (including for the surficial silt removal process);
- j) spill avoidance control procedures including bunding of fuel tanks and measures to deal with any incidents should they occur for construction activities only (EIS pages 21, 332 & 334);
- k) details of testing regime, surveys completed and controls proposed for any liquids to be discharged into the harbour including FIPASS ballast water (EIS page 332);
- l) details of testing regime, surveys completed and controls proposed and remediation measures of any other possibly hazardous waste (including materials from the geotubes);
- m) details of existing testing regime, surveys completed and controls proposed to avoid contamination to Stanley Growers irrigation pond (EIS page 333) from construction activities;
- n) potential contamination from the decommissioning of existing fuel lines and associated infrastructure (EIS page 334);
- o) statement of intent for minimising greenhouse gas emissions and monitoring processes proposed to record adherence (EIS page 364);
- p) external lighting for the construction activities and temporary construction site areas, such lighting to be removed immediately after the development works are completed;
- q) a schedule for the proposed timing of the removal of all wastes (including the dismantled FIPASS material, the sludge taken from FIPASS and the geotube contents) from the construction site areas to their intended final disposal sites; and
- r) measures to ensure that vessels follow the 'Cetacean code of conduct for the Falkland Islands'.

All operations and work during the construction period shall be undertaken in accordance with the approved CEMP.

Reason: In order to ensure that potential adverse impacts are suitably mitigated and with regard to Policies SP4, SP5, SP8 and TP12 of the Falkland Islands Development Plan 2015.

Condition 5: Construction Works – Construction Traffic Management Plan

Prior to the start of the development hereby approved a Construction Traffic Management Plan (CTMP) shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The CTMP shall include measures to address the

following (including, but not necessarily exclusively, the mitigation measures outlined in the Environmental Impact Statement as page referenced):

- a) the strategy for minimisation of traffic movements (EIS page 252 & 364); and
- b) the management of HGV traffic (EIS page 280).

All operations and work during the construction period shall be undertaken in accordance with the approved CTMP.

Reason: In order to ensure that potential adverse impacts are appropriately mitigated and with regard to Policies SP3, SP4, TP11 and TP12 of the Falkland Islands Development Plan 2015.

Condition 6: Construction Works – Construction Health and Safety Plan

Prior to the start of the development hereby approved a Construction Health and Safety Plan (CHSP) shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The CHSP shall include measures to address the following (including, but not necessarily exclusively, the mitigation measures outlined in the Environmental Impact Statement as page referenced):

- a) management of the potential impact of the proposed works to human health including from the dismantling of FIPASS (EIS pages 329-331);
- b) details of how materials which are of risk to human health will be managed and disposed of (including asbestos) (including EIS page 330-331); and
- c) a method statement of how any unexpected risks to health which may be encountered are to be dealt with (including unexploded ordinance).

All operations and work during the construction period shall be undertaken in accordance with the approved CHSP.

Reason: In order to ensure that potential adverse impacts are appropriately mitigated and with regard to Policies SP4 and TP12 of the Falkland Islands Development Plan 2015.

Condition 7: Construction Works – Marine Mammal Observation Plan

Notwithstanding the submitted details (including Appendix 7 of the Environmental Impact Statement):

- a) an updated/additional assessment of risk to marine mammals including use of up-to-date relevant data shall be made;
- b) a marine mammal observation protocol including mitigation for adverse effects shall be produced (including a 'soft-start' for piling at all times unless robust justification not to do this is provided); and
- c) evidence of consultation with Falklands Conservation on the production of a) and b);

shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government prior to the start of any part of the development hereby approved which would be in the harbour/water. The approved protocol shall be implemented in accordance with the approved details during all phases of the development hereby approved.

Reason: In order to limit the impact of the development on marine mammals and with regard to Policy SP5 of the Falkland Islands Development Plan 2015.

Condition 8: Construction Works – Construction Area for Silt Management

Prior to the start of the development/use of the area for silt management hereby approved full details of

- a) the methods to ensure that no contaminated material (including liquids) soak into the ground or are discharged to the harbour;
- b) the laying and subsequent removal of the connecting pipes, including to ensure that suitable access to the TDF is maintained; and
- c) on-site parking for workers;

shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The measures and details shall be fully implemented in accordance with the approved details (including any removal of pipes once not required) and the parking shall be provided at all times that this area is in use in connection with the development hereby approved.

Reason: In the interests of amenity and pollution prevention with regard to Policies SP4, SP5, SP8 and TP11 of the Falkland Islands Development Plan 2015.

Condition 9: Post-Construction Works – Construction of the Area 9 for Silt Management

Following the completion of the dismantling, removal and scuttling if the FIPASS hereby approved or the completion of the silt management activities on this designated area, whichever is the sooner, details for the restoration of this area to public open space including:

- a) the removal of surfacing and fencing;
- b) the re-contouring of the land;
- c) a strategy for contamination assurance testing together with a timetable for the submission and approval of full details of this (these full details to include provision for the implementation of any remediation measures which may be found to be needed) and a date for completion of such works;
- d) the provision of the coastal public footpath; and
- e) new planting;

together with a date for completion of these works shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The works shall be implemented as approved.

Reason: To ensure that the area is suitably restored to open space, in the interests of amenity, accessibility and ecology and with regard to Policies SP2, SP4, SP5 TP10, TP11 and TP12 of the Falkland Islands Development Plan 2015.

Condition 10: Construction Works – Slipway and Dismantling Area

Prior to the start of any development, due to the condition of the barges and other structures, if a slipway and associated dismantling area is required, full details of the slipway and dismantling area with all pollution prevention measures incorporated in the development and use of this area shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The approved measures shall be fully implemented at all times that this area is in use in connection with the development hereby approved.

Reason: In the interests of amenity and pollution prevention with regard to Policies SP4, SP5 and SP8 of the Falkland Islands Development Plan 2015.

Condition 11: Removal of FIPASS

Prior to the start of the development hereby approved details of the timing of the removal of the existing port facilities at FIPASS including the barges, causeway, gatehouse, dolphins (except the one to be used as a fire pumphouse platform) and redundant services shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The development shall be implemented in accordance with the approved details.

Reason: To ensure that the facilities to be replaced are removed in a timely manner, in the interests of amenity and with regard to Policies SP4 and TP12 of the Falkland Islands Development Plan 2015.

NOTE: *Details for the discharge of this condition for the Planning Permission Reference 04.22.P have been submitted for consideration and will be applicable to this permission in so far as this applies to this development.*

Condition 12: Coastal Footpath - Signage

Prior to the start of the development hereby approved details of signage and associated publicity for the public and port users for the coastal footpath, both when diverted and when in its permanent route, shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The details shall be fully implemented as approved.

Reason: In order to ensure that information is clear for pedestrians and cyclists, to promote safe travel routes and with regard to Policies SP4 and TP11 of the Falkland Islands Development Plan 2015.

NOTE: *Details for the discharge of this condition for the Planning Permission Reference 04.22.P have been submitted for consideration and will be applicable to this permission in so far as this applies to this development.*

Condition 13: Coastal Footpath – Constant Availability

The coastal footpath shall be available for use at all times in accordance with the following:

- a) the temporary diversion shall be put in place before any corresponding section of the current route becomes unavailable; and
- b) the permanent route shall be put in place in stages as soon as works allow.

Reason: In order to ensure constant provision of pedestrian and cycle routes and with regard to Policies SP4 and TP11 of the Falkland Islands Development Plan 2015.

NOTE: *Details for the discharge of this condition for the Planning Permission Reference 04.22.P have been submitted for consideration and will be applicable to this permission in so far as this applies to this development.*

Condition 14: Post-Construction Works - Biodiversity

Following the completion of the dismantling, removal and scuttling of the FIPASS and making good of all cleared area hereby approved details of measures to contribute to and improve the biodiversity of the site (including native planting, giving details of species, planting numbers/densities, size at time of planting and locations) together with a timescale for implementation shall be submitted to and approved in writing by Planning and Building Services, Falkland Islands Government. The approved measures shall be implemented in accordance with the approved timescale and shall be maintained as such thereafter.

Reason: In order to help off-set the impact of the construction works and the permanent reduction in open space and in the interests of amenity and ecology with regard to Policies SP4 and SP5 of the Falkland Islands Development Plan 2015.

Condition 15: Post Dismantling - Lighting

The external lighting for the area following dismantling and removal hereby approved shall be in accordance with the submitted details and no additional external lighting shall be provided without the prior written approval of Planning and Building Services, Falkland Islands Government.

Reason: In the interests of amenity and with regard to Policies SP4, SP5, SP8 and TP12 of the Falkland Islands Development Plan 2015.

INFORMATIVE

You are advised that in respect of **Condition 10 (Construction Works – Slipway and Dismantling Area)** should it be necessary to construct a slipway and dismantling area, detailed condition assessment of the barges, pontoons and other structures and its justification should be provided to the Planning and Building Services either with the application for the discharge of this condition or before any construction work begins for the slipway and dismantling area that is the subject of this condition.

This is an important legal document that may need to be produced, for example, if you decide to sell your property. It should therefore be safely stored.

Most approvals are subject to conditions and these are listed on this planning permission and must be complied with. Non-compliance could result in the Government taking enforcement action. Some conditions may require additional information to be submitted to this department prior to the starting of any works, whilst others are for the life of the development. If you are uncertain about any of the conditions attached to your permission, please contact Planning and Building Services at the details below.

Signed



Ismail Mohammed
Head of Planning and Building Services

Date: 13/12/2022

Planning and Building Services P.O. Box 611 Stanley Falkland Islands +500 28480 clerk@planning.gov.fk
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Appeals to the Governor (in Executive Council)

THESE NOTES DO NOT APPLY IF THE DECISION IS SIGNED BY, OR BY DIRECTION OF, THE GOVERNOR OR IF THE CROWN IS THE APPLICANT

1. If you are dissatisfied with the decision to refuse permission or to grant it subject to conditions you have a right to appeal to the Governor (in Executive Council).
2. To appeal you must fill in a form which you can obtain from the Clerk of the Legislative Assembly, Gilbert House, Stanley (clerkofassembly@sec.gov.fk). Usually you must return the completed form within 28 days of the date of the decision notice but the Governor can grant you a longer period of time.
3. You should submit your grounds of appeal in writing including your full evidence/case when you return the appeal form to the Clerk of the Legislative Assembly.
4. The Clerk of the Legislative Assembly will then pass your grounds of appeal and full evidence/case to the Planning & Building Service (PBS), giving them 28 days (or such longer period as agreed by the Governor) to comment and prepare the case on behalf of the Planning and Building Committee.
5. At the same time the Clerk of the Legislative Assembly will write to the persons who made representations on the original planning application with the grounds of appeal giving them 28 days, or such longer period as agreed by the Governor, to make comments on the appeal.
6. The PBS's evidence is then passed to you, giving you 28 days or such longer period as agreed by the Governor to make any further comments.
7. At the same time any third-party evidence will be passed to you and to the PBS for comment, giving 28 days or such longer period as agreed by the Governor, to make any comments; and all evidence is submitted to the Planning and Building Committee for its comments, with any comments submitted to the Clerk of Councils within 5 working days of the date of the Committee.
8. The Clerk of Councils then submits the following to Executive Council:
 - The original planning application file including the application form, plans, decision notice, committee report, committee minutes, objection letters, etc;
 - The appellant's grounds for appeal and full evidence/case;
 - The PBS's evidence/case;
 - Any further representations made by those who originally commented on the planning application;
 - Any further comments by the appellant and PBS; and
 - Any additional comments by the Planning and Building Committee.
9. Executive Council then considers the appeal. If you wish to make oral representations to this meeting please refer to the separate public speaking guidance notes.