



Ms. Victoria Pereira
Department of Planning
58 Court Street
Hamilton, HM 12

13 December 2022

Re: Objection to Application P 0339-22 Events Lawn and Parking Lot at Southlands Park

Dear Ms. Pereira:

As an advocate for the protection of natural habitats and open space in Bermuda, the Bermuda Audubon Society must object to application P0339-22 submitted by the Bermuda Housing Corporation for an events lawn and parking lot on the adjacent Southlands Park. The current proposal is basically the same as application Plan 0124-19 except that the bathrooms have been removed. As nothing else has substantively changed, we believe that the application should again be refused for the reasons outlined in the prior Department of Planning Report which stated:

1. The proposal conflicts with policy WDR.3 of the Draft Bermuda Plan 2018 given that the Board has no discretion to approve such a form of development within a Woodland Reserve Conservation Area.
2. The proposal is in conflict with policy PAR.4 of the Draft Bermuda Plan 2018 given that the Board has no discretion to approve an application within a Park Conservation Zone to which an objection has been made by the National Parks Commission, the proposed events lawn and associated development is not essential to the maintenance, conservation, enhancement or enjoyment of the Park and there would be a net loss in the conservation value of the site and wider Southlands Park.

We would like to make some additional points to further support the refusal of this application:

Incompatibility with Conservation Area Policies for Woodland Reserve (WDR)

The Bermuda Plan clearly outlines development restrictions in areas with Woodland Reserve Zoning (WDR.3).

“All forms of development shall be prohibited in areas of Woodland Reserve, subject to the provisions of Heads of Protection A, E and F in the Fourth Schedule of the Act unless specifically permitted by the policies in this Statement.” (WDR.3)

The proposal is not one of the permitted developments outlined in WDR.4, WDR.5 and WDR.6 and should not be allowed.

Destruction of High Quality Woodland Reserve:

Not only is this area zoned Woodland Reserve but it contains high quality habitat with many mature native and endemic trees. Approximately 10 years ago BELCO cleared the area to remove casuarinas that

were a threat to the power lines and 120-150 native and endemic trees including Cedar, Palmetto, Dogwood and Olivewood were planted to replace them at their expense. It would be a slap in the face of BELCO to destroy the results of their well-intentioned and beneficial conservation efforts. It would also result in a significant conservation loss to Southlands Park. Unfortunately, the Conservation Management Plan (CMP0022-22) does not accurately show the presence of these tree species. The Grounds in Support (GIS) letter from Brunel acknowledges that “no terrestrial assessment has been provided for the woodland which will be removed.” An essential part of a Conservation Management Plan is to accurately identify the presence and location of important native and endemic species.

Inappropriate Coastal Woodland Management

In addition to the native and endemic plantings, the site contains a large number of mature Bay Grape Trees. In this type of coastal habitat, the roots of the Bay Grape are essential for the stability of the soil and the prevention of erosion. Removal of most of these trees could result in increased problems with erosion. In addition, the process of digging up the existing trees for relocation with their large root balls may be problematic. Placing chain link fencing along the cliff face may also result in increased erosion. See further discussion in attached letter from Bermuda Audubon Society to Parks Commission.

Incompatibility with Conservation Base Zone Policies for Parks (PAR)

The Bermuda Plan clearly outlines development restrictions in areas with Park Zoning (PAR.4). The proposed development does not comply with those restrictions as follows:

PAR.4(1) No development shall be permitted which is incompatible with the quality, character and function of the park.

We would argue that the proposed Events Lawn, Large Parking Area and surrounding fencing is incompatible with the quality, character and function of the park. It would result in the removal of a large area of woodland and diminish the natural beauty and quality of this section of the park. It is particularly significant as this section leads up to and sits across from the main entrance. It would also remove a section of park for use by the general public.

PAR.4(2) Siteworks and accessory structures may be permitted, but only if the Board is satisfied that:

- (a) The proposal is essential to the maintenance, conservation, enhancement or enjoyment of the park*
- (b) There will be no adverse impact on any feature of special environmental value or scientific interest.*
- (c) The proposal is not detrimental to the natural or visual quality of the area by reason of its location, size, design or appearance*
- (d) Natural materials are used in the design of any siteworks and structures as far as is possible*
- (e) In the case of a Park protected under the Bermuda National Parks Act 1986 (as amended), the National Parks Commission does not object to the proposal.*

Clearly the proposal does not meet the requirements of (a). It is not essential to the park in any way and would in fact diminish the conservation value of the park and the enjoyment of its natural wooded spaces. An argument could be made for the value of a defined parking area, but that does not be placed in this location. The proposal would result in an adverse impact on an area of special environmental value, a mature coastal woodland with native and endemic species. The proposal is detrimental to the natural or visual quality of the area as it would remove a wooded section of natural beauty and replace it with a lawn, parking lot and surrounding chain link fencing. Also, the impact of lighting and potential noise from the parking area and activities on the events lawn could be detrimental. Finally, the National Parks Commission does not support the proposal.

Lack of Support by the National Parks Commission

The Estates Department has presented this proposal to the National Parks Commission on multiple occasions, and they have remained firm in their opposition to the development proposed in this application. See attached letters from National Parks Commission. The Grounds in Support submitted by Brunel state that the application is supported by the Department of Parks. We have not seen any documentation that the application is supported by the Department of Parks.

Lack of a Management Plan for Southlands Park

Part IV of the Bermuda National Parks Act requires that a management plan be developed for each Park. The management plan for Southlands Park is still in its draft form. Section 14 of the Act requires that existing conditions be protected until the plan is in effect stating:

“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.”

It is premature for this proposal to be considered at this time. No significant changes to the park can be allowed until the management plan is enacted in its final form. Draft versions of the plan shared with stakeholders as part of public consultation did not mention or contain an events lawn and parking area in this location. We would be very surprised if the final plan contained these features in this woodland location as they do not meet the objectives for protected areas outlined in Section 5 of the Bermuda National Parks Act.

Lack of Support by the Public

As part of their due diligence in preparing the Management Plan for Southlands Park, the Department of Parks conducted a survey of the public. The majority felt that the park should remain in as natural a state as possible. The destruction of nearly an acre of mature woodland is incompatible with that vision.

Exclusivity of Use of Parkland for Bermudiana Beach Resort

The current proposal allows the Bermudiana Beach Resort to fence off and control use of the Events Lawn. The general public may be allowed to use the lawn but likely for a fee. The people of Bermuda fought hard to save Southlands from development and to protect it as a national park. They hoped to preserve the beach, coastal woodland and upland habitats for the benefit of all. It is indefensible to destroy the woodland and fence it off for the exclusive use and benefit of the Bermudiana Beach Resort.

Possibility of Alternatives

It has been made clear that Bermudiana Beach Resort believes that an events lawn and parking area are essential for the redevelopment of the property. A perfectly suitable site exists to the east which has tourism zoning and is already a brownfield site. Alternatively, it may be possible to locate these amenities to the west of the beach access which is already an open field and does not have woodland reserve zoning. The Estates Department is already exploring plans for additional parking in this location and an open area for events could be part of the plan. Arrangements could be made to allow for use of this area by patrons of the Bermudiana Beach Resort and the two locations could be connected by a gentle woodland walk with minimal negative impact on the Woodland Reserve.

We are very concerned about the impact of this proposed development on the Southlands Park and the precedent it may set for allowing Government to bypass the protections that have been put in place by the Development and Planning Act of 1974 and the policies of the Bermuda Plan. We also believe that the

timing of the application is not appropriate as there is not yet an approved management plan for the park as required by the Bermuda National Parks Act. For the many reasons outlined above, we strongly recommend that the Department of Planning and the Development Applications Board refuse this application.

Thank you for your consideration of our concerns.

Sincerely,
Janice Hetzel
President