



Victoria Cordeiro
Director
Department of Planning
58 Court Street
Hamilton, HM 12

27 February 2024

Re: Objection to P0019-24 – 6 ft Fencing to enclose Quarry Garden at Southlands Park

Dear Mrs. Cordeiro;

As an advocate for Bermuda's protected and open spaces, we would like to express our objection to application P0019-24 with the following points:

Lack of Consultation with the National Parks Commission

PAR.2 requires that the Board *“request comments and advice from the National Parks Commission regarding any development within a Park protected under the Bermuda National Parks Act in accordance with policy DAB.10.”*

We have been told by the Minister that preparation has begun for the reconvening of the National Parks Commission. As this should happen in the near future, a decision on this application should await their review.

The Board should require the submission of a Conservation Management Plan

PAR.3 allows the board to require a Conservation Management Plan *“for any development proposal in a Park zone in accordance with policies ENV.7 and ENV.8.”*

The Department of Public Lands and Buildings has been making extensive changes in Southlands Park including the removal of trees, clearing vegetation in areas of historic interest, and building of walls and concrete stairs all without Planning permission or an approved management plan for the Park as required by the National Parks Act 1986.

Such a management plan would *“serve as a guide for all activities related to the management and administration of the protected area so that the purposes for which the area was established are met and maintained”* (Part IV Section 11(3) National Parks Act 1986). The plan *“shall be so designed as to ensure that the protected area to which it applies is managed in such manner as to achieve the objectives set out in section 5 of the Act.* These objectives include:

- (a) to safeguard and maintain plants and animals as well as geological, marine and other natural features or products, and fragile ecosystems of national or

- international significance where strict protection is required and human use is generally limited to scientific research and educational purposes in order to protect and preserve these special or fragile natural resources;
- (b) to provide for the use of the area in its natural state with a minimum of commercial and mechanized activity;
 - (c) to provide open space for use by the public for educational, social or recreational purposes;
 - (d) to protect and maintain historic monuments and buildings (including forts), marine products, sites of particular historic, archaeological, or aesthetic value and to so manage them so as to protect them from deterioration, and to provide public enjoyment, research and educational opportunities.

As there is no Management Plan currently in effect for the Park, a comprehensive Conservation Management Plan for the Park would help to ensure that these objectives are met. The fence proposed in this application is part of a greater development plan for the Park and should be evaluated in the context of the full plan and its impact on the Park and its natural habitats.

Failure to Meet Development Restrictions under PAR.4

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

It is impossible to determine if the development is compatible with the quality, character and function of the park if the park does not have an approved management plan that outlines the long-term goals and purposes of that protected area.

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

(a) *The proposal is essential to the maintenance, conservation, enhancement or enjoyment of the park*

This proposal has no explanation, grounds in support or justification for the fencing which will exclude the general public from a lovely, natural area of the Park. There is no evidence that this is essential to any of the factors outlined above. Without a management plan it is impossible to determine if the proposal is essential.

(c) *The proposal is not detrimental to the natural or visual quality of the area by reason of its location, size, design or appearance*

The fencing will create an intrusive cage like enclosure adjacent to the roadway and near to main house which is a listed building. This will spoil the natural scenic beauty of the area.

(d) *Natural materials are used in the design of any siteworks and structures as far as is possible*

Again, it is unclear what the purpose of this enclosure will be. If it is deemed necessary to section off this area, then natural materials should be utilized to be compatible with the natural landscape of the area. Wood fencing already exists at the top of the quarry wall.

(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.

The National Parks Commission needs to be reconvened to be given the opportunity to review this proposal and decide whether to object or not. As other Boards are now being constituted, we expect that the National Parks Commission will be re-established shortly, and this application should await their review.

Failure to Comply with Provisions of the Bermuda National Parks Act 1986

For proposed developments in National Parks, The Department of Planning and the Development Applications Board must consider whether proposals are in accordance with the requirements of the National Parks Act. The recent decision of the Minister to approve the Events Lawn at Southlands was withdrawn when it was made evident that the procedures required by the National Parks Act were not followed. The Department of Lands and Buildings appears to be circumventing the legislated role of the Department of Parks in the management of the park. Decisions on planning applications should be deferred until a Management Plan is in effect.

Although the proposal is for a small area of fencing, it warrants this objection, as it is an example of how the Department of Lands and Buildings is ignoring the provisions of the National Parks Act 1986. These provisions are in place to ensure that our National Parks are protected, managed and maintained in an appropriate manner as defined by law for the benefit of the people of Bermuda. The Department of Planning and the DAB should not be complicit in these actions. This application should be refused until there is a management plan in effect for Southlands Park and the National Parks Commission is reconstituted and able to review the proposal.

Thank you for your consideration of our input.

Kind regards,

Janice Hetzel
President