



GOVERNMENT OF BERMUDA
Ministry of the Environment and Sports

Department of Planning

Draft Bermuda Plan 2008 Frequently Asked Questions (FAQ's)

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General Enquiries: (441) 297-7756 Development Control: (441) 297-7810 Building Control: (441) 297-7755
Forward Planning: (441) 297-7778 Building Inspection Requests 24-Hr. Line (441) 297-7828

General FAQ's

What is the Bermuda Plan?

The Bermuda Plan is a development plan for the Island. It is a policy statement and a series of zoning maps. The Plan outlines the goals and objectives of development on the Island. The Plan outlines the permitted uses and development regulations for each property. The associated maps demonstrate the zoning of properties. The 1992 Plan has commendable goals, objectives and policies; however, it needs to be updated to reflect current issues, trends and pressures facing the Island. This new plan will be the fifth development plan for the Island and will supersede the 1992 Plan and the Development Plan for the Former Baselands 1996. Land within the City of Hamilton boundary continues to be subject to the policies and provisions of The City of Hamilton Plan 2001 and is not impacted by the approval of the Draft Bermuda Plan 2008.

The Bermuda Plan is comprised of the following:

- Report of Survey: Review and Strategy Report 2007

The Plan:

- The Bermuda Plan 2008 Planning Statement
- The Bermuda Plan 2008 Zoning Maps

Why do we need a new Bermuda Plan?

To meet our legal requirements

- Development and Planning Act 1974

To meet our current demands

- Accommodate development
- Protect the environment
- Encourage economic development
- Provide for social needs

To plan for future demands

- Manage all built and natural resources in a sustainable way for the future

What was the process followed to prepare the Draft Bermuda Plan 2008?

There has been a comprehensive research component to the Draft Bermuda Plan 2008. The existing policies in the 1992 Bermuda Plan were reviewed as well as the planning application history. Trends in land use planning were assessed. The research component was combined with a public consultation program with key stakeholders and industry professionals to focus the goals and objectives of the new Plan. The public consultation process for the Sustainable Development Strategy and Implementation Plan project provided public views and opinions of the residents of Bermuda on development and conservation objectives. The information from the Sustainable Development Strategy and Implementation Plan and the public consultation process combined with the data from the research component assisted in identifying the goals and objectives of the Draft Bermuda Plan 2008. The policies are designed to assist in achieving the goals identified. An outline of the entire process followed to prepare the Draft Bermuda Plan 2008 can be found on the Department of Planning's website. *(Provide link to the flow chart)*

What does the Draft Bermuda Plan 2008 mean to me and my property?

The land uses previously permitted on your property in the Bermuda Plan 1992 may change with the Draft Bermuda Plan 2008 where land use, density of development, building heights and setbacks are regulated. The Draft Bermuda Plan 2008 Planning Statement details the land use policies that relate to property and the Draft Bermuda Plan 2008 Zoning Maps show the base zoning, conservation and protection areas.

How can I find out the permitted uses for my property under the 1992 Bermuda Plan?

For historical reference you may review the 1992 Bermuda Plan in the Planning Department as well as digitally on the Planning Department's website. The 1992 Bermuda Plan can be downloaded [here](#).

What does it mean that the Draft Bermuda Plan 2008 is the operative plan?

On June 6th, 2008 the Minister of the Environment and Sports declared the Draft Bermuda Plan 2008 to be the operative development plan for the Island. Policies APC.1 (1) to (3) of the Draft Bermuda Plan 2008 Planning Statement set out the provisions for current and new planning applications under the Draft Bermuda Plan 2008. It is important to note:

- As of June 6th, 2008 all new planning applications received by the Department of Planning will be subject to the provisions in the Draft Bermuda Plan 2008;
- Any complete planning application received prior to June 6th, 2008 but not determined is subject to the provisions in the Bermuda Plan 1992;
- Any planning application with a valid in principle approval granted prior to June 6th, 2008 requiring subsequent planning permission is subject to the provisions in the Bermuda Plan 1992;
- Any planning application approved prior to June 6th, 2008, whether it was in principle or final approval, is valid for the normal two year period;
- After June 6th, 2008 any planning permission established under the Bermuda Plan 1992 will be permitted a maximum of one renewal within two years; and,
- After June 6th, 2008 where land is subject to both an application for planning permission and an objection to the Draft Bermuda Plan 2008 planning permission may be refused by the Board unless the objection is withdrawn.

How do I read and understand the Draft Bermuda Plan 2008?

- The Draft Bermuda Plan 2008 Zoning Maps illustrate the approved zoning designations as well as the conservation and protection areas for all land. The Draft Bermuda Plan 2008 Planning Statement provides information on the permitted uses and development policies for each zone.
- The goals and the objectives of each zone are stated clearly. The policies and permitted uses of each zone aim to ensure that the goals and objectives will be achieved as the Draft Bermuda Plan 2008 is implemented.
- The Planning Statement and Zoning Maps are to be used together to understand the policies of the Draft Bermuda Plan 2008.

Detailed information on understanding the Draft Bermuda Plan 2008 can be found [here](#).

How can I find out the permitted uses for my property in the Draft Bermuda Pan 2008?

To fully understand the uses permitted on your property and the corresponding development regulations you must review the Draft Bermuda Plan 2008 Planning Statement for all applicable policies and provisions.

Step 1:

- The Draft Bermuda Plan 2008 Zoning Maps will show you what your property is zoned. All areas of the Island are shown on 78 map sheets.
- Use the Index Map and review the applicable map sheet.
- The zoning designations, conservation areas and protection areas are shown on the zoning maps and the Water Resources Protection Area and Airport Control Protection Area maps.
- There are Conservation and Protection Areas and policies in addition to the base zoning provisions. This means that your property may be zoned Residential but it may also have an Agricultural or Woodland Reserve Conservation area designation. The Conservation and Protection Areas provide policies, in addition to the base zoning, that proposed development must adhere to.
- Hard copy zoning maps are on display at the Department of Planning, at public exhibitions, post offices and the library.
- You can locate your property on line using the Department of Planning website (www.planning.gov.bm) and click on "Mapping". You can use the search function to find any property. The Draft Bermuda Plan 2008 land use designations and conservation and protection areas will be shown for the property.

Step 2:

- Review the Draft Bermuda Plan 2008 Planning Statement in particular as it relates to the base zoning, conservation and protection areas identified by the zoning maps. In addition to those policies there are general provisions that relate to all land that must be reviewed.
- To fully understand the uses permitted on your property and the corresponding development regulations you must review the Draft Bermuda Plan 2008 Planning Statement for any policies and guidelines that may be applicable to your property.
- Detailed information on understanding the Draft Bermuda Plan 2008 can be found [here](#).

I want to submit a development application, what plan should I be referencing?

As of June 6th, 2008 all new planning applications will be assessed under the Draft Bermuda Plan 2008.

Where can I inspect the Draft Bermuda Plan 2008?

The Draft Bermuda Plan 2008 can be inspected at the Department of Planning during regular business hours. Hard copies are also on display at the national library and post offices. The Department of Planning will host additional public exhibitions to display the Draft Bermuda Plan 2008 where it can be inspected and purchased. The Draft Bermuda Plan 2008 is available to download free of charge from the Department of Planning's website [here](#).

When and where are the public exhibitions going to be held?

Department of Planning – 3rd Floor, Government Administration Building, 30 Parliament Street, Hamilton
Friday June 6th – Friday October 3rd, 2009 during regular business hours Monday through Friday

City of Hamilton – City Hall
Saturday June 21st, 2009 10:00 am – 2:00 pm

Government Administration Building, 30 Parliament Street, Hamilton HM 12, Bermuda
Phone: (441) 295-5151 Fax: (441) 295-4100

General Enquiries: (441) 297-7756 Development Control: (441) 297-7810 Building Control: (441) 297-7755

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Town of St. George – World Heritage Centre

Monday June 23 to Friday June 27 and Monday July 14 to Friday July 18 from 10:00 am to 7:00 pm

Saturday June 28 and Saturday July 19 from 10:00 am to 2:00 pm

Sandys – St. James Church Hall, Somerset

Monday June 30 to Friday July 4 and Monday July 21 to Friday July 25 from 10:00 am to 7:00 pm

Saturday July 5th and Saturday July 26 from 10:00 am to 2:00 pm

I cannot attend the public exhibition about the Draft Bermuda Plan 2008 what should I do?

You or your authorized agent can provide written comments on the Draft Bermuda Plan 2008 to the Department of Planning. You can meet with planning staff at the Government Administration Building during regular business hours throughout the objection period which ends on October 3rd, 2008. You do not have to attend a public exhibition to comment or object to the Draft Bermuda Plan 2008. Objections must be received before October 3rd, 2008. A valid objection must include a signed original public consultation form completed in full with all required supporting information. Public consultation forms are available on line and in person at the Department of Planning.

Can someone help me navigate through the Draft Bermuda Plan 2008?

Technical officers are available at the Department of Planning during regular business hours. Additional public exhibitions will be held across the Island where technical officers will be present to assist. Dates and times of the public exhibitions will be listed in the newspaper and on the website, which can be accessed [here](#).

Objection Period FAQ's

How do I object to the Draft Bermuda Plan 2008?

The official objection period is in accordance with Section 11 (3) of the Development and Planning Act, 1974. The objection period for the Draft Bermuda Plan 2008 ends on **Friday October 3rd 2008**. A valid objection must include a signed original public consultation form completed in full with all required supporting information. For more information please see the guidance note on how to object to the Draft Bermuda Plan 2008, which can be downloaded [here](#).

Where can I get a public consultation form?

Public consultation forms are available at the Department of Planning during regular business hours, public exhibitions and are available to download [here](#).

Can I submit an objection by fax, letter or email?

No. A valid objection must be a signed original submitted to the Department of Planning on an official public consultation form.

I have missed the public consultation period to the Draft Bermuda Plan 2008, is it too late to submit an objection?

Yes. Valid objections must include a signed original public consultation form completed in full with all required supporting information submitted before the objection period ends on **Friday October 3rd 2008**. The public consultation period has been extended from the required two month period to four months to enable members of the public to comment or object prior to Friday October 3rd, 2008.

Can I make an objection on land I do not own?

Yes, this is referred to as a third party objection. In addition to the signed original public consultation form, in accordance with Rule 4 of the [Development and Planning \(Tribunal Procedure\) Rules 1992](#), you must include a certificate signed by the owner of the property which indicates the owner is aware the objection has been submitted on their land. The certificate form can be downloaded [here](#).

My neighbour told me they do not like their zoning designation and are going to object to the Draft Bermuda Plan 2008. Can I obtain information about the nature of their objection?

All objections will be advertised in the newspaper a minimum of 7 days before the Tribunal inquiry. At that time information on the objection can be examined at the Department of Planning during regular business hours. Upon your review of the file you may wish to make a written submission for the Tribunal to consider when making their recommendation. All Tribunal inquiries are open to the public. If the Tribunal members have any questions or require further information about your submission they may ask you to speak at the public inquiry, otherwise you will not be required to speak.

I have objected to the Draft Bermuda Plan 2008, what happens now?

You will receive written notification from the Department of Planning that your objection has been received and you will be provided a case number for all further correspondence. Technical officers will contact you to arrange a meeting to review your objection.

In order to prepare my objection where can I get information on previous development plans?

The Bermuda Plan 1992: Planning Statement, Tribunal report and zoning maps are available from the Department of Planning or on line at www.planning.gov.bm. The Bermuda Plan 1992 objection files as well as the 1983 and 1974 Bermuda Plan maps, planning statements and reports can be accessed at the Bermuda Archives in the basement of the Government Administration Building, 30 Parliament Street, Hamilton.

Tribunal Period FAQ's

What is the Tribunal?

The Tribunal is the body appointed by the Minister to hear the objections to the Draft Bermuda Plan 2008. The Tribunal will make recommendations to the Minister respecting the objections received. The Tribunal report and recommendations will accompany the final Plan to the House and Legislature for approval.

Who are the members of the Tribunal?

The Tribunal is made up of members of the public appointed by the Minister. The Minister of the Environment and Sports appointed the Tribunal on May 15, 2009. Bruce Perinchief, Janet Bradshaw and Cheryl Wade have been appointed as members of the Tribunal that will hold inquiries into the objections and representations to the Draft Bermuda Plan 2008. Henry Ming and Germano Bothello are appointed as alternate members.

When are the Tribunal inquiries?

The Tribunal inquiries will commence on Friday August 28, 2009. All Tribunal inquiries will be advertised in the Official Gazette (Bermuda Sun) and will be available at the Department of Planning and on the [website](#) seven (7) days in advance.

Can I resolve my objection without going to the Tribunal?

No. Every objection must be presented to the Tribunal. However, Technical officers will contact you when your objection is received to arrange a meeting. The Department will try to resolve the issues and nature of your objection. The Director of Planning may recommend that the Tribunal accept the resolved objection.

When will my objection be heard by the Tribunal?

All Tribunal inquiries will be advertised in the Official Gazette (Bermuda Sun) and will be available at the Department of Planning and on the [website](#) seven (7) days in advance. You will be advised in writing when your objection will be presented to the Tribunal and you should be inspecting the advertisements in the Official Gazette.

How can I prepare for my Tribunal inquiry?

It is essential to be prepared for the Tribunal. The Tribunal will make their recommendations based on the evidence presented at the inquiry. The Tribunal will require evidence to support the objection. You may need to hire professional representation to support your position or resolve your objection. For more information please see the Guidance Note on how to prepare for the Tribunal, which can be downloaded [here](#).

What happens at the Tribunal?

The Tribunal will hear the evidence and position of the Department of Planning on the objection. The objector makes submissions to the Tribunal to support their position. No decision is made at the Tribunal inquiry. The Tribunal will make their recommendations to the Minister based on the evidence presented.

How long will it take for my objection to be heard by the Tribunal?

The actual length of the Tribunal process will depend on the number of objections received. The length of each individual inquiry will depend on the amount of evidence presented by the objector and the Department of Planning, although each submission should be kept to a maximum of five minutes.

I cannot make my Tribunal date, can I change it?

Advise the Tribunal Administrative Assistant immediately of a scheduling conflict. If possible your date change request will be accommodated. Please contact the Technical Officer for the Tribunal at 297-7587 or the Planner on your file as soon as you discover a conflict.

When will I know the recommendation the Tribunal made on my objection?

The Tribunal's final report will be presented to the Minister and ultimately approved by the Legislature. Copies of the Tribunal's report will be available at the Department of Planning and on the website once it has been published. The Tribunal's recommendation will also be provided to you in writing.

Can I appeal the Tribunal's recommendations?

No. The Tribunal makes recommendations to the Minister. The Minister will consider the Tribunal's recommendations and may or may not accept the recommendations. It is the Minister who presents The Bermuda Plan 2008 to the House and the Legislature for the approval of the final Bermuda Plan 2008 Planning Statement and Bermuda Plan 2008 Zoning Maps. Once approved by the Legislature the Planning Statement and Zoning Maps are final.

How will I know when the final Bermuda Plan 2008 Planning Statement and Bermuda Plan 2008 Zoning Maps are approved?

Like the Draft Bermuda Plan 2008, the approval of the final Bermuda Plan 2008 Planning Statement and Bermuda Plan 2008 Zoning Maps will have a statutory notice placed in the newspaper and will be announced on the website.

Where can I inspect the final Bermuda Plan 2008?

The final Bermuda Plan 2008 Planning Statement and Bermuda Plan 2008 Zoning Maps will be available to download free of charge on the Department of Planning website www.planning.gov.bm. Hard copies and CDs will be available to purchase at the Department of Planning during regular business hours after the Plan has been approved by the Legislature.

How can I obtain more information?

For Tribunal information contact the Technical Officer for the Tribunal at 297-7587.
For the Draft Bermuda Plan 2008 information contact the Forward Planning Division of the Planning Department at 297-7778.

Watch for notices in the newspaper about the status of the Plan
Check the Department of Planning website regularly. www.planning.gov.bm