



GOVERNMENT OF BERMUDA
Ministry of Public Works

Department of Parks

Public Consultation Form

Re: Change of Use Notice for a Portion of Southlands Park

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Date: 17 May 2024

You are replying:

- As an individual
- On behalf of a group

Name of group Bermuda Audubon Society

Did you review the proposal for this change of use?

- Yes
- No

Please provide your comments below.

Please see the attached comments from the
Bermuda Audubon Society



17 May 2024

Re: Change of Use Notice for a Portion of Southlands Park

The Bermuda Audubon Society strongly objects to the proposed events lawn at Southlands Park for the reasons outlined below.

Loss of Public Access

The people of Bermuda fought long and hard to acquire the Southlands Estate and also to have it added to our National Park System in order to ensure its long-term protection. It is not appropriate to then annex off a portion of this national treasure solely for the benefit of the adjacent hotel condominium development. Although this development is currently publicly held, in the long run it will become a private entity with the sale of condominiums and the hotel components. We will lose access to and enjoyment of a precious piece of public green space. This part of Southlands Park will be permanently lost as a resource for the people of Bermuda without any apparent gain. This is not acceptable.

Loss of Public Park Land

According to the Change of Use Notice, *“this change of use will remove this portion of park land from Southlands Park in order to establish the event lawn. It will no longer be public property.”* The public should be informed of how this will occur. Will the land be given, leased or purchased by the resort? The National Parks Act has specific provisions for the process of adding or deleting property from the Schedule of National Parks. These have not yet been followed. Removing even a small piece of our national parkland should be viewed with the greatest concern and consideration. Bermuda has a limited land mass and many depend on our natural, open spaces for their physical and mental well-being. It is unlikely that we will acquire more National Park Land in the future and we must hold on to what we have. Allowing this to occur would set a dangerous precedent for the diminishment of our National Park system.

Loss of Woodland Reserve

This area is zoned Woodland Reserve in the Bermuda Plan 2018. Woodland Reserve zoning was put in place to save our remaining wooded areas from destruction by development. The Bermuda Government should set an example and respect our conservation zoning policies.

The rationale for these policies is clearly explained in the Bermuda Plan as follows:

Woodland Reserve areas contain woodlands which are protected for their ecological and/or amenity value. They include extensive belts of mature trees and other blocks of dense vegetation which are important features of the landscape, as well as smaller areas of trees and shrubs. Woodland Reserve areas are important for many reasons. They are natural habitats for birds and other wildlife, areas of scenic value, windbreaks and protection for agricultural land, visual and natural relief within and between development areas, and natural buffers to block unsightly views and noise.

It is recognized that Woodland Reserve areas contain a variety of plant and tree species which may change over time. However, the primary objective shall be to protect the Woodland Reserve areas regardless of whether they contain endemic, native, introduced or invasive species, in order to preserve the land resource and vegetation over the course of time. In addition, Woodland Reserve areas may contain open space areas with dispersed vegetation, cliffs, rocky formations, ditches, ponds, steep slopes and other natural features which form an integral part of a woodland's environmental, visual and amenity value, and which require protection.

Woodland Reserve was already lost with the construction of The Bermudiana Beach Resort and this development will result in further loss of our limited coastal woodlands. This woodland has a complex and diverse ecosystem that includes overstory trees with mixed shrubs and plants beneath. Many of these plants are native and endemic and even the non-native plants provide essential habitat for birds, lizards, crabs, insects, pollinators, soil organisms, and other wildlife. When you take away this diverse mix, you lose the habitat value of the woodland. Of note, this area provides excellent nesting habitat for the White-eyed vireo which is a Level 1 protected species under the Protected Species Act 2003. Also, just last year, the endemic land snail, *Vertigo bermudensis*, was discovered across the street near the entrance to Southlands. This species was thought to be extinct. Could it be living on this part of the Park? Maybe. We won't know unless we look. This exemplifies the importance of maintaining undisturbed habitat for preserving Bermuda's unique, endemic, biodiversity.

Removing this rich, diverse habitat and replacing it with a monoculture lawn with shrubs and trees at the periphery would significantly diminish the natural environment and result in a net conservation loss in this location. Also of concern would be the use of herbicides and pesticides to maintain the events lawn.

Disregard for Park Boundaries, Woodland Reserve Policies and Section 17 of the Bermuda National Parks Act 1986.

The approved development plans for the Bermudiana Beach Resort place the catering services building directly on the lot line of the Park. They suggested that no setback was needed as the woodland would obstruct any view of the building. This was quite disingenuous as they had every intention of developing the adjacent events lawn. During construction a fence was built that extends beyond the lot line and into the Southlands Property. In addition, a significant area of the Woodland Reserve was cleared of trees on the Park side. This can be clearly seen on the

aerial image supplied with the consultation notice and is marked on the Conservation Management Plan. This is a clear encroachment into the Park property, a direct violation of the conservation policies of the Bermuda Plan as well as an offence under Section 17 of the Bermuda National Parks Act 1986. Section 17 of the Act states “Any person who, except in accordance with a permit issued under this Act, conducts an activity within a protected area which causes or is likely to cause damage to the environment of the protected area commits an offence against this Act.

Permission has not yet been given for the events lawn or for removal of this area of coastal forest and such encroachment should not be allowed. A complaint has been filed with the Department of Planning and a full investigation and report should be completed and made publicly available before any decisions are made on the Events Lawn.

Lack of a Management Plan for Southlands Park

The National Parks Act 1986 requires that a Management Plan be developed for each Park that “*shall serve as a guide for all activities related to the management and administration of the protected area so that the purposes for which the areas was established are met and maintained.*” There is a clearly established process for approval of a management plan requiring consultation with the public and the National Parks Commission. No Management Plan has been approved for Southlands Park. It is inappropriate to allow for piecemeal development of the Park without a clearly articulated vision and an approved management plan.

In addition, Section 14 of the Act requires that existing conditions be protected until a plan is in effect and states “*Until a management plan required under this Act is in effect for a protected area, management of the area shall be undertaken in such a manner as to ensure protection of the natural or historic features that existed at the time of its declaration as a protected area, and no change of use that may in the opinion of the Minister diminish the natural environment or historic features shall be allowed.*” The current proposal does not protect the natural features of this section of the Park and changing the woodland into an events lawn would most definitely diminish the natural environment as detailed above. A decision on this proposal should be deferred until an approved management plan is in place.

Lack of Compliance with Other Provisions of the Bermuda National Parks Act 1986

The Act requires that lands within the National Parks System “*are declared to be protected areas within the System and each such area shall be managed and administered so as to protect, maintain and enhance the natural or historic purposes for which it was specified in accordance with its classification in the said Schedule and its management plan.*” As stated above, this Park is lacking in an approved management plan. Even without such a plan, the proposal does nothing to “protect, maintain and enhance” the Park as required by the Act. In fact, approval will have the complete opposite result.

Lack of Documentation of Need for Events Lawn

The current iteration of the Bermudiana Beach Resort is still in its early stages. Let the development prove its viability before compromising our park land. No documentation has been provided to show that the proposed events lawn is critical for the success of the development.

Further Developments at Southlands Park

The events lawn is not the only development that is being considered for Southlands Park. In December 2022, the Estates Department put out a call for Expressions of Interest for the renovation or development of the existing cottages on the property and also for the new development of a restaurant, washrooms and concession storage on the beach side of the property. The status of these proposals has not been made public. They also intend to create a new parking lot. In addition, we understand that a zip line is under consideration. All of these developments and the events lawn will change the face of Southlands. The whole picture must be considered to ensure that the Park is appropriately managed as required by the National Parks Act.

Comments on Conservation Management Plan

We are very disappointed that the CMP was not included in the original Change of Use Notice as the plans in that notice do not accurately reflect the proposal. The CMP was added under “Resources” in the Department of Parks website but the Official Gazette corrections do not indicate that this is part of the Notice or that the plans supersede what was in the original Notice. As this was not made clear to the public, individuals may not have had the opportunity to review the CMP and offer their input. Consultation should be done in a way that is clear and facilitates public input.

Chain Link Fence

There is a discrepancy between the height of the fence in the Notice of Change of Use and the CMP. Will the fence be 6ft or 8ft high? In addition, the site plan in the CMP does not accurately depict the current location of the existing chain link fence which extends into the Park property. We believe it is highly unlikely that the fence will be removed once the surrounding hedges are established. This is particularly true in the area of Natal Plum with its dense foliage and long sharp thorns. Who would be responsible to ensure that the fence is removed and that this does not cause further damage to the adjacent woodland?

10Ft Cleared Space on Eastern End of Park Land

The plans show a 10ft area without plantings in the Park between the property line and the hedges that appears to be outside of the red borders of the CMP. What is the purpose of this space? Will it be paved or planted? This area should also be included in the CMP as it is within the Park boundaries.

Deficits in Terrestrial Survey

The survey included with the CMP fails to include important native and endemic understory plants that are prolific in this area including Bermuda Snowberry, Shrubby Fleabane, Jamaican

Vervain and Bermudiana. We should have the full understanding of what will be lost with proposed development.

Review Process

It is unclear what the review process will be for this CMP. As the area is zoned Woodland Reserve, the CMP needs to be submitted to the Department of Planning for review and approval before any development or change of use is allowed in this location. It should also be reviewed and approved by DENR and the National Parks Commission.

Final Thoughts

This part of Southlands Park should remain a mixed coastal woodland and should not be incorporated into the Bermudiana Beach Resort. It is part of our National Parks System and as such, must be managed as a natural, undeveloped space for the benefit of the people of Bermuda.

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17 May 2024

On behalf of the Bermuda Audubon Society

Proposal was reviewed