



Submitted:

Department of Planning

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REVIEW

THE BERMUDA PLAN 2008 - DRAFT

## Overview

The Draft Bermuda Plan 2008 lays out Bermuda's future land use and planning policies intended to guide development in a way that meets the needs of the island up to the year 2015. The Plan was published June 6, 2008, and was subject to a 4-month period of public consultation which ended October 3, 2008. During this period objections or representations could be made with regard to the Plan and its policies. Following this period, the Department of Planning will review and attempt to resolve all objections. Any not reaching resolution will be determined by the Draft Bermuda Plan 2008 Tribunal.

The Plan consists of 89 Zoning Maps which designate all land in Bermuda, with the exception of the City of Hamilton, into four zoning types:- Development Base Zones, Conservation Base Zones, Conservation Areas and Protection Areas. The Plan also consists of a Planning Statement which sets out the accompanying policies that the Development Application Board must apply when considering the outcome of a Planning Application.

In 2006, the Bermuda National Trust carried out a comprehensive review of the effectiveness of Bermuda's preceding development plan, the Bermuda Plan 1992, in protecting Bermuda's natural and historic areas. This review (available on our website [www.bnt.bm](http://www.bnt.bm)) was submitted to the Department of Planning for their consideration when drafting the new development plan for the island.

We have reviewed the Draft Bermuda Plan 2008 - Planning Statement to determine if our 2006 recommendations have been adopted and to assess how the policies contained within it serve to conserve Bermuda's valuable natural and historic areas and to manage and balance Bermuda's natural and built environment in a sustainable way.

As steward for over 230 acres of land and more than 70 buildings, this new plan has major implications for the National Trust. We have reviewed the Draft Bermuda Plan 2008 to determine how our properties could be affected both positively and negatively.

## Zoning Maps

In the process of reviewing the Zoning Maps we have submitted seven objections which request changes to the designations of National Trust properties or properties that we are in the process of acquiring and one third-party objection. These include:

### *Bermuda National Trust owned properties:*

#### **1. The Unfinished Church, Government Hill Road, St. George's**

The Bermuda National Trust is the tenant of the Unfinished Church and surrounds. Our lease for this property expires October 16, 2040. Our intention for the Unfinished Church during this period is to maintain and preserve it as a historical monument, provide access to the general public and to use it as a venue for weddings and other cultural, historical or theatrical events.

Under the draft Bermuda Plan 2008 (Map 49) the Unfinished Church has been designated a Recreation Conservation Base Zone. The Bermuda National Trust has requested that the Recreation Base Zone be removed and an Open Space Reserve Base Zone or Park Conservation Base Zone be applied to better reflect the current use of the property.

#### **2. St. David's Burial Ground, Emily's Bay Lane, St. David's**

The Bermuda National Trust maintains this cemetery as a historic monument and has no intention of developing the site other than for the purpose of its continued preservation.

Under the Draft Bermuda Plan 2008 (Map 56) this area has been zoned as a Residential 2 Development Base Zone and a Woodland Reserve Conservation Area. The Bermuda National Trust has requested that a Historic Protection Area be applied to the perimeter of the cemetery for the purpose of protecting the site.

#### **3. Butterfield Nature Reserve South, Point Shares Road, Pembroke**

The Bermuda National Trust maintains this land as a nature reserve and will never develop this area other than for the purpose of improving, maintaining, preserving or enhancing the character of the woodland and agricultural areas and by providing access to the general public.

Under the draft Bermuda Plan 2008 (Map 34) the western lot of the reserve has been zoned as a Nature Reserve Conservation Base Zone, Residential 2 Development Base Zone, Woodland Reserve Conservation Area and Agricultural Reserve Conservation Area. The Bermuda National Trust has requested that the Residential 2 Development Base Zone be removed and a Nature Reserve

Conservation Base Zone be applied to the entire lot to better reflect the use of the property. We have asked that the Agricultural Reserve Conservation Area be retained.

#### **4. Paget Marsh Nature Reserve East & Lammermuir, 119 South Road, Paget**

The Bermuda National Trust maintains Paget Marsh as a nature reserve that will never be developed other than for the purpose of improving, maintaining, preserving or enhancing the character of the nature reserve and providing access to the general public. Currently, the cottage Lammermuir, which dates from the late nineteenth century, is rented as a residence. We have no intention of developing the cottage other than for the purpose of its continuing maintenance.

Under the Draft Bermuda Plan 2008 (Map 39) this area has been zoned as a Residential 2 Development Base Zone, Woodland Reserve Conservation Area and Agricultural Reserve Conservation Area. The Bermuda National Trust has requested that the Residential 2 Development Base Zone be removed and an Open Space Conservation Base Zone be applied to 119 South Road and its immediate surrounds and a Nature Reserve Conservation Base Zone applied to the remainder of the lot to better reflect the use of the property. We asked that the Agricultural Reserve Conservation Area be retained.

### ***Properties the Bermuda National Trust is in the process of acquiring:***

#### **5. Blink Bonnie - Vacant Lots 2, 3 & 4 off North Shore Road/Somers Hill Road, Hamilton Parish**

The Bermuda National Trust and the Bermuda Audubon Society have entered into a Sales and Purchase Agreement for this property as part of Round Two of the Buy Back Bermuda Campaign. Our intent is to maintain and preserve the site as a nature reserve and to provide access to the general public.

Under the Draft Bermuda Plan 2008 (Map 69) this area has been rezoned as an Open Space Reserve Conservation Base Zone, Residential 2 Development Base Zone and a Woodland Reserve Conservation Area. The Bermuda National Trust has requested that Conservation Base Zone Open Space Reserve, Development Base Zone Residential 2 and Conservation Area Woodland Reserve be removed and Conservation Base Zone Nature Reserve be applied to all three lots to better reflect the intended use of the property.

#### **6. Skroggins Hill, Evan's Bay Pond and Surrounding Open Space, Southampton**

This land is currently in the process of being conveyed jointly to the Bermuda Audubon Society and the Bermuda National Trust. The Voluntary Conveyance has been executed and we anticipate being in possession of the Deeds during October. Again, our intention for this property is to maintain and preserve the site as a nature reserve and to provide access to the general public.

Under the draft Bermuda Plan 2008 (Map 15) this area has been zoned with Conservation Base Zones Open Space Reserve, Coastal Reserve, Nature Reserve and the Conservation Area Agricultural Reserve. We have

requested that the Conservation Base Zone Nature Reserve be applied to the entire site and the Conservation Area Agricultural Reserve be retained to reflect the intended use of the property.

### **7. The Hamptons - 5.13 acres of woodland bordering South Road and Lighthouse Road, Southampton**

The Bermuda National Trust has entered into a Sales and Purchase Agreement for this property. Our intention is to maintain and preserve the land as a nature reserve and to provide access to the general public. Under our ownership, this land will not be developed other than for the purpose of improving, maintaining, preserving or enhancing the character of the nature reserve or to provide access to the general public.

Under the draft Bermuda Plan 2008 (Maps 23 & 24) this area has been zoned as Conservation Base Zone Open Space Reserve and Conservation Area Woodland Reserve. The Bermuda National Trust has requested that Conservation Base Zone Open Space Reserve and Conservation Area Woodland Reserve be removed and Conservation Base Zone Nature Reserve be applied to the entire site to reflect the intended use of the property.

#### ***Third party objection:***

### **8. Southlands Estate, 65 South Road, Warwick**

On April 2, 2008, the Bermuda Government announced that a land-swap had been agreed with the owners of the 37-acre Southlands Estate in exchange for 80 acres of Morgan's Point and additional concessions. The Bermuda National Trust understood that the exchange was so that the 37-acre Southlands Estate would be preserved in a relatively undeveloped state and made accessible to the general public.

Under the draft Bermuda Plan 2008 (Map 44) this area has been zoned with the Development Base Zones Tourism and Residential 1, the Conservation Base Zones Open Space Reserve and Coastal Reserve and Conservation Areas Woodland Reserve and Agricultural Reserve.

The Bermuda National Trust had hoped to have received confirmation that that the 37-acre Southlands Estate was to be turned in to a public park for everyone in Bermuda to use and enjoy and are saddened that this has not yet occurred. Also, no confirmation has been received that the land-swap agreement has been executed. As such, the Bermuda National Trust has requested that the Residential 1 and Tourism Development Base Zones be removed and a Conservation Base Zone, such as Park, be applied to the entire site to reflect the intention of the land-swap.

## The Planning Statement

The Bermuda National Trust has completed a four month review of the Draft Bermuda Plan 2008 - Planning Statement to assess how the policies contained within it serves to conserve Bermuda's valuable natural and historic areas and to balance and manage Bermuda's natural and built environment in a sustainable way.

The Planning Statement consists of 10 Sections and 36 Chapters which include the rationale, objectives and policies for each chapter.

**Following our review the Bermuda National Trust submitted objections, requests for amendments/clarifications and made positive representations on a total of 81 policies.**

Of these, 24 submissions were supportive representations. The Bermuda National Trust felt it important to make positive representations on policies that we support, so that if an objection was made against that same policy by another party the Bermuda National Trust would be on record as supporting it, providing the opportunity for further input. Examples include support for policies requiring development setbacks from sensitive areas, the provisions for Environmental Impact Statements, allowing sub-divisions for the purpose of donating land to a conservation charity, the requirement of Traffic Impact Statements, provision for sewage treatment facilities etc.

We also submitted 44 requests for amendments or clarifications. Examples include a request for maximum site coverage limits to be set for permitted development in a Conservation Area or Conservation Base Zone and a request that terms such as "large-scale" or "major" be quantified when we felt that the policy could have a bearing on the historic or natural environment. In addition, we asked that policies be amended to ensure that the relevant Government/Statutory/Advisory body be asked to provide input with regard to Planning Applications that could have a detrimental impact on the historic or natural environment. Our input also included recommendations such as the formation of an Environmental Impact Advisory Body (similar in capacity to the Historic Buildings Advisory Committee or the Advisory Architectural Panel) that could assist in assessing the potential impact of Planning Applications that require the submission of an Environmental Impact Statement by reviewing the content and providing comments and advice to the Development Applications Board. We also submitted that criteria and guidance notes should be made available to developers and decision makers as to how energy efficiency can be achieved when designing or assessing a building proposal.

Finally, we submitted 13 objections to policies that we strongly oppose. Such objections included policies that provide for a detached house to be built where there is an existing lot in an Open Space Reserve, Woodland Reserve or Agricultural Reserve and no Development Zoning. We also objected to

policies that allow for tourism accommodation in a Recreation Conservation Area, or Utility development to be built in any Conservation Zone, Conservation Area or Protection Area.

Please see on the following pages all the National Trust submissions with respect to the Draft Bermuda Plan 2008 - Planning Statement. To cross reference these submissions with the policies of the Planning Statement please go to:

<http://www.planning.gov.bm/Documents/Bermuda%20Plan%202008/Bermuda%20Plan%202008%20Planning%20Statement.pdf>.

### **Chapter 3: The Zoning Maps (ZON)**

#### ZON.9 - Development Base Zone and Conservation Base Zone or Conservation Area

The Bermuda National Trust understands that the two previous Planning Statements contained provisions to ensure that development lots were created in a manner to provide adequate development areas, beyond the boundaries of Conservation and Protected Areas, so that any subsequent development would not injure the natural environment. We appreciate that lots were in existence prior to these policies and that land zonings have changed justifying policy sub-paragraph (3). Despite this, not knowing how many acres of Conservation Areas and Conservation Base Zones that sub-paragraph (3) would be applicable to, the National Trust feels that this policy should be removed. Alternatively, if this was not possible, we ask that strict definitive criteria be put in place to define when this policy would be applicable, such as only for lots in existence prior to the 1983 Development Plan, be included in this policy. In addition, as provided in the Statement multiple times, the protection of a Conservation Area and Conservation Base Zone are given priority over the policies of a Development Base Zone and as such, proposals that fall under sub-paragraph (3) should not exceed a specified maximum site coverage (to include hard surfacing) established to minimise any adverse impact on the Conservation Base Zones and Conservation Areas.

#### ZON.11: Special Provisions for existing lots in Open Space Reserve, Woodland Reserve and Agricultural Reserve

The Bermuda National Trust understands that the two previous Planning Statements contained provisions to ensure that development lots were created in a manner to provide adequate development areas, beyond the boundaries of Conservation and Protected Areas, so that any subsequent development would not injure the natural environment. We appreciate that lots were in existence prior to these policies and land zonings have changed which have led to this Special Provision to allow for the approval of a detached house on these zonings. Despite these, taking into account that we are unable to know how many lots fall under this provision, we submit that this policy be removed. If this is not possible we propose that strict definitive criteria as to when this policy would be applicable, such as only for lots in existence prior to the 1983 Development Plan, be included in this policy. We also submit that sub-paragraph (3)(a), stipulating that no development be permitted that exceeds a site coverage of 3,600 sq. ft., be amended so that the permitted site coverage is lowered.

### **Chapter 4: Development Applications Board and Advisory Boards (DAB)**

#### DAB.6: Historic Buildings Advisory Committee (HBAC)

The Bermuda National Trust feels that all proposals that meet the criteria set out in DAB.6 (a-b) should be required to be sent to HBAC for comment and propose that "may" be removed and "shall" inserted.



#### DAB.8: St. George's Preservation Authority

The Bermuda National Trust feels that all proposals that meet the criteria set out in DAB.8 (a) should be required to be sent to the St. George's Preservation Authority for comment and ask that "may" be removed and "shall" inserted.

#### DAB.9: National Parks Commission

The Bermuda National Trust fully support the policy that requires that the National Parks Commission be requested to provide comments and advice to the Board regarding any proposal located within Class A or Class B Protected Areas.

## **Chapter 5: Planning application considerations (APC)**

#### APC.9: Statutory Undertakers

The Bermuda National Trust understands the requirement for such a policy, however, are concerned that such a provision has led to unnecessary environmental damage, a recent example being the realignment of Duck's Puddle Drive by the highways authority through Wilkinson Memorial National Park without the benefit of Planning Permission or approval from the National Parks Commission. We feel that everyone would benefit if such Authorities were required/encouraged to seek consultation from the relevant Government Agencies/Advisory Bodies, in particular if such a site is subject to a Conservation Area, Conservation Base Zone or Protection Area, to ensure that avoidable damage did not occur and to make certain that all potential alternative solutions are ruled out.

#### APC.17: Relaxation of minimum setback

The Bermuda National Trust feels that sub-paragraph (b) should be amended to ensure that all proposals seeking to relax the minimum setbacks from a neighbouring property be required to submit an approval letter from the affected neighbouring land owner, or satisfactorily demonstrate that they have attempted to inform the owner of the neighbouring property.

#### APC.18: Setbacks from Conservation Base Zones and Conservation Areas

Sub-paragraphs (1)(a)(b)(2)(a) - The Bermuda National Trust fully supports this policy restricting development 15 ft. from the boundaries of a Nature Reserve, Park or Recreation Base Zone and that the Board has the discretion to increase these setbacks. However, we feel that sub-paragraph (2)(b) is not warranted and that roads should not be permitted within 15 ft of Conservation Base Zones or Conservation Areas.

#### APC.19: Setbacks from Conservation Base Zones and Conservation Areas

The Bermuda National Trust fully supports this policy providing a setback of 15 ft. of development from the boundary of Woodland Reserve and Agricultural Reserve Conservation Area's boundaries.

#### APC.20: Setbacks from Conservation Base Zones and Conservation Areas

The Bermuda National Trust does not feel that an option to reduce the development setback from Nature Reserve, Park or Recreation Base Zones and Woodland Reserve and Agricultural Reserve Conservation Area's boundaries should be provided and submit that this policy be removed.

## **Chapter 6: Environmental Analysis (ENV)**

### General: Environmental Analysis

The Bermuda National Trust feels an Environmental Impact Advisory Body, similar in capacity to the Historic Buildings Advisory Committee or the Advisory Architectural Panel, be established so that when a proposal requires the submission of an Environmental Impact Statement such a body be asked to review the content and provide comments and advise the Board to assist them in making their decision.

### ENV.4: Environmental Impact Statement

The Bermuda National Trust feels that all proposals that meet the criteria set out in ENV.4(a-m) be required to submit an EIS, and that "may" should be removed and "shall" inserted. In addition we are of the opinion that sub-paragraph (a) requires a significant number of dwelling units, 20, for an EIS to be warranted. We are of the opinion that a development of even half that number of dwelling units, 10, could be considered, by Bermuda standards, to be a "large scale" development and submit that this condition be reduced. Similarly sub-paragraph (b) defines a large scale sub-division to be the creation of 10 or more lots. Once again we submit that a subdivision of even 5 lots could be considered "large scale" by Bermuda standards and submit that this condition be reduced. Sub-paragraph (c) sets the requirement of an EIS as a 'major' hotel development. We feel that this is not specific and needs to be defined using a relevant square footage or number of bedrooms. Similarly, for sub-paragraphs (l), (j) and (k) we feel the term 'major' needs to be defined and measures applied.

### ENV.5: Environmental Impact Statement

The Bermuda National Trust supports this policy and in particular, wishes to commend the Department of Planning for making available Environmental Impact Statement guidance notes to developers as sited in sub-paragraph (h).

## ENV.6, 7 & 8: Conservation Management Plan

The Bermuda National Trust fully supports these policies and asks that provision be made in this section to ensure that Conservation Management Plans be submitted to the Department of Conservation Services or other such relevant agency for review and to provide comment and advice to the DAB.

## **Chapter 7: Subdivision (SDV)**

### SDV.10: Subdivision affecting Conservation Base Zones and Conservation Areas

The Bermuda National Trust believes that when considering an application for the subdivision of land affecting one or more Conservation Base Zones or Conservation Areas and a Development Base Zone, the Board should ensure that access to the lot can be provided beyond the boundaries of the Conservation Base Zones and Conservation Areas. As such, criteria should be added to sub-paragraph (1). In addition, we feel that sub-paragraph (2)(b) should be removed as we can see no grounds to support the approval of a lot that does not comply with sub-paragraph (1).

### SDV.12: Subdivision of a lot containing a listed building

The Bermuda National Trust is pleased that provisions for the impact of a subdivision on a listed building and its setting is given when considering the subdivision of land containing a listed building.

### SDV.13: Subdivision of a lot for conservation purposes only

The Bermuda National Trust fully supports this policy that provides the Board with the ability to approve the subdivision of lots for conservation organisations.

### SDV.14: Subdivision of a lot for a utility service

The Bermuda National Trust requests that this policy be amended to stipulate that the subdivision of land that includes a Conservation Base Zone and/or Conservation Area should provide adequate development areas beyond the boundaries of the Conservation Areas or Conservation Base Zones.

## Chapter 8: Design (DSN)

### DSN.2: Advisory Architectural Panel (AAP)

The Bermuda National Trust feels that the AAP should be required to provide comment on all proposals based on the criteria set out in DSN.2 (a-c) and that "may" ought to be removed and "shall" inserted. In addition, we are concerned of the criteria set out in (a) that "the proposal comprises a gross floor area of 50,000 sq. ft." The area requirement of 50,000 sq. ft. is too large. For Bermuda standards, we feel that any proposal exceeding 10,000 sq. ft. could be considered very large.

### DSN.6: Siting and Layout

The Bermuda National Trust feels that development should be sited in a manner so as not to have a detrimental impact on historical features or character and such provision should be added to this policy.

### DSN.9: Height of buildings and structures

The Bermuda National Trust feels that in order to approve a proposal with a building height of three or more storeys, the Board should be satisfied that the development will not have a detrimental impact on any historical buildings or the historical character of an area, and as such, provision should be added to this policy.

### DSN.23: Buildings of historical and architectural interest

The Bermuda National Trust feels that sub-paragraph (1) should specifically provide provision for listed buildings in addition to buildings considered by the Board to be of special historical or architectural interest. Additionally, we feel that sub-paragraph (2) should be amended to ensure that all applications that affect a building of historical or architectural interest be referred to the Historic Buildings Advisory Committee for comment and advice.

### DSN.24: Energy efficient buildings

The Bermuda National Trust supports this policy, however, feels that criteria and guidance notes should be made available to developers and the Board as to how energy efficiency can be achieved when designing or assessing a building proposal.

#### DSN.27: Filling

The Bermuda National Trust supports sub-paragraph (c) that requires that excess fill be removed from site and not permitted to spill over into a Conservation Area or Conservation Zone.

## **Chapter 9: Landscaping (LSG)**

#### LSG.3: Landscape plan

The Bermuda National Trust feels that a Landscaping Plan should accompany all applications for utility developments to ensure adequate screening and provisions be made for such in sub-paragraph (1).

## **Chapter 10: Coastal Development (COA)**

#### COA.2: General Direction to the Board

The Bermuda National Trust is concerned that no criteria is provided as to when proposals should be provided to the Marine Resources Board for comment. We feel that criteria should be established otherwise, the policy be amended to stipulate that all proposals for coastal development should be submitted to the MRB for comment.

#### COA.3: Environmental Impact Statement

The Bermuda National Trust believes that this policy should be amended to ensure that an Environmental Impact Statement is required for all major port infrastructure projects, marinas, reclamation projects or any projects that could adversely impact the marine environment.

#### COA.8: Docks, floating docks and slipways

The Bermuda National Trust asks that provision be made in this policy to ensure that all applications for docks, floating or otherwise, and slipways be submitted to the Marine Resources Board, the Department of Conservation Services, or other such relevant Government Agency to ensure that the proposal complies with the criteria set out in sub-paragraphs (a), (b), (f), (g) and (h). In addition, we ask that provision be added to ensure that no such development can take place in a Marine Protected Area, current and future, and that any proposal within proximity of an MPA will not have an adverse impact on it.

#### COA.12: Sea walls

The Bermuda National Trust asks that provision be made in this policy to ensure that all proposals for sea walls be submitted to the Marine Resources Board, the Department of Conservation Services, or other such relevant Government Agency to ensure that the proposal complies with the criteria set out in sub-paragraphs (a), (d) and (e). In addition, that all proposals must be accompanied by an Environmental Impact Statement. We ask that provisions be added to ensure that no such development can take place in a Marine Protected Area, current and future, and that any proposal within proximity to an MPA will not have an adverse impact on it.

The Bermuda National Trust is concerned that this policy does not provide qualification as to when a property would be considered to be in need of protection against wave action. By the coast's very nature the entire coastline of Bermuda could qualify. As such we feel that it is vitally important that criteria be established as to when this defense would be appropriate and more importantly, areas of coastline where such development would not be suitable be identified such as, in our opinion, South Shore.

#### COA.13: Revetments

The Bermuda National Trust asks that provision be made in this policy to ensure that all proposals for revetments be submitted to the Marine Resources Board, the Department of Conservation Services, or other such relevant Government Agency to ensure that the proposal complies with the criteria set out in sub-paragraphs (a), (c) and (e).

The Bermuda National Trust is concerned that this policy does not provide qualification as to when a property would be considered to be in need of protection against wave action. By the coast's very nature the entire coastline of Bermuda could qualify. As such we feel that it is vitally important that criteria be established as to when this defense would be appropriate and more importantly, areas of coastline where such development would not be suitable be identified.

#### COA.14: Breakwaters

The Bermuda National Trust ask that provision be made in this policy to ensure that all proposals for breakwaters be submitted to the Marine Resources Board, the Department of Conservation Services, or other such relevant Government Agency to ensure that the proposal complies with the criteria set out in sub-paragraphs (a) and (d). In addition, we submit that all proposals must be accompanied by an Environmental Impact Statement. We ask that provision be added to ensure that no such development can take place in a Marine Protected Area, current and future, and that any proposal within proximity of an MPA will not have an adverse impact on it.

The Bermuda National Trust is concerned that this policy does not provide qualification as to when a property would be considered to be in need of protection against wave action. By the coast's very nature the entire coastline of Bermuda could qualify. As such we feel that it is vitally important that criteria be established as to

when this defense would be appropriate and more importantly, areas of coastline where such development would not be suitable be identified such as, in our opinion, South Shore.

#### COA.15: Beaches

The Bermuda National Trust supports the provision within this policy that prohibits the creation of new beaches, yet asks that the provision allowing for the replenishment of existing beaches to be removed or, if this were felt not to be possible, a requirement be included for the submission of an Environmental Impact Statement for all such proposals.

## **Chapter 11: Transportation and Parking (TPT)**

#### TPT.3: Traffic Impact Statement

The Bermuda National Trust fully supports the provision for Traffic Impact Statements.

#### TPT.4: Roads

The Bermuda National Trust believes that a provision be added to this policy to ensure that wherever possible all roads and driveways be designed to avoid a Conservation Area or Conservation Base Zone, or minimise the impact on Protection Areas.

#### TPT.12: More than one point of access to a road

The Bermuda National Trust believes that this provision should be amended so that more than one point of access only be permitted if it can be located beyond the boundaries of all Conservation Areas and Conservation Base Zones.

## **Chapter 12: Utility Services (UTL)**

#### UTL.2: All Utilities

The Bermuda National Trust does not believe that Utility development should be permissible in any zone, specifically in Conservation Base Zones such as Nature Reserve or Coastal Reserve and in Agricultural Reserve and Woodland Reserve Conservation Areas. As such, we ask that this policy be amended to restrict Utility development to Development Base Zones only.

#### UTL.3: All Utilities

The Bermuda National Trust supports this policy requiring an Environmental Impact Statement for any Utility development proposed in a Conservation Area, Conservation Base Zone or Protection Area.

#### UTL.4: All Utilities

The Bermuda National Trust believes that this policy should be amended so that Utility development proposals are required to submit a Landscaping Plan LSG.3.

#### UTL.6: Energy

The Bermuda National Trust does not believe that energy generation facilities should be permissible in any zone, specifically in Conservation Base Zones such as Nature Reserve or Coastal Reserve and in Agricultural Reserve and Woodland Reserve Conservation Areas. As such, we ask that this policy be amended to restrict energy development to Development Base Zones only.

#### UTL.11: Sewage and waste disposal

The Bermuda National Trust fully supports this policy requiring applications for residential or tourism development comprising of 4 or more units, commercial development and industrial development, to be submitted to the Department of Environmental Protection and the Department of Health to determine the best means of sewage, waste and effluent disposal.

#### UTL.12: Sewage and waste disposal

The Bermuda National Trust fully supports this policy requiring any residential or tourism developments comprising 100 or more rooms to provide secondary or tertiary sewage treatment facilities.

#### UTL.17: Telecommunication Towers

The Bermuda National Trust believes that this policy should be amended to include a provision to ensure that any telecommunication structure or associated equipment will not have a detrimental impact on any Conservation Area, Conservation Base Zone, Protection Area or listed building and support the provision, sub-paragraph (e) encouraging the reuse and sharing of existing support structures.



## **Chapter 13: Quarrying (QRY)**

### QRY.5: Development Standards

The Bermuda National Trust feels that a consideration of the suitability of a site for quarrying should be that any quarrying activity will not have a detrimental impact on any known caves or cave system and believe that provision should be made for such in this policy.

### QRY.6: Environmental Impact Statement

The Bermuda National Trust feels that this policy should be amended so as to ensure that all applications for quarrying operations or development require the submission of an Environmental Impact Statement.

### QRY.7: Site Restoration Plan

The Bermuda National Trust fully supports this policy requiring all applications for quarrying to be accompanied by a Site Restoration Plan.

## **Chapter 14: Nature Reserve (NAT)**

### NAT.2: General Directions to the Board

The Bermuda National Trust fully supports the provision that the Board seek comments and advice from the National Parks Commission regarding any development proposed within a Class A Protected Area.

### NAT.4: Development Restrictions

The Bermuda National Trust fully supports this policy prohibiting development within a Nature Reserve Base Zone except for minor site works for their maintenance, conservation and enjoyment and commends the provision for agricultural uses within a nature reserve as provided by sub-paragraph (4).

### NAT.6: Setback of development

The Bermuda National Trust fully supports the provision for the setback of development 15 ft. from the boundary of a Nature Reserve Base Zone.

## **Chapter 15: Park (PAR)**

### PAR.2: General Direction to the Board

The Bermuda National Trust fully supports the provisions that the Board seek comments and advice from the National Parks Commission regarding any development proposed within a Class B Protected Area.

### PAR.4: Setback of development

The Bermuda National Trust fully supports the provision for the setback of development 15 ft. from the boundary of a Park Base Zone.

## **Chapter 16: Coastal Reserve (COR)**

### COR.2: Conservation Management Plan

The Bermuda National Trust welcomes the provision of Conservation Management Plans, however, are concerned that no criteria is provided as to when proposals within a Coastal Reserve are required to submit a Plan. We feel that comprehensive criteria should be established as to what proposals would necessitate the submission of a Plan, or the policy be amended to stipulate that all proposals for development in a Coastal Reserve require the submission of a Conservation Management Plan.

### COR.4: Development restrictions and regulations

The Bermuda National Trust supports that only minor site works are ancillary development to an existing development located on the same lot and commends sub-paragraph (2)(d) that requires that no proposal exceed 250 sq. ft. Additionally, we feel that any proposal that comes under sub-paragraph (3) should be required to be accompanied by an Environmental Impact Statement. The Bermuda National Trust objects strongly to sub-paragraph (4) that allows for tourism development (terraces, beach bars and restaurants) to exceed the maximum site coverage permitted.

### COR.6: Development restrictions and regulations

The Bermuda National Trust does not support that additions to existing developments within a Coastal Reserve should be allowed to exceed 250 sq. ft and feel that sub-paragraph (2) should be removed.

## Chapter 17: Open Space Reserve (OSR)

### OSR.2: Conservation Management Plan

The Bermuda National Trust welcomes the provision of Conservation Management Plans, however, are concerned that no criteria is provided as to when development proposals within an Open Space Reserve are required to submit a Plan. We feel that comprehensive criteria should be established as to what proposals would necessitate the submission of a Plan, or the policy be amended to stipulate that all proposals for development in an Open Space Reserve require the submission of a Conservation Management Plan.

### OSR.4: Development restrictions

The Bermuda National Trust supports that only minor site works and accessory structures be permitted within an Open Space Reserve, however, feel that a maximum site coverage should be applied and established within this policy like that provided for development within a Coastal Reserve COR.4(2)(c).

### OSR.5: Development restrictions

The Bermuda National Trust supports that additions to existing buildings be permitted within an Open Space Reserve, however, feels that a maximum site coverage be applied and established within this policy like that provided for development within a Coastal Reserve COR.6(1).

### OSR.9: Special provision for existing lots

The Bermuda National Trust has submitted that policy ZON.11 be removed from the Planning Statement. If this recommendation is not adopted the Trust proposes that a limit be included in this policy providing a maximum site coverage.

## Chapter 18: Recreation (REC)

### REC.4: Development restrictions

The future expansion and development of educational facilities is provided for by the Institutional Development Base Zone. Under this new plan a significant portion of Bermuda's open space is zoned as a Recreation Conservation Base Zone. As such, the Bermuda National Trust does not feel that the development of an educational facility should be permitted within this Conservation Zone and feels that this policy should be removed. If the intention of this policy is to provide accessory structures for the land's principle use, recreation specifically for schools, then this policy should be amended accordingly and made more definitive and specific as to what development is permitted and a maximum site coverage applied.

### REC.5: Development restrictions

The Bermuda National Trust feels that this policy should be amended to be more definitive with specific restrictions to control the size, location and type of accessory development permitted to ensure that any proposal is kept to a practical minimum.

### REC.6: Development restrictions

The development of tourism accommodations is provided for by the Tourism Development Base Zone. Under this new plan a significant portion of Bermuda's open space is zoned as a Recreation Conservation Base Zone which includes golf courses. The Bermuda National Trust does not feel that the development of Tourism Accommodations should be permitted within this Conservation Zone and strongly objects to this policy and ask that it be removed.

### REC.9: Setback of development

The Bermuda National Trust fully supports the provision for the setback of development 15 ft. from the boundary of a Recreation Base Zone.

## **Chapter 19: Woodland Reserve (WDR)**

### WDR.2: Conservation Management Plan

The Bermuda National Trust is concerned that no criteria is provided as to when proposals should provide a Conservation Management Plan. We feel that criteria should be established, or the policy be amended to stipulate that all proposals for development within a Woodland Reserve be required to submit a Conservation Management Plan.

### WDR.4: Special Provision for existing lots

The Bermuda National Trust has submitted that policy ZON.11 be removed from the Planning Statement. If this recommendation is not adopted the Trust proposes that a limit be included in this policy restricting the maximum site coverage or gross floor area of any proposal.

### WDR.6: Setback of development

The Bermuda National Trust fully supports the provision for the setback of development 15 ft. from the boundary of a Woodland Reserve Conservation Area.

## **Chapter 20: Agricultural Reserve (AGR)**

### AGR.2: Conservation Management Plan

The Bermuda National Trust is concerned that no criteria is provided as to when proposals should provide a Conservation Management Plan. We feel that criteria should be established, or the policy be amended to stipulate that all proposals for development within an Agricultural Reserve requires the submission of a Conservation Management Plan.

### AGR.3: Development restrictions

The Bermuda National Trust feels that to ensure that any proposal is kept to a practical minimum, this policy should be amended to be more definitive with specific restrictions to control the size, location and type of accessory structures permitted.

#### AGR.4: Special Provision for existing lots

The Bermuda National Trust has submitted that policy ZON.11 be removed from the Planning Statement. If this recommendation is not adopted, the Trust proposes that a limit on the maximum site coverage or gross floor area of any proposal be included in this policy.

#### AGR.8: Setback of development

The Bermuda National Trust fully supports the provision for the setback of development 15 ft. from the boundary of an Agricultural Reserve Conservation Area.

## **Chapter 21: Historic Environment (HSC)**

#### HSC.1: General Directions to the Board

The Bermuda National Trust feels that provision should be provided for in this chapter for the requirement of an Environmental Impact Statement for development proposals that could have an adverse impact on listed buildings or sites or architectural and historic importance.

#### HSC.2: Historic Buildings Advisory Committee and other consultees

The Bermuda National Trust is concerned that no criteria is provided as to when proposals should be provided to the bodies identified in this policy. We feel that criteria should be established or the policy be amended to stipulate that all proposals be submitted to the affected body.

#### HSC.11: World Heritage Site and buffer zone

The Bermuda National Trust supports the provision that for any application located within the Historic Town of St. George and Related Fortifications World Heritage Site the proposal will be assessed to ensure that it will not adversely impact the World Heritage Site, the Historic Town of St. George and related fortifications.

#### HSC.12: Sites of archeological significance

The Bermuda National Trust fully supports the provision for a Preliminary Archaeological Assessment for any proposal impacting a Historic Protection Area, or listed building or any other site that is deemed to have archaeological significance.

### HSC.13: Sites of archeological significance

The Bermuda National Trust supports this policy but requests that, if in conclusion of the Preliminary Archaeological Assessment an area or building is deemed to have archaeological significance and the proposal will have a substantial adverse impact on an archaeological resource, an Archaeological Management Plan always be required. As such, we request that the word 'may' in sub-paragraph (1) be changed to 'shall'.

## **Chapter 25: Rural (RUR)**

### RUR.6: Development regulations

The Bermuda National Trust supports the provision that the maximum of one detached house per lot be permitted in a Rural Base Zone.

### RUR.9: Subdivision

The Bermuda National Trust supports the provision that the subdivision of a Rural Base Zone only be permitted if any lot created will be the minimum of 4 acres.

### RUR.10: Rural bonus: Open space provision

Whilst the Bermuda National Trust supports the provision of land that will remain for conservation purposes in perpetuity, we object to this policy on the grounds that it will ultimately double the levels of development within the Rural Base Zone and may be used to override policies which exist to protect Agricultural, Woodland and natural areas. It is our opinion that this policy is not in line with objectives RUR (1) and we request that this policy be removed.

## **Chapter 26: Residential (RSD)**

### RSD.7: Residential bonus: Open Space provision

The Bermuda National Trust appreciates that providing this open space bonus in exchange for higher density of housing could potentially serve to protect sensitive areas. We are concerned, however, that the minimum proportion of the site to be retained as open space is 25%. Given that the maximum site coverage may not exceed 40% and even when taking into account hard surfacing requirements, the Trust submits that the percentage of the site to be retained as open space can be increased to provide more of an equivalent and measurable trade-off.

#### RSD.8: Residential bonus: Location Provision

The Bermuda National Trust submits that this policy is vague as to where this higher density residential development would be permitted for example the terms "proximity to a Commercial Zone, a Mixed Use zone, the City of Hamilton and/or Public transportation facilities" and asks that the policy be amended to clearly and precisely identify where such bonuses would be applicable.

#### RSD.12: Residential building height

The Bermuda National Trust requests that areas within the Residential 1 zone which would be suitable for five storey apartments be identified now in order to express the fact that a five storey building would only be suitable in a very limited number of locations and therefore avoid confusion on this matter.

### **Chapter 30: Mixed Use (MXD)**

#### MXD.5: Royal Naval Dockyard

The Bermuda National Trust is concerned that permitting seven-storey buildings in this area could potentially have a detrimental impact on the adjacent Historic Protection Area and requests that policy be amended so that proposals adjacent to the HPA , are assessed to ensure that the development will not have a detrimental effect of the Historic Environment.

### **Chapter 31: Industrial (IND)**

#### IND.5: Development Standards

The Bermuda National Trust believes that when industrial zoned lots abut a Conservation Base Zone or Conservation Area the minimum setback of the industrial development should be 20 ft. and that sub-paragraph (3) should be amended to reflect this.





## The Bermuda National Trust

The Bermuda National Trust is a charity, established in 1970 to preserve natural, architectural and historic treasures and to encourage public appreciation of them.

### ***Our mission...***

To protect and promote Bermuda's unique natural and cultural heritage forever, by: acquiring and conserving land, buildings and artefacts; inspiring appreciation and stewardship through advocacy, research, education and participation.

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***For everyone, forever.***