

## EXECUTIVE COUNCIL

### CONFIDENTIAL

**Title of Report:** Cape Pembroke Road Regulations

**Paper No:** 80/15

**Date:** 22 April 2015

**Report of:** Head of Policy, Environmental Officer and Head of Environmental Planning

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#### 1.0 Purpose

- 1.1 The purpose of this report is to present to Executive Council draft legislation to support the construction of a road to Cape Pembroke within the Stanley Common National Nature Reserve.

#### 2.0 Recommendations

Executive Council is recommended to approve —

- (a) The making of regulations under the Stanley Common Ordinance to allow the construction of an all-weather road to the Cape Pembroke Lighthouse (which includes a car park);
- (b) Submission of the regulations to the Legislative Assembly to enable the regulations to be given effect.

#### 3.0 Additional Budgetary Implications

- 3.1 None.

#### 4.0 Background

- 4.1 The Friends of Cape Pembroke Group which was formed in 2013 wrote to FIG in February 2014 requesting improvements to the management of Cape Pembroke. One of their requests was for a road to be built to the Cape Pembroke Lighthouse to reduce driving pressure on the area.
- 4.1 Executive Council agreed to the construction of an all-weather track to Cape Pembroke Lighthouse in June 2014 (Paper 102/14). This was referred to Select Committee who approved funding for the road from the 2014/15 budget.

- 4.2 Planning permission, including the submission of a detailed development proposal for the Cape Pembroke Road, was sought by FIG PWD and was approved in December 2014. There were no objections or comments from the public on the development.

## **5.0 Importance of Cape Pembroke**

- 5.1 Cape Pembroke peninsula contains a wide range of habitats including mobile and stabilised dunes with both native and introduced vegetation, species-rich dune slacks, marshy grassland, attractive sand beaches, bays and rocky coves. This diverse range of habitats makes the peninsula important for associated flora and fauna, including a number of rare and protected bird and plant species. However there are also large areas that have been eroded to bare rock, sand or peat through both natural processes and exacerbated by past land-uses.
- 5.2 Cape Pembroke holds 66 native plants, 6 of which are protected, 4 endemics and 21 habitat types which support a diverse range of 28 breeding bird species. The areas hold sizable populations of globally rare species, including Spider flower and Pale Yellow Orchid and the site is important for the Duson's Moonwort. The Cape Pembroke Peninsula is recognised as an internationally Important Plant Area (IPA), and is the only area on east Falkland recognised as such.

## **6.0 Road details**

- 6.1 A site visit was carried out by PWD Design Section on the 8th October 2014 with Andy Stanworth and Mike Morrison from Falklands Conservation, and Stephen Butler and Nick Rendell from the Environmental Planning Department. The visit was to identify and mark the preferred route which avoided the areas of high diversity but also an interesting route that permitted access to the beaches, dunes and grassland along the north coast of the Cape Pembroke peninsula.
- 6.2 Based on the site visit it was agreed that a route following the northern margins of the Cape along the denuded area will have the least effect on the area. The rocky denuded area will provide an easier platform to construct the track.
- 6.3 The northern route will also allow access to the north coast beaches and for future demining works as both remaining mined areas are almost immediately adjacent to the proposed route.
- 6.4 The proposed track will be 2.93 km in length, stretching from the east end of Stanley Airport and ending in a car park which will hold up to 20 vehicles adjacent to the fence at Cape Pembroke Lighthouse. It will be 3m wide with nine passing places. It follows the contour along the north coast of Cape Pembroke and largely follows an existing off-road track along this coast.

- 6.5 The track will be constructed using crushed material and laid on soil reinforcement (geotextile) where required to improve the substrata at soft areas.
- 6.6 There are several water courses and natural ditches along the route and using a combination of small culverts and large sized road base, the flow of water down the slope can be sustained.
- 6.7 The route towards the east end will follow the existing tracks on the sand dunes. The track at this location will require improvement using soil reinforcement (geotextile) combined with free draining crushed rock. The free draining crushed rock will allow rain water to drain through the substrata without necessitating ditches to direct the flow of water.

## **7.0 Regulations**

- 7.1 The attached regulations provide for the construction of a road and a car park within the Common that will provide access to Cape Pembroke as provided for under section 10(c) (i) and (ii) of the Stanley Common Ordinance.
- 7.2 Section 10 further provides that the regulations shall not have any effect until they have been approved by a resolution of the Legislative Assembly so *regulation 2* provides that the regulations will come into force on publication in the *Gazette* of the notification of their approval by resolution of the Legislative Assembly.
- 7.3 *Regulation 3* deals with interpretation.
- 7.4 *Regulation 4* provides the permission for the Public Works Department to construct a road within the Common and further provides for the purpose of the road.
- 7.5 The proposed road is set out in the Schedule to the regulations.

## **8.0 Financial Implications**

- 8.1 Funding for the road was approved in the 2014/15 budget.

## **9.0 Legal Implications**

- 9.1 The Stanley Common Ordinance (Title 34.5) makes it an offence to carry out or cause to be carried out any developments within the Common unless that is provided for within the Ordinance or regulations made under it. Under section 10 the Governor is allowed to make regulations for various things including permitting developments for different things within the Common.
- 9.2 Section 10(c) (i) permits development of areas of the Common for amenity purposes, this covers the construction of a car park. Section 10(c)(ii) specifically allows the making of regulations to permit road construction. The

attached regulations authorise the Public Works Department to construct a road and a car park within the Common.

#### **10.0 Human Resources Implications**

None. TBC

# Appendix 1 Proposed Cape Pembroke Road route



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**SUBSIDIARY LEGISLATION**

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**ENVIRONMENTAL PROTECTION**

**STANLEY COMMON (CAPE PEMBROKE ROAD) REGULATIONS 2015**

S. R. & O. No.                      of 2015

*Made: ..... 2015*

*Published: ..... 2015*

*Coming into force: on publication*

I make the following regulations under section 10(c)(i) and (ii) of the Stanley Common Ordinance (No. 9 of 1999) on the advice of Executive Council.

**1. Title**

These regulations are the Stanley Common (Cape Pembroke Road) Regulations 2015.

**2. Commencement**

These regulations come into force on publication in the *Gazette* of the notification of the approval of them by resolution of the Legislative Assembly.

**3. Interpretation**

In these regulations —

“the Cape Pembroke road” means the road (including a car park) to be constructed within Stanley Common running *from the east end of Stanley Airport* to the fence at Cape Pembroke Lighthouse as shown in the diagram appearing in the Schedule to these regulations.

**4. Permitted development for road and car park construction**

(1) The Public Works Department is permitted to carry on works, operations and any associated activities as are necessary to construct the Cape Pembroke road and a car park within Stanley Common.

(2) The purpose of the road and car park construction is —

- (a) to protect the Cape Pembroke area which is a designated nature reserve;
- (b) to grant access to Cape Pembroke through a designated road so as to reduce driving pressure on the wider area; and
- (c) to provide a designated parking space.

## SCHEDULE CAPE PEMBROKE ROAD ROUTE



Made

2014

Colin Roberts C.V.O.,  
Governor.

### EXPLANATORY NOTE (not part of the regulations)

Section 10(c)(ii) of the Stanley Common Ordinance (No. 14 of 2010) allows the Governor to make regulations permitting development of areas of the Common for the purposes of road construction. Paragraph (c)(i) permits developments of areas within the Common for amenity purposes.

These regulations provide for the construction of a road within the Common that will provide access to Cape Pembroke as well as a car park.

Section 10 further provides that the regulations shall not have any effect until they have been approved by a resolution of the Legislative Assembly so *regulation 2* provides that the regulations will come into force on publication in the *Gazette* of the notification of their approval by resolution of the Legislative Assembly.

*Regulation 3* deals with interpretation.

*Regulation 4* provides the permission for the Public Works Department to construct a road and a car park within the Common. It further provides for the purpose of the road and the car park.